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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF

THE FIRST SESSION

OF

THE THIRTY-SEVENTH CONGRESS.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1861.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. MONDAY, JULY 8, 1861. NEW SERIES.....No. 1.

THIS is the first number of the CONGRESSIONAL GLOBE for this session—the first of the Thirty-Seventh Congress. It is stereotyped, and therefore the back numbers can be supplied at any time. Missing numbers will be sent to subscribers at three cents a number, containing sixteen pages.

The price for the CONGRESSIONAL GLOBE AND APPENDIX for this session is $3.

These works go free by mail to any post office in the United States, by act of Congress.

THIRTY-SEVENTH CONGRESS.

FIRST SESSION.

IN SENATE.

THURSDAY, *July* 4, 1861.

As the President of the United States deemed that the condition of public affairs presented an extraordinary occasion which required the assembling of Congress at an earlier day than that fixed by the Constitution, by virtue of the power vested in him, he, by his proclamation dated April 15, 1861, summoned both Houses of Congress to meet in their respective Chambers on the 4th day of July, 1861, instant.

The VICE PRESIDENT (Hon. HANNIBAL HAMLIN) called the Senate to order at twelve o'clock.

The following prayer was offered by Rev. BYRON SUNDERLAND, D. D.

Almighty and everlasting God, be not angry with us for our sins, which we only confess and deplore; but pardon our offenses and extend to us Thy favor. We thank Thee for Thy goodness on this anniversary of the nation—a day tenfold more precious by reason of our present troubles, and sacred to the heart for the ever memorable Declaration of our fathers, in which Thou didst begin more openly to give us a name among the nations of the earth. We thank Thee for all Thy manifold and abundant mercies hitherto to make our nation exceedingly great and glorious; but now disasters have befallen us and darkness broods in the land. And now we ask Thy mercy as the Senate is convening at a most momentous crisis of our history. Give to Thy servants all needed help. Add to their deliberations wisdom and unanimity, and profit and speed to their conclusion. Bless Thy servant, the President of the United States, our veteran Commander-in-Chief, and all that have functions in the civil and military power. May the angel of Thy presence walk in the Cabinet and in the Congress and in the camp, to go before, to purify, and to direct the now greatly and universally-awakened love of country. And we beseech Thee to guide us, to overrule and order all things, and so to cause that nothing shall fail, that the disorders of the land may be speedily healed, that peace and concord may prevail, that truth and righteousness may be established, and that Thy Church and Kingdom may flourish in a larger peace and prosperity, for Thy Son, our Saviour, Jesus Christ's sake. Amen.

The VICE PRESIDENT. The Secretary of the Senate will now read the proclamation of the President convening an extra session of Congress.

The Acting Secretary, Mr. WILLIAM HICKEY, read the proclamation, as follows:

By the President of the United States.

A PROCLAMATION.

Whereas the laws of the United States have been for some time past, and now are, opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of seventy-five thousand, in order to suppress said combinations, and to cause the laws to be duly executed.

The details for this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our national Union, and the perpetuity of popular government, and to redress wrongs already long enough endured.

I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union; and in every event the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens in any part of the country.

And I hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress.

Senators and Representatives are therefore summoned to assemble at their respective Chambers, at twelve o'clock, noon, on Thursday, the 4th day of July next, then and there to consider and determine such measures as, in their wisdom, the public safety and interest may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifteenth day of April, in the year of our Lord one thousand eight [L.S.] hundred and sixty-one, and of the independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

SENATORS PRESENT.

The following Senators were present. From the State of

Maine—Hon. Lot M. Morrill and Hon. William Pitt Fessenden.

Vermont—Hon. Solomon Foot and Hon. Jacob Collamer.

New Hampshire—Hon. John P. Hale and Hon. Daniel Clark.

Massachusetts—Hon. Charles Sumner and Hon. Henry Wilson.

Rhode Island—Hon. James F. Simmons and Hon. Henry B. Anthony.

Connecticut—Hon. James Dixon and Hon. Lafayette S. Foster.

New York—Hon. Preston King and Hon. Ira Harris.

New Jersey—Hon. John R. Thomson and Hon. John C. Ten Eyck.

Pennsylvania—Hon. David Wilmot and Hon. Edgar Cowan.

Delaware—Hon. James A. Bayard and Hon. Willard Saulsbury.

Maryland—Hon. Anthony Kennedy and Hon. James A. Pearce.

Kentucky—Hon. Lazarus W. Powell and Hon. John C. Breckinridge.

Missouri—Hon. Trusten Polk.

Tennessee—Hon. Andrew Johnson.

Illinois—Hon. Lyman Trumbull.

Indiana—Hon. Jesse D. Bright and Hon. Henry S. Lane.

Ohio—Hon. Benjamin F. Wade and Hon. John Sherman.

Michigan—Hon. Zachariah Chandler and Hon. Kinsley S. Bingham.

Iowa—Hon. James W. Grimes and Hon. James Harlan.

Wisconsin—Hon. James R. Doolittle and Hon. Timothy O. Howe.

California—Hon. Milton S. Latham.

Minnesota—Hon. Morton S. Wilkinson.

Oregon—Hon. James W. Nesmith.

CREDENTIALS.

Mr. GRIMES presented the credentials of Hon. JAMES HENRY LANE, elected a Senator of the United States by the Legislature of the State of Kansas.

The credentials were read; and the oath prescribed by law was administered to Mr. LANE, and he took his seat in the Senate.

Mr. DOOLITTLE presented the credentials of Hon. SAMUEL C. POMEROY, elected a Senator of the United States by the Legislature of the State of Kansas.

The credentials were read; and the oath prescribed by law was administered to Mr. POMEROY, and he took his seat in the Senate.

Mr. LATHAM presented the credentials of Hon. JAMES A. MCDOUGALL, elected a Senator of the United States by the Legislature of the State of California for the term of six years from the 4th day of March, 1861, which were read; and the oath prescribed by law having been administered to Mr. MCDOUGALL, he took his seat in the Senate.

Mr. TRUMBULL presented the credentials of Hon. ONVILLE H. BROWNING, appointed a Senator of the United States by the Governor of the State of Illinois, to fill, until the next session of the Legislature of that State, the vacancy occasioned by the death of Hon. Stephen A. Douglas.

The credentials were read; and the oath prescribed by law was administered to Mr. BROWNING, and he took his seat in the Senate.

SENATORS FROM KANSAS.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Kansas shall be inserted, in conformity with the resolution of the 14th of July, 1789, and as the Constitution requires.

Mr. GRIMES. I now, sir, offer the following order for adoption:

Ordered, That the Secretary put into the ballot-box three papers of equal size, numbered one, two, and three. Each of the Senators of the State of Kansas shall draw out one paper. Number one, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire on the 3d day of March, 1863; number two shall entitle the Senator to be placed in the class whose terms will expire on the 3d day of March, 1865; and number three shall entitle the Senator to be placed in the class whose terms will expire on the 3d day of March, 1867.

The order was considered by unanimous consent, and agreed to.

The papers being put by the Secretary into the ballot-box, Hon. JAMES H. LANE drew the paper numbered two, and is accordingly in the class of Senators whose term of service will expire on the 3d day of March, 1865. Hon. SAMUEL C. POMEROY drew the paper numbered three, and is accordingly in the class of Senators whose term of service will expire on the 3d day of March, 1867.

NOTIFICATION OF ORGANIZATION.

On motion of Mr. HALE, it was

Ordered, That the Secretary inform the House of Representatives that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business.

DAILY HOUR OF MEETING.

On motion of Mr. HALE, it was

Ordered, That the daily hour of the meeting of the Senate be twelve o'clock meridian, until otherwise ordered.

SERGEANT-AT-ARMS.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Senate do now proceed to the election of a Sergeant-at-Arms and Doorkeeper of the Senate.

The resolution lies over until to-morrow.

CONTRACTS OF THE NAVY DEPARTMENT.

Mr. HALE. I submit the following resolution:

Resolved, That the Secretary of the Navy be instructed to lay before the Senate a statement of all contracts made by that Department, or by the authority of the Secretary, since the 4th of March last, specifying those that have been made upon advertisement, and those that have been made without, with such full and particular statement in each case as shall enable the Senate to see the comparative cost in each case in reference to former purchases of the same kind; and in the case of the purchase or charter of vessels, a particular description of each vessel and the price paid for purchase, and the price paid per month in case of charter.

If there is no objection, as it requires information that the Senate want, I desire that the resolution may be passed now. It is a call for information.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent for the consideration of the resolution now. If there be no objection, the question will be submitted to the Senate.

The resolution was considered by unanimous consent, and agreed to.

NOTICES OF BILLS.

Mr. WILSON. I give notice that to-morrow I shall ask leave to introduce the following bills:

A bill to ratify and confirm certain acts of the President for the suppression of insurrection and rebellion;

A bill to authorize the employment of volunteers to aid in enforcing the laws and protecting public property;

A bill to increase the present military establishment of the United States;

A bill providing for the better organization of the military establishment;

A bill to promote the efficiency of the Army; and

A bill for the organization of a volunteer militia force, to be called the National Guard of the United States.

RESIGNATION OF A CLERK.

The VICE PRESIDENT. The Chair has received a communication; which will be read by the Secretary.

The Acting Secretary read, as follows:

OFFICE OF THE SECRETARY OF THE SENATE,
July 4, 1861.

SIR: I hereby tender this my resignation of the appointment of executive officer in the office of the Secretary of the Senate, conferred upon me by order of the Senate, on the 8th day of December, 1855.

I have the honor to be, your obedient servant,
JOSEPH H. NICHOLSON.

The VICE PRESIDENT of the United States.

Mr. TRUMBULL. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 4, 1861.

The House of Representatives of the Thirty-Seventh Congress of the United States, in pursuance of the President's proclamation of the 15th of April, 1861, convened this day in extra session; and at twelve o'clock, m., was called to order by Hon. JOHN W. FORNEY, Clerk of the last House.

Rev. T. H. STOCKTON, Chaplain of the last House of Representatives, offered the following prayer:

O Lord our God, the Father of our Lord Jesus Christ, the Father of mercies, and the Giver of all comfort! We thank Thee that Thou hast thus gathered us together again, and that it is our privilege, amid the brightness and beauty of our national festival, and in this our national Capitol, to come to the throne of Thy grace, seeking Thy blessing, the protection of Thy providence, the guidance of Thy spirit in behalf of this our national Congress, and all the interests which are committed to its care. Never had we so great cause for gratitude as at this very hour: all the elements of nature and all the influence of redemption combining, under the superintendency of Thy most merciful government, to render our condition as happy as it is possible for humanity to be in its present form and sphere of sin. Blessed be Thy name forever and ever, for Thine inestimable and unchangeable goodness! And yet never had we so much reason to take shame unto ourselves. Never have we known such a day of independence as this; never have we felt so profoundly our constant and entire dependence upon Thee.

O God, our Friend and our Father! Alas for us we have sinned—how offensively and how injuriously Thou only knowest, unto whom all things are known; and so we are justly punished for our sins. Our country, our glorious and beloved country—how glorious and how beloved Thou only knowest; our own pride and boast; honored throughout the world; the joy and the praise of the whole earth—is at last divided against itself, and, with none else to do it harm, seems determined to destroy itself. With no natural line to separate its sections, the North and the South stand face to face and foot to foot in hostile array against each other, eye flashing on eye, hand threatening hand, and heart swelling against heart, as though there were all reasons, while in reality there is no good reason, for malignant passion and deadly strife. Thou seest it, O Lord our God, Thou seest it all. In the State, President opposed to President, Cabinet to Cabinet, Congress to Congress, army to army, and one mass of citizens against the other. In the Church, Christian praying against Christian, pulpit preaching against pulpit, and denominations which have hitherto exulted in their apparent harmony and strength, falling apart even as others, the fragments of friendship assuming the attitude of foes. O Lord our God, Thou who art omniscient, Thou knowest there is a true and a false; that there is a right and a wrong; that there is an honest and earnest patriotism as well as a deceptive and deluded treachery. We do not trust ourselves; we dare not trust ourselves; but we make our humble appeal unto Thee, and beseech Thee to maintain Thine own cause, by Thine own Almighty power, and to help us as humble instruments in Thy hand, to work Thy will and not our own will.

We regard our southern brethren as deceived. Alas, for the responsibility of those who have misled them! Chiefly because of their want of greater liberty, because of their peculiar form of society, their want of free speech and a free press and a free pulpit, the dauntless courage of the North, and the true love of the North, has been misrepresented and misunderstood. O Lord God, by the exercise of thine own infinite perfections, do Thou correct this great evil! And now we beseech Thee to bless our President, to bless his Cabinet, to bless the head of the Army, to bless the Army and Navy in whole, to bless both Houses of Congress, to bless all the Departments, and all the operations of the Goverment day and night, without the intermission of a single moment. And, O Lord our God, if there must be war—oh, that there might be peace!—but if there must be war, if Thou dost indeed ordain war and sanction war, may it not be a bloody and ruinous war. May it rather be an armed, mighty, irresistible migration—a migration of true love; a migration of those who truly love liberty and civilization, who love the Union and the Constitution and the laws; a migration of those who shall protect and encourage and uphold the true and loyal men in every State, retaking and repossessing and improving all that belongs to our Government, and so preparing us again to exhibit an example to the world that shall be an advantage to all who uphold it.

Our Father, who art in Heaven, hallowed be Thy name; Thy Kingdom come, Thy Kingdom come, Thy Kingdom come; Thy will be done on earth as it is in Heaven; give us this day our daily bread; and forgive us our debts as we forgive our debtors; and lead us not into temptation but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

The Clerk, previous to calling the roll of members, read the following proclamation of the President of the United States, convening Congress in extra session:

By the President of the United States.

A PROCLAMATION.

Whereas the laws of the United States have been for some time past and now are opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law:

NOW, therefore, I, ABRAHAM LINCOLN, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of seventy-five thousand, in order to suppress said combinations, and to cause the laws to be duly executed.

The details for this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our national Union, and the perpetuity of popular government, and to redress wrongs already long enough endured.

I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union; and in every event the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens in any part of the country.

And I hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress.

Senators and Representatives are therefore summoned to assemble at their respective Chambers, at twelve o'clock, noon, on Thursday, the 4th day of July next, then and there to consider and determine such measures as, in their wisdom, the public safety and interest may seem to demand.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifteenth day of April, in the year of our Lord one thousand eight
[L. S.] hundred and sixty-one, and of the independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

The roll being then called, the following members answered to their names. From the State of

Maine—Messrs. John M. Goodwin, Charles W. Walton, Samuel C. Fessenden, Anson P. Morrill, John H. Rice, and Frederick A. Pike.

New Hampshire—Messrs. Gilman Marston, Edward H. Rollins, and Thomas M. Edwards.

Vermont—Messrs. E. P. Walton, jr., Justin S. Morrill, and Portus Baxter.

Massachusetts—Messrs. Thomas D. Eliot, James Buffinton, Benjamin F. Thomas, Alexander H. Rice, William Appleton, John B. Alley, Daniel W. Gooch, Charles R. Train, Goldsmith F. Bailey, Charles Delano, and Henry L. Dawes.

Rhode Island—Messrs. William P. Sheffield and George H. Browne.

Connecticut—Messrs. Dwight Loomis, James E. English, and George C. Woodruff.

New York—Messrs. E. Henry Smith, Moses F. Odell, Benjamin Wood, William Wall, Frederick A. Conkling, Elijah Ward, Edward Haight, Charles H. Van Wyck, John B. Steele, Stephen Baker, Abraham B. Olin, James B. McKean, William A. Wheeler, Socrates N. Sherman, Chauncey Vibbard, Richard Franchet, Roscoe Conkling, R. Holland Duell, William E. Lansing, Ambrose W. Clark, Charles B. Sedgwick, Theodore M. Pomeroy, John P. Chamberlain, Alexander S. Diven, Robert B. Van Valkenburgh, Alfred Ely, Augustus Frank, Burt Van Horne, Elbridge G. Spaulding, and Reuben E. Fenton.

New Jersey—Messrs. John T. Nixon, John L. N. Stratton, William G. Steele, George T. Cobb, and Nehemiah Perry.

Pennsylvania—Messrs. William E. Lehman, John P. Verree, William D. Kelley, W. Morris Davis, John Hickman, Thomas B. Cooper, Sydenham E. Ancona, Thaddeus Stevens, John W. Killinger, James H. Campbell, Hendrick B. Wright, Philip Johnson, Galusha A. Grow, James T. Hale, Joseph Bailey, Edward McPherson, Samuel S. Blair, John Covode, Jesse Lazear, James K. Moorhead, Robert McKnight, John W. Wallace, John Patton, and Elijah Babbitt.

Delaware—Mr. George P. Fisher.

Maryland—Messrs. John W. Crisfield, Edwin H. Webster, C. L. L. Leary, Francis Thomas, and Charles B. Calvert.

Virginia—Messrs. R. V. Whaley and John S. Carlile.

Ohio—Messrs. George H. Pendleton, John A. Gurley, Clement L. Vallandigham, William Allen, James M. Ashley, Chilton A. White, Richard A. Harrison, Samuel Shellaberger, Warren P. Noble, Carey A. Trimble, Valentine B. Horton, Samuel S. Cox, Samuel T. Worcester, Harrison G. Blake, William P. Cutler, James R. Morris, Sidney Edgerton, Albert G. Riddle, John Hutchins, and John A. Bingham.

Kentucky—Messrs. Henry C. Burnett, James S. Jackson, Henry Grider, Aaron Harding, Charles A. Wickliffe, George W. Dunlap, Robert Mallory, and John W. Menzies.

Indiana—Messrs. John Law, James A. Cravens, William S. Holman, George W. Julien, Albert G. Porter, Daniel W. Voorhees, Albert S. White, Schuyler Colfax, William Mitchell, and John P. C. Shanks.

Illinois—Messrs. Elihu B. Washburne, Isaac N. Arnold, Owen Lovejoy, William Kellogg, William A. Richardson, John A. McClernand, James C. Robinson, Philip B. Fouke, and John A. Logan.

Missouri—Messrs. Francis P. Blair, jr., James Rollins, Elijah H. Norton, John W. Reid, and John W. Noell.

Michigan—Messrs. Bradley F. Granger, Fernando C. Beaman, Francis W. Kellogg, and Rowland E. Trowbridge.

Iowa—Messrs. Samuel R. Curtis and William Vandever.

Wisconsin—Messrs. John F. Potter, Luther Hanchett, and A. Scott Sloan.

Minnesota—Messrs. Cyrus Aldrich and William Windom.

Kansas—Mr. Martin F. Conway.

Nebraska Territory—Mr. Samuel G. Daily.

During the call of the roll, and when the name of WILLIAM E. LEHMAN was reached,

Mr. STEVENS said: I desire merely to say now, in order not to be estopped when I come to make the motion, that a mistake has been made by the Clerk—I cast no censure upon the Clerk, and do not wish to be so understood—in inserting the name of Mr. Lehman, who has not the *prima facie* returns from his district, nor from the State. I wish to be able to show, at the proper time, that the *prima facie* return, as well as the true one, is in favor of J. M. Butler. I give notice, therefore, that until the House is organized I shall not object to the calling of the name of Mr. Lehman; but that when he comes to be sworn I shall make the objection, to show that he is not entitled to be sworn in as a member of this House.

When the name of CHARLES H. UPTON was called,

Mr. COX said: In accordance with the precedent set by the gentleman from Pennsylvania, I wish to give notice of a motion I may offer in relation to the member from the seventh district of Virginia. I wish to say to the House that information has been sent to me, without my taking any part in it, that the gentleman recorded in the list of the Clerk as representing that district is a citizen of Ohio, and exercised and claimed the right of citizenship there at the last election. I think, when the House are aware of the facts, they will see the propriety of at least omitting the name of Mr. Upton from the call of the roll until after the House is organized by the election of a Speaker and other officers.

The CLERK. Does the gentleman make that motion?

Mr. COX. I do not now. I only follow the precedent set by the gentleman from Pennsylvania.

When the name of WILLIAM G. BROWN was called,

Mr. BURNETT said: I desire, either now or at the proper time, to make a motion to strike from the roll the names of the five gentlemen from the State of Virginia. If this is the proper time, I desire to submit that motion now; but, as this House is not organized, I doubt whether this is the proper time. I will, therefore, as the gentleman from Pennsylvania did, give notice that when those gentlemen shall present themselves at the bar of the House to be sworn in as members of this House from Virginia, I shall offer a resolution, unless some other member shall do it, that the question of their right to seats upon this floor be referred to the proper committee of the House.

When the name of A. T. THAYER was called,

Mr. McCLERNAND said: I am requested by Mr. Shiel, who claims to be the Representative from Oregon upon this floor, to present his written protest, not only against the claim of Mr. Thayer, but against his being called at this time as a member of this House. When the protest shall have been read, it will be for the House to decide whether they will now determine the question of title involved, or postpone its determination to some future day, and in the mean time suspend the right of either party to a vote upon this floor. I repeat, this is the question for the House to determine.

The CLERK. Does the gentleman make a motion?

Mr. McCLERNAND. Not until after the reading of the protest.

The CLERK. The Clerk will ask the permission of the House, either after the reading of this paper or before, to state in general terms the reasons which prompted him to put this particular name upon the roll, as well as the other names.

Mr. McCLERNAND. I call upon the Clerk to present to the House, in this case, the certificates of the two contestants.

The Clerk read the protest of George K. Shiel, as follows:

To the honorable House of Representatives of the Thirty-Seventh Congress of the United States.

The undersigned would respectfully represent:

That, in pursuance of the provisions of section fourteen of article two, and section six of article eighteen, of the constitution of the State of Oregon, a general election within and for said State was held on the first Monday of June, 1860, at which election the undersigned received a majority of all the legal votes then cast for Representative in the Thirty-Seventh Congress of the United States, as will be seen by reference to his certificate of election.

That, by virtue of section sixteen of article two of the said constitution, the undersigned is the duly elected member from said State for the said Congress.

That, since the said first Monday of June, 1860, no election has been held in and for said State, either under its constitution or by virtue of any legislative authority therein, save the election of President of the United States, held November 6, 1860.

That said general election was held and conducted in conformity to the law then in force, and which law still obtains in said State, on the subject of general elections, by virtue of section seven of article eighteen of said constitution.

That the undersigned is informed that A. J. Thayer intends contesting his seat as a member of said Congress from said State, and resting his claims thereto upon a certain number of votes cast for him as candidate for said Congress at the presidential election held November 6, 1860—said votes amounting to a little over one fourth of the votes then and there cast for the presidential candidates.

Wherefore, the undersigned respectfully requests that he be declared the member duly elected from the State of Oregon for the House of Representatives of the Thirty-Seventh Congress of the United States; and that he, the said undersigned, protests against the admission of the said Thayer, for the reason that his said pretended election is contrary to law, and his claims thereto in direct opposition to the significant action of three fourths of the legal voters of the State of Oregon.

GEORGE K. SHIEL.

Mr. McCLERNAND. I now call for the reading of the certificates of election.

Mr. STEVENS. I beg leave to suggest to the gentleman from Illinois whether it would not be better, under some arrangement, to postpone this whole question until after we have elected a Speaker? And I would suggest, also, that the names of those gentlemen whose seats have been mentioned as contested be informally passed over, and that they shall decline to vote until a Speaker is elected, when the whole question will come up. I suppose no one wants this House disorganized longer than necessary.

Mr. McCLERNAND. The suggestion of the gentleman from Pennsylvania meets my approbation. In presenting this matter at this time, it was not my intention to take any part either for one contestant or the other, but to place the facts before the House so that they might decide whether they would admit Mr. Thayer to a seat now, or postpone the decision of the question until a future day. I agree with the gentleman from Pennsylvania that it would be better that this and other like cases be passed over informally for the present, with the understanding that neither of the contestants shall be permitted to vote until a further order shall be made in the case.

Mr. CARLILE. I desire to inquire of the gentleman from Pennsylvania whether he proposes to include in his motion, or suggestion, my right to vote on the organization of this House?

Mr. STEVENS. I do not understand that the gentleman's case has yet been brought before the House at all.

Mr. CARLILE. I understood the gentleman from Kentucky [Mr. BURNETT] to make a motion in reference to the members from Virginia.

Mr. STEVENS. He simply stated that he would introduce a resolution at some future time.

The CLERK. No objection being made, the Clerk understands that the suggestions made respectively by the gentleman from Pennsylvania and the gentleman from Illinois, in reference to the cases referred to, are concurred in by the House.

Mr. VALLANDIGHAM. I rise to give notice that previous to the swearing in of members, if the precedent shall be so established, and if not, subsequently, and by regular reference to the Committee of Elections, I propose to raise a question of privilege under the sixth section of the first article of the Constitution, which is in these words:

"No Senator or Representative shall, during the time for which he is elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

I shall offer at that time a resolution, which I propose to read now. It is as follows:

Resolved, That GILMAN MARSTON, of New Hampshire, FRANCIS P. BLAIR, jr., of Missouri, and SAMUEL R. CURTIS, of Iowa, claiming seats in this House, having been sworn into the military service of the United States, and now holding military office under the authority of the same, are constitutionally disqualified to be members of this House, and to take the oath as such; and that, therefore, the Clerk is hereby instructed to omit their names in calling the roll, and recording the votes on the election of Speaker of this House.

The latter portion of that resolution, in accordance with the precedent just established, I propose to postpone, and to change it into an instruction to the Speaker not to administer the oath to those gentlemen.

Mr. CAMPBELL. I have had the honor of being sworn into the military service of the United States, and am now an officer of the Army of the United States, and I claim the right to be included in the motion of the gentleman from Ohio. I do not want to part company with my friends. [Applause.]

Mr. VALLANDIGHAM. I will include the gentleman from Pennsylvania and all who are in the same category.

Mr. BLAIR, of Missouri. Much as I dislike to part company with the gentleman from Pennsylvania and my friend from Iowa [Mr. CURTIS,] I desire to state that I have never been sworn into the service of the United States; and therefore, the gentleman's facts are wrong with regard to me.

Mr. VALLANDIGHAM. The statement of the gentleman from Missouri that he has never been sworn into the service of the United States—by which he means, I presume, that he is not holding any office under the authority of the United States except his legislative office—of course excludes him from the terms of the resolution, and from the constitutional disqualification. [Applause in the galleries.]

The CLERK. The Clerk does not understand the gentleman from Ohio as making any motion now?

Mr. VALLANDIGHAM. I make no motion now.

Mr. RICHARDSON. I do not wish to delay the organization of the House; but I desire to state in reference to the case of the Delegate from Nebraska: that the Governor of the Territory, in pursuance of the law of the Territory, last November issued a certificate to James Sterling Morton. Subsequently—in May, I believe—he issued another certificate to Samuel G. Daily of his own volition. He had no power to issue the second certificate; and when the Delegate comes to be sworn, I shall present the question to the House, I think, in such a shape as will leave no doubt that the wrong name has been put upon the roll of Delegates.

The CLERK then stated that one hundred and fifty-seven Representatives having answered to their names, there was a quorum present, and that the House was ready to proceed to business—the first business being the election of a Speaker.

Mr. COLFAX. Mr. Clerk, before the balloting commences I desire to announce to my fellow-members that I am not a candidate for Speaker. Profoundly and sincerely grateful as I am to gentlemen of all parties who have proffered me their support, I have felt it to be my duty to lessen the number of candidates, and, by the withdrawal of my name, as far as possible to prevent delay in organization, which the impending triangular contest might threaten. Convinced also, sir, that the Speakership would be more worthily filled by either one of the distinguished gentlemen whose names have been so prominently associated with it, I announced to them yesterday that before the balloting commenced my name should be withdrawn. In conclusion, to those gentlemen whose confidence was manifested in their preference for me, I desire to state that I hope, by services upon the floor, and by devotion to the cause of our country, which in this the hour of its trials to every loyal heart is far above party, I shall prove to them that their confidence has not been misplaced. [Applause on the floor and in the galleries.]

Mr. HICKMAN. I beg leave to nominate for the Speakership of this House FRANCIS P. BLAIR, jr., of Missouri, a gentleman who has inaugurated a war policy in that State which has elicited the enthusiastic approbation of every loyal American citizen. [Great applause.]

Mr. VALLANDIGHAM. I rise to a question of privilege.

Mr. McCLERNAND. I trust that order will be maintained in the galleries.

Mr. VALLANDIGHAM. I rose to make the same request.

Mr. McCLERNAND. We ought to put a

stop at once to any expression of feeling on the part of those occupying the galleries.

The CLERK. The gentleman from Illinois is aware that the Clerk has no power in the premises.

Mr. VALLANDIGHAM. I rose for the purpose of requesting the Clerk to make an appeal to the galleries, and I am sure the gentlemen in the galleries will preserve that order and decorum without which it is impossible that business should be transacted.

The CLERK. The Clerk trusts that gentlemen in the galleries will refrain from any expression of feeling.

Mr. WASHBURNE. I believe it is in accordance with customary usage that a motion should be adopted by the House to proceed to the election of a Speaker, and I now make the motion that the House proceed to vote, *viva voce*, for Speaker.

The motion was agreed to.

Mr. HICKMAN. I now renew the nomination that I have already made.

Mr. STEVENS. I rise, sir, simply to mention the name of a gentleman who was second on the list of candidates for Speaker in the last Congress—GALUSHA A. GROW. I will not imitate the bad taste of my colleague by going into a eulogy of his character, nor be provoked into saying anything against his opponent.

The Clerk then appointed the following gentlemen as tellers to count the votes for Speaker: Messrs. STEVENS, HICKMAN, MALLORY, and VALLANDIGHAM.

Mr. STEVENS. I beg leave to decline to act as teller. The Clerk knows very well I cannot write. [Laughter.]

The CLERK. The Clerk, then, will substitute the name of Mr. COLFAX.

Mr. COLFAX. I hope the Clerk will excuse me.

The CLERK. Will Mr. BINGHAM act as one of the tellers?

Mr. BINGHAM. I must ask the Clerk to excuse me.

The CLERK then appointed Mr. FENTON as one of the tellers.

The tellers having taken their places at the Clerk's desk, the House proceeded to vote *viva voce* for Speaker, with the following result:

Whole number of votes cast, 159; necessary to a choice, 80; of which—

Mr. Grow received	71
Mr. Blair, of Missouri	40
Mr. Crittenden	12
Mr. Phelps	7
Mr. Vallandigham	7
Mr. Corning	6
Mr. Cox	6
Mr. Richardson	3
Mr. McClernand	2
Mr. Calvert	1
Mr. Crisfield	1
Mr. Noell	1
Mr. Pendleton, of Ohio	1
Mr. Stevens	1

The following is the vote in detail:

For Mr. Grow—Messrs. Aldrich, Alley, Appleton, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Ambrose W. Clark, Conway, Covode, Curtis, Cutler, Dawes, Delano, Diven, Duell, Edwards, Eliot, Ely, Fenton, Franchot, Granger, Hale, Hanchett, Horton, Hutchins, Julian, Francis W. Kellogg, William Kellogg, Lansing, Loomis, McKean, McKnight, McPherson, Marston, Mitchell, Justin S. Morrill, Nixon, Patton, Pike, Potter, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shanks, Sloan, Spaulding, Stevens, Stratton, Train, Trowbridge, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, and Worcester—71.

For Mr. Blair—Messrs. Arnold, Bingham, George H. Browne, Campbell, Carlile, Colfax, Frederick A. Conkling, Roscoe Conkling, Davis, Edgerton, Fessenden, Frank, Gooch, Goodwin, Grow, Gurley, Haight, Harrison, Hickman, Kelley, Lehman, Lovejoy, Moorhead, Anson P. Morrill, Olin, Pomeroy, Porter, Riddle, Sedgwick, Sheffield, Shellaberger, Sherman, Smith, John B. Steele, Benjamin F. Thomas, Francis Thomas, Trimble, Upton, Charles W. Walton, and Whaley—40.

For Mr. Crittenden—Messrs. Cravens, Crisfield, Dunlap, Grider, Harding, Jackson, Leary, Mallory, Menzies, Rollins, Webster, and Wickliffe.

For Mr. Phelps—Messrs. Holman, Law, Logan, Noell, Pendleton, Perry, and Robinson.

For Mr. Vallandigham—Messrs. Ancona, Burnett, Cooper, Johnson, Norton, Reid, and Wood.

For Mr. Corning—Messrs. Cobb, English, Odell, Vibbard, Ward, and Woodruff.

For Mr. Cox—Messrs. Allen, Joseph Bailey, Morris, Noble, William G. Steele, and Chilton A. White.

For Mr. Richardson—Messrs. COX, Lazear, and Voorhees.

For Mr. McClernand—Messrs. Fouke and Wright.
For Mr. Calvert—Mr. Fisher.
For Mr. Crisfield—Mr. Calvert.
For Mr. Noell—Mr. McClernand.
For Mr. Pendleton—Mr. Vallandigham.
For Mr. Stevens—Mr. Killinger.

Mr. CURTIS (when his name was called) said: My right to vote has been impeached. [Cries of "No!" "No!"] I wish to say that I was elected by the people of my district as Representative in Congress. I was also elected by a volunteer regiment of the State of Iowa to serve as colonel of the volunteers of the State. I do not consider the two offices incompatible. If I have to do double duty, ask my constituents why. I vote for GALUSHA A. GROW.

Mr. FOUKE (when his name was called) said: If I have a right to explain my vote——. [Cries of "No!" "No!"]

The CLERK. Unless objection is made, the gentleman can explain.

Mr. STEVENS. We had better not begin it. It is a bad practice.

Mr. FOUKE. I will state that I have no complimentary votes to give in this House. I come here as a Union man, as one who belonged to the original Union party in this country. [Cries of "Order!"]

The CLERK. The gentleman is clearly out of order. Objection is made upon all sides to his proceeding.

Mr. FOUKE. Then, sir, I wish to state this——

The CLERK. The gentleman is out of order.

Mr. FOUKE. Then I decline to vote for the present. I would like to explain my vote for the benefit of my constituents. I think it very ungenerous for gentlemen opposite to object. It is a rule which has never been enforced before in this Hall.

The CLERK. The gentleman from Illinois will understand that the Clerk has no power to permit him to proceed.

Mr. FOUKE. Well, I decline to vote for the present.

Mr. FOUKE subsequently voted for Mr. McCLERNAND.

Mr. LEHMAN (when his name was called) said: I do not know whether my right to vote can be successfully impeached. I do not know whether the suggestion of the gentleman from Pennsylvania [Mr. STEVENS] included me or not.

The CLERK. The gentleman's name is upon the roll.

Mr. LEHMAN. Then I vote for FRANCIS P. BLAIR.

Before the result of the vote was announced,

Mr. BLAIR, of Missouri, said: I think it unnecessary to impose upon the House the necessity of calling even another ballot for the purpose of securing an organization of the House. I beg leave, therefore, to decline my candidacy at this point, and request such of my friends who have voted for me, as desire to do so, to change their votes.

Mr. STEVENS. I have the same remark to make. I will not be a candidate any longer, and request my friend who voted for me to withdraw his vote. [Great laughter.]

The following changes of votes then took place:

From Mr. Blair to Mr. Grow.—Messrs. Edgerton, Arnold, Colfax, Roscoe Conkling, Olin, Campbell, Gooch, Frank, Bingham, Porter, Gurley, Moorhead, Shillaberger, Kelley, Trimble, Davis, Anson P. Morrill, Pomeroy, Sheffield, Goodwin, Charles W. Walton, Fessenden, Lovejoy, Riddle, Benjamin F. Thomas, and Sherman.
From Mr. Blair to Mr. Wright.—Mr. Lehman.
From Mr. Blair to Mr. Corning.—Mr. Smith.
From Mr. Stevens to Mr. Grow.—Mr. Killinger.

The CLERK then announced that GALUSHA A. GROW, having received 99 votes—a majority of the whole number of votes cast—was duly elected Speaker of the House of Representatives for the Thirty-Seventh Congress.

Messrs. BLAIR and RICHARDSON were appointed a committee to escort the Speaker elect to the chair; who proceeded to discharge that duty.

The oath of office was then administered to the Speaker elect by Mr. WASHBURNE, he being the oldest consecutive member present.

The SPEAKER, before taking his seat, addressed the House as follows:

Gentlemen of the House of Representatives of the United States of America: Words of thanks for the honor conferred by the vote just announced would but feebly express the heart's gratitude. While appreciating this distinguished mark of your confidence, I am not unmindful of the trying duties incident to the position to which you have assigned me. Surrounded at all times by grave responsibility, it is doubly so in this hour of national disaster, when every consideration of gratitude to the past and obligation to the future tendrils around the present.

Fourscore years ago fifty-six bold merchants, farmers, lawyers, and mechanics, the representatives of a few feeble colonists, scattered along the Atlantic sea-board, met in convention to found a new empire, based on the inalienable rights of man. Seven years of bloody conflict ensued, and the 4th of July, 1776, is canonized in the hearts of the great and the good as the jubilee of oppressed nationalities; and in the calendar of heroic deeds it marks a new era in the history of the race. Three quarters of a century have passed away, and those few feeble colonists, hemmed in by the ocean in front, the wilderness and the savage in the rear, have spanned a whole continent, with great empires of free States, rearing throughout its vast wilderness temples of science and of civilization upon the ruins of savage life. Happiness seldom if ever equaled has surrounded the domestic fireside, and prosperity unsurpassed has crowned the national energies; the liberties of the people have been secured at home and abroad, while the national ensign floats honored and respected in every commercial mart of the world.

On the return of this glorious anniversary, after a period but little exceeding that of the allotted lifetime of man, the people's Representatives are convened in the Council Chambers of the Republic, to deliberate upon the means for preserving the Government under whose benign influence these grand results have been achieved.

A rebellion—the most causeless in the history of the race—has developed a conspiracy of long-standing to destroy the Constitution formed by the wisdom of our fathers, and the Union cemented by their blood. This conspiracy, nurtured for long years in secret councils, first develops itself openly in acts of spoliation and plunder of public property, with the connivance or under the protection of treason enthroned in all the high places of the Government, and at last in armed rebellion for the overthrow of the best Government ever devised by man. Without an effort in the mode prescribed by the organic law for a redress of all grievances, the malcontents appeal only to the arbitrament of the sword, insult the nation's honor, trample upon its flag, and inaugurate a revolution which, if successful, would end in establishing petty, jarring confederacies, or despotism and anarchy, upon the ruins of the republic, and the destruction of its liberties.

The 19th of April, canonized in the first struggle for American nationality, has been reconsecrated in martyr blood. Warren has his counterpart in Ellsworth, and the heroic deeds and patriotic sacrifices of the struggle for the establishment of the republic are being reproduced upon the battle-fields for its maintenance. Every race and tongue almost is represented in the grand legion of the Union: their standards proclaim in language more impressive than words, that here indeed is the home of the emigrant and the asylum of the exile. No matter where was his birth-place, or in what clime his infancy was cradled, he devotes his life to the defense of his adopted land, the vindication of its honor, and the protection of its flag, with the same zeal with which he would guard his hearthstone or his fireside. All parties, sects, and conditions of men not corrupted by the institutions of human bondage, forgetting bygone rancors or prejudices, blend in one united phalanx for the integrity of the Union and the perpetuity of the republic.

Long years of peace, in the pursuit of sordid gain, instead of blunting the patriotic devotion of loyal citizens, seem but to have intensified its development when the existence of the Government is threatened and its honor assailed.

The merchant, the banker, and the tradesman, with an alacrity unparalleled, proffer their all at the altar of their country, while from the counter, the workshop, and the plow, brave hearts and stout arms, leaving their tasks unfinished, rush to the tented field. The air vibrates with martial strains, and the earth shakes with the tread of armed men.

In view of this grandest demonstration for self-preservation in the history of nationalities, de-

sponding patriotism may be assured that the foundations of our national greatness still stand strong, and that the sentiment which to-day beats responsive in every loyal heart will for the future be realized. No flag alien to the sources of the Mississippi river will ever float permanently over its mouths till its waters are crimsoned in human gore; and not one foot of American soil can ever be wrenched from the jurisdiction of the Constitution of the United States until it is baptized in fire and blood. [Vociferous applause upon the floor and in the galleries, which lasted for many minutes.]

Gentlemen, as your presiding officer, it becomes my duty to apprise you that any demonstrations of approval or disapproval of anything done or said during your sessions is a violation of parliamentary decorum; and the Chair would also inform the persons in the gallaries that applause by them is a breach of the privileges granted by the House. The Chair hopes, therefore, that any demonstrations of applause will not be repeated.

"In God is our trust;
And the star-spangled banner forever shall wave
O'er the land of the free and the home of the brave."

[Suppressed applause.]

Those who regard it as mere cloth bunting fail to comprehend its symbolical power. Wherever civilization dwells, or the name of Washington is known, it bears in its fold the concentrated power of armies and of navies, and surrounds its votaries with a defense more impregnable than battlement, wall, or tower. Wherever on the earth's surface an American citizen may wander, called by pleasure, business, or caprice, it is a shield secure against outrage and wrong—save on the soil of the land of his birth.

As the guardians of the rights and liberties of the people, it becomes your paramount duty to make it honored at home as it is respected abroad. A government that cannot command the loyalty of its own citizens is unworthy the respect of the world, and a government that will not protect its loyal citizens deserves the contempt of the world. [Applause.]

He who would tear down this grandest temple of constitutional liberty, thus blasting forever the hopes of crushed humanity, because its freemen, in the mode prescribed by the Constitution, select a Chief Magistrate not acceptable to him, is a parricide to his race and should be regarded as a common enemy of mankind.

This Union once destroyed is a shattered vase that no human power can reconstruct in its original symmetry. "Coarse stones when they are broken may be cemented again—precious ones never."

If the republic is to be dismembered and the sun of its liberty must go out in endless night, let it set amid the roar of cannon and the din of battle, when there is no longer an arm to strike or a heart to bleed in its cause; so that coming generations may not reproach the present with being too imbecile to preserve the priceless legacy bequeathed by our fathers, so as to transmit it unimpaired to future times.

Again, gentlemen, thanking you for your confiding kindness, and invoking for our guidance wisdom from that Divine Power that led our fathers through the red sea of the revolution, I enter upon the discharge of the duties to which you have assigned me, relying upon your forbearance and coöperation, and trusting that your labors will contribute not a little to the greatness and glory of the republic.

SWEARING IN THE MEMBERS.

Mr. STEVENS. I trust that in swearing in the members only those whose seats are not contested will first be sworn in.

The SPEAKER. The gentleman from Pennsylvania will wait until the Hall is cleared of those not entitled to the floor, in order that we may proceed with the business of the House. The members will be called by States, commencing with the State of Maine.

Mr. STEVENS. In my judgment, the members whose seats are contested ought not to be called until the other members of the House are sworn in.

Mr. McCLERNAND. Make that motion.

The SPEAKER. If there be no objection, the course suggested will be adopted.

Mr. VALLANDIGHAM. That includes all whose rights to seats are disputed.

Mr. WASHBURNE. That does not include the members referred to in the resolution of the gentleman from Ohio.

Mr. VALLANDIGHAM. I understand that it does.

Mr. STEVENS. I make the motion that those whose seats are uncontested be first sworn in.

Mr. VALLANDIGHAM. I second that motion.

Mr. CURTIS. I object to the resolution.

Mr. COLFAX. I move, as an amendment to the resolution, that those gentlemen whose seats are contested shall be passed over.

Mr. WASHBURNE. I demand the previous question.

Mr. COX. Do I understand the gentleman from Indiana to include in that motion the gentleman whose name I see upon the roll from the Fairfax district—Mr. Upton?

Mr. COLFAX. I do not include any of the Virginia delegation, as I am not aware that there is any person claiming the seat of any one of them.

Mr. COX. I desire merely to say in regard to the case of Mr. Upton, that I am not aware that there is any one claiming his seat. If the statement I made when I was up before is not correct, I certainly have no objection to his occupying a seat upon this floor; but having received the facts which I have stated from respectable authority in Ohio, I was bound to appeal to the House, in vindication of its own honor and of decency, to ascertain whether the statement be correct. I am willing to say, in all frankness, that if the gentleman claiming a seat from the Fairfax district will say to the House that I am mistaken in the statement I have made, I will forgo what other testimony I have received, and make no objection to his being sworn in as a member.

The evidence which has been placed before me is, that at the time this alleged election is said to have taken place, Mr. Upton was, in fact, a citizen of Ohio; that he went to the election in that State last fall and proposed to vote; that his vote was challenged; that he insisted on voting, and did, in fact, vote. The judge of the election so informed me, and I have deemed it my duty to lay the fact before the House. I have no personal feeling about it. But, sir, the same mail which brought to me a copy of Mr. Upton's circular as a candidate for a seat in Congress from a district in the State of Virginia, also brought me a paper from Zanesville, Ohio, with Mr. Upton's name at its head as editor and proprietor.

Now, if the gentleman will say to the House that he was a citizen of Virginia, and that he claimed no right of citizenship in Ohio at the time of the election, so far as I am concerned, I will not press the matter further. I shall not stand here to object to any man representing, upon this floor, any district in which he has been properly elected.

I make no question as to the regularity or irregularity of the election in Virginia. I only desire that the House shall possess itself of the facts in the case.

Mr. UPTON. So far as I am concerned, I have a very short answer to make to the gentleman from Ohio. I do claim to be a citizen of Virginia. I claimed so to be when I offered myself as a candidate to the people of the seventh congressional district of the State of Virginia. I have not been in Ohio for some six months. Except with some casual intervals, I have been a resident of Virginia for twenty-five years. It is true that I voted in Ohio, as the gentleman states. It is true that my vote was challenged there. But when, under the circumstances, the gentleman says he is vindicating the dignity and decency of the House by questioning my right to my seat upon this floor, I am glad to find that, while the country is reeling with anarchy, there is some one here to disprove the old maxim, *silent leges inter arma*. I claim my seat here, sir, as a member of this House from the seventh district of Virginia, and I claim that I am a citizen of that State.

Mr. COX. My friend from Virginia answers my question, whether he voted in the last election in Ohio, in the affirmative. My other statement was, that at the very time when his circular was issued as a candidate for Congress from Virginia he was the ostensible editor and publisher of a paper in Ohio. I ask the gentleman whether such is the fact? He knows that I have no motive in raising the point except to vindicate the dignity of the House.

Mr. UPTON. I say to the gentleman from Ohio, in response to his question, that I was interested at one time in a paper in Ohio, as he very well knows. I am not interested in it now, however, nor have I been for some time past.

Mr. RICHARDSON. It seems to me that we are anticipating the regular course of business and are getting ourselves into the very difficulty by it the gentleman from Pennsylvania [Mr. STEVENS] is trying to avoid. Now, I will suggest to the gentlemen that we defer this matter for a few minutes in accordance with the proposition of the gentleman from Pennsylvania. We can then swear in the members whose seats are not contested, and we can afterwards take up each case and consider it disconnected from every other case.

Mr. CURTIS. I rise to a question of order. I submit that both the resolution and amendment are out of order. The House is still in an unorganized condition. It is our first business to perfect our organization; and I claim, therefore, until that shall have been done, these resolutions and motions, the effect of which must necessarily be to delay our organization, are not in order.

The SPEAKER. The Chair overrules the question of order.

Mr. RICHARDSON. In order that we may bring this matter to a conclusion without further delay, I will move the previous question on the resolution and amendment.

The previous question was seconded, and the main question ordered to be put.

The amendment was agreed to.

The resolution, as amended, was adopted.

The roll of the members was then called, and those present whose seats were not contested came forward and took the usual oath to support the Constitution of the United States.

When the State of Virginia was called,

Mr. BURNETT offered the following resolution:

Resolved, That the question of the right of Charles H. Upton, William G. Brown, R. V. Whaley, John S. Carlile, and E. H. Pendleton, to seats upon this floor, be referred to the Committee of Elections, when formed, and that they report to this House thereon.

Mr. BURNETT. It is my purpose to offer no opposition to the action of this House that shall assume the form of a factious opposition. But, sir, in obedience to what I regard as my duty as a Representative upon this floor, I have brought this matter before the House for its consideration. It involves questions of the gravest character, and certainly deserves a candid consideration. I understand that two of these gentlemen were elected on the 23d day of May, which was the fourth Thursday in the month. Then, sir, the question comes up as to the action of the State of Virginia in repealing that law. If Virginia still be in the Union, as is contended by many, then, sir, Virginia is sovereign, and she has the right to prescribe the mode, manner, and time of holding her election for members upon this floor. If the reverse of that proposition be true——

Mr. MORRILL, of Vermont. I rise to a question of order. I make the point that the House being engaged in the execution of an order, the resolution, and the remarks of the gentleman from Kentucky, are out of order until the House has completed the execution of that order.

The SPEAKER. The gentleman from Vermont raises the point of order that the House being engaged in the execution of an order, no other business is in order until that is disposed of. The Chair thinks the point of order is not well taken, as the resolution of the gentleman from Kentucky relates to the right of members to seats.

Mr. BURNETT. As I was remarking, if the reverse of this proposition be true, then, sir, this Congress has the power to admit new States, and these gentlemen might come in as Delegates.

Mr. STEVENS. I rise to a point of order. I had thought that the proposition now made by the gentleman from Kentucky ought to have been postponed until all the members capable of deciding it were sworn in. The House, however, decided otherwise, and decided that the names of all members should be called, and that they should be sworn in, excepting those whose seats are contested. That, sir, has already been decided, and we are proceeding to execute that order, and the execution of it cannot be interrupted. I admit

that if the gentleman from Kentucky were first to call for the certificates of these members, and there were no certificates to make out a *prima facie* case, then they must be excluded, as a matter of course. If they have no certificates, they are not entitled to be sworn in; but if they have certificates, then they are *prima facie* entitled to be sworn in. The House has already decided to go on and swear in every member except such as were excepted by my resolution.

Mr. BURNETT. I desire to make one suggestion to the Chair.

The SPEAKER. The gentleman will proceed, if there is no objection.

Mr. BURNETT. I think we ought to settle this question upon higher grounds than those taken by the gentleman from Pennsylvania, who raises this question of order. The Constitution of the United States declares that each House shall be the judge of the election, return, and qualification of its members. No time is prescribed at which the question shall be raised.

Mr. LOVEJOY. I rise to a question of order. I submit the point of order is not debatable.

The SPEAKER. The gentleman from Kentucky is proceeding with unanimous consent.

Mr. LOVEJOY. Well, sir, I object.

The SPEAKER. The Chair thinks the gentleman from Kentucky is in order.

Mr. BURNETT. I do not desire—and I want gentlemen to understand me distinctly—to interpose any objection to the action of those who have the control of this House unless it is one that my duty to my conscience demands that I shall make. Believing that this is a question of the gravest character ever presented to the House in regard to the right of members to a seat on this floor, I do deem it proper and right to offer this resolution. All I desire is a simple vote of the House on the resolution. Here is at least one gentleman claiming a seat from the State of Virginia, who, by his own confession, and by his own admission, is ineligible under the constitution and laws of Virginia. By his own statement he is ineligible to a seat on this floor. He is a citizen of Ohio; a voter in that State; and yet asks to be sworn at the bar of this House as a member from the State of Virginia. I do think that the dignity of this House demands that these questions should be referred to a committee; and when that committee shall report, we shall have all the facts before us. I will say, in justice to the gentleman near me, [Mr. CARLILE,] that he was elected on the 23d May, the time that had been fixed by the laws of Virginia for the election. But the question involved in his case is as to the sovereign right of Virginia, through her proper authorities, to repeal that law, and whether he can be entitled to the seat, that law having been repealed. This much I desired to say; and I will not detain the House further, but simply ask a vote on my resolution.

The SPEAKER. The gentleman from Kentucky offers a resolution, proposing to refer the cases from Virginia to the Committee of Elections, when raised. The gentleman from Pennsylvania raises the point of order: that the House is now executing its order for the swearing in of members; having passed the resolution that the contested cases should not be called until the swearing in of the other members shall have been completed. The question which the gentleman from Kentucky raises is, as to the right of a member to a seat which is not contested; and the Chair has to overrule the point of order raised by the gentleman from Pennsylvania.

Mr. CARLILE. Mr. Speaker, I do not desire that the people whom I have the honor to represent on this floor, or rather those whom I propose to represent, should be deprived of any of their rights under the Constitution of the country by any objections that may be made to Representatives of other sections of the same State from which I come. The fourth Thursday in May was fixed by the laws of Virginia to elect members to the House of Representatives of the United States. On that day I was elected as a Representative from the district in which I reside—the eleventh congressional district of the State of Virginia. I received, I think I can say, more votes than the gentleman from Kentucky received in his district. I was elected by a larger majority than any man ever received in the State—one almost approaching unanimity. I received in my own county 1,500 votes, 23 only were cast against me for the nominee of the Democratic party. And the only question that can be raised in my case is, whether the ordinance of the Virginia convention, attempting to annul the solemn act of the General Assembly of Virginia, by declaring that no congressional election should be held on the day fixed by law, is to exclude me from a seat on this floor. That is the sole question. Sir, I have no doubt about the question myself, and I think there can be but little doubt about it throughout this great republic in the minds of all men who believe that the Constitution of the United States was the work of the people of the several States as much as is the constitution of each and every State. The only question that could be raised in my case is: had the convention of Virginia—itself convened by a law enacted by the Legislature, and restricted in its action by that law—had that powerless body the right to annul a solemn act of the Legislature of the State? For, be it remembered, the law convening the convention expressly declared upon its face that no act of that body changing the Federal relations of the State, or affecting the organic law of the State, should have any validity until such act of the convention had been referred to the people and ratified by them at the polls.

Now, sir, this pretended ordinance of the Virginia convention was passed prior to the vote of the people upon the ordinance of secession itself, and, without being submitted to the people, assumed to forbid the holding of an election for Representatives to the Congress of the United States; and if it is to have any validity, it must of course affect the relations of the State to the Union. That ordinance, as I have said, was never submitted to the people for ratification. And whatever may be said of the action of the people, on the 23d of May, upon the ordinance of secession which was submitted to them, there can be no argument drawn from that in support of the validity of the ordinance forbidding the holding of an election.

Mr. RICHARDSON. Do I understand the gentleman to speak of his own case merely, or of all the gentlemen claiming seats from the State of Virginia? Is there any distinction between the cases?

Mr. CARLILE. I can only speak of my own case and of the case of the gentleman representing the district immediately adjoining, [Mr. BROWN.]

Mr. RICHARDSON. Was the election held on the day fixed by law?

Mr. CARLILE. It was. The gentleman from the Fairfax district, [Mr. UPTON] resides in a section remote from my own, and I am not at all familiar with the circumstances attending his election; nor am I with those connected with the election of Mr. Pendleton. But, sir, in the district represented by Mr. Brown, and in my own district, in most of the counties, all of the officers whose duty it is to conduct elections, disregarded the ordinance of the convention, opened the polls, and held an election in accordance with all the requirements of law. I have with me the poll-books in some of the counties. I have certificates of the officers who conducted the elections, and of the clerks of the various counties as to its results.

So far, then, as my right to a seat upon this floor is concerned, the only question for this body to determine is, whether, assuming the power rightfully belonging to the convention of Virginia to be all that its warmest advocates can claim for it, the ordinance adopted by them, not ratified by the people, forbidding the holding of this election can have any validity? And that question I think any gentleman, however warmly he may advocate the doctrine of secession, cannot decide except in the negative.

I desire, Mr. Speaker, in order that I may not be misunderstood, to say further in this connection, that I discard entirely any such views of the sovereignty of any State, either through its convention or otherwise, as will permit it to dissolve the allegiance it owes to the Government formed and handed down to us by our fathers. [Applause in the galleries and on the floor.]

The SPEAKER. The Chair must inform the galleries that if these manifestations of applause are repeated he is authorized by the rules of the House to have them cleared.

Mr. VALLANDIGHAM. These demonstrations have been repeated three or four times, and I wish to give notice that if they occur again I shall demand that the rules of the House be executed, and I will not withdraw the demand.

Mr. CARLILE. Mr. Speaker, I maintain, and those I represent upon this floor maintain, that we have as much right and as high an interest in the Government of the Union as we have in that of our own State. I contend that both proceed from the same sovereign power of the people, and that while the State can change its own organic law, it cannot change its relation to the Federal Union without the consent of those who with the people of that State form the Union. We utterly discard, as a usurpation of power and as a gross act of tyranny, every attempt which has been exercised by those to whom the people in an evil hour confided their interests, to deprive us of our rights under that Union. We utterly discard the acts of those in our State who have turned their backs upon everything like constitution and law and have sought to establish in our midst the most odious despotism. I am proud to say that that portion of the State whence I come are determined to defend their freedom. They have declared before the world their utter repudiation of the acts of tyranny and oppression which it has been sought to impose upon the people of our State, and their determination to maintain to the end of time, or so long as life may last, the Union under which they have grown and prospered beyond all precedent in the world's history. And we desire here in this nation's Capitol that the voice of that people shall be heard, not only in the subsequent deliberations of this body, but at the outset, in its organization.

Mr. LOVEJOY demanded the previous question.

Mr. UPTON. I ask the gentleman to permit me to make a single statement?

Mr. LOVEJOY. I demand the previous question. We want action and not speaking.

Mr. UPTON. I wish to make a personal statement.

The SPEAKER. No debate is in order.

The previous question was seconded, and the main question ordered to be put.

Mr. BURNETT. I hope the House will indulge me in the yeas and nays upon that resolution.

Mr. McCLERNAND. Believing the resolution to be premature, I move to lay it on the table.

Mr. BURNETT. I call for the yeas and nays upon that motion.

The yeas and nays were not ordered, only one member voting therefor.

The question was taken, and the resolution laid upon the table.

Mr. DIVEN. If it be in order I should like to ask the gentleman from Virginia as to the certificates upon which he and his colleagues claim seats upon this floor.

The SPEAKER. No further debate is in order.

Mr. WASHBURNE moved to reconsider the vote by which the resolution was laid upon the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. WASHBURNE. All the members whose seats are not contested having been sworn in, I now move that the rules of the last House of Representatives be adopted as the rules of this House; and upon that motion I call the previous question.

The SPEAKER. The Chair would suggest that only such members as were not included in the resolution passed by the House have been sworn in, leaving other members unqualified.

Mr. WASHBURNE. A large majority of the members have been sworn in, and I think it better that we should have rules for the House adopted before proceeding further.

The SPEAKER. The first business to be done is the qualification of members, and until that business is disposed of, the Chair thinks it is not proper to do any other business.

Mr. WASHBURNE. Then I withdraw my motion until that matter is disposed of.

Mr. VALLANDIGHAM. I hope the House will agree, by unanimous consent, to adopt the rules of the last House.

Mr. LOVEJOY. I object.

Mr. STEVENS. I find the name of William

E. Lehman on the Clerk's list, as Representative from the first district of Pennsylvania. I do not know how it got there, though I have no doubt the Clerk put it there. But I undertake to say that he put it there without authority. I move that the name of J. M. Butler be substituted as the Representative from the first district; and I send up to the Clerk the certificates upon which I found my motion.

The certificates, signed by the seventeen return judges of the district, were read, as follows:

"PHILADELPHIA, *October* 12, 1860.

"SIR: At an election held in the city of Philadelphia, on Tuesday, October 9, 1860, you were duly elected member of the House of Representatives of the United States of America, for the first district of the State of Pennsylvania.

"J. M. BUTLER."

"We, the return judges of an election held on Tuesday, the 9th day of October, A. D. 1860, in and for the first congressional district of the State of Pennsylvania, composed of the first, second, third, fourth, and seventh wards, the first, second, and third election districts of the fifth ward of the city of Philadelphia, at the several election districts thereof, for the purpose of electing a Representative in the House of Representatives of the Congress of the United States from the said first district of Pennsylvania, having met this day, according to law, at the State House, in the city of Philadelphia, and carefully compared the returns from the several wards of the said city, do hereby certify, that John M. Butler received eight thousand five hundred and fifty-one [8,551] votes, William E. Lehman received eight thousand three hundred and eighty-three [8,383] votes, Edward King received two thousand and fifty-seven [2,057] votes. And we do further certify, that John M. Butler had the highest number of votes polled for Representative in Congress as aforesaid, and that therefore he is, and we do hereby declare him, duly elected for the said city of Philadelphia.

"In testimony whereof, we, the judges, have hereunto set our hands and seals, this twelfth day of October, in the year of our Lord eighteen hundred and sixty."

Mr. STEVENS. Now, sir, I submit that where a certificate of election is duly made out and given to any member, that makes out a *prima facia* case, and you cannot go behind it, and the member must be sworn in. Now I call upon the party named in the Clerk's roll to say whether he has any certificate at all. I say his name was put upon that roll by somebody who had no authority to put it there, and I defy the gentleman to show any certificate at all. If the gentleman does not put his case upon some ground I do not now think of, I shall say nothing further. If he will state the ground upon which the Clerk put his name on the roll, I will show that it was not put there upon a *prima facie* case. We have shown a *prima facie* case, and shall ask that Mr. Butler be sworn in.

Mr. LEHMAN. I come here claiming my seat as the Representative of the first congressional district of Pennsylvania upon the same credential as that of the gentleman who has just addressed the House, and who arrests the organization of the House at this moment. I come here by virtue of the proclamation of the Governor of Pennsylvrnia, under the broad seal of my State, and in the name of the Commonwealth of Pennsylvania; the same credential and the same certificate upon which the gentleman took his seat in this House. When I am asked to present my certificate, I say I know of no higher authority than that which emanates from the chief executive officer of my State—a credential issued in pursuance of law, and under authority of law; and it is the only credential which can be recognized, in the first place, by the Clerk of this House, as being authoritative and under the sanction of all law. If I have sufficiently answered the gentleman, I present that authority to this House. I hold a copy of it in my hand, and the conclusion of it is in the following words:

"Now, therefore, I have issued this proclamation, hereby publishing and declaring that William E. Lehman, Edward Joy Morris, John P. Verree, William D. Kelley, William Morris Davis, John Hickman, Thomas B. Cooper, Sydenham E. Ancona, Thaddeus Stevens, John W. Killinger, James H. Campbell, George W. Scranton, Philip Johnson, Galusha A. Grow, James T. Hale, Joseph Bailey, Edward McPherson, Samuel S. Blair, John Covode, Jesse Lazear, James K. Moorhead, Robert McKnight, John W. Wallace, John Patton, and Elijah Babbitt have been returned as duly elected in the several districts before mentioned as Representatives in the Congress of the United States for the term of two years, to commence from and after the 4th day of March next."

Now, if this certificate does not entitle me to a seat in this House in the first instance, I am at a loss to know what higher credential I could present. But beyond that, so far as my own conscience is concerned, were I not satisfied that I was rightfully elected and chosen to represent the people of the first district of Pennsylvania, I would not be here to claim this seat, though the honors were a thousand fold greater and the emoluments beyond calculation. I believe I was fairly elected, and when this case comes properly in its regular order before the Committee of Elections, the House will be astonished at the development of the frauds in this case; they will wonder that any man claiming to occupy a position among honorable men would present a certificate based upon an atrocious fraud—judicially ascertained to be a fraud, a forgery, and a direct outrage upon the ballot-box.

All I ask and expect of this House is simple justice. Let my case go before the committee chosen by a majority of this House. Let them look at the papers regularly transmitted to this House, and now in the possession of its Clerk, and I will be satisfied with the result of their consideration and deliberation upon my case.

Mr. VALLANDIGHAM. I desire to ask the gentleman from Pennsylvania whether the party by whose forgery the papers presented by the gentleman from Pennsylvania across the way, were procured, was not tried, convicted, sentenced, and imprisoned in the penitentiary?

Mr. LEHMAN. I say I do not wish to enter upon the facts or merits of this case. I do not wish to prejudice the case; and therefore it is that I have hesitated to state the facts of the case. I only want the case to go regularly through; and when the Committee of Elections is duly raised under the rules of the House they will have the opportunity of investigating all the testimony which is now in the possession of this House, and then they can report knowingly to the House, so that it can act upon the facts which have been ascertained by their deliberations.

I wished to state no facts; but in reply to the gentleman from Ohio, and out of courtesy to him, I will state that the return judge upon whose faith that certificate was founded, has been tried, has been found guilty, has been sentenced to the penitentiary, and received the highest penalty of the law for his offense. But these are questions of fact with which the House at the present time has nothing to do; the Committee of Elections can investigate them and report understandingly. At the present time I come here by virtue of the proclamation of the Governor of my own State, and ask to be sworn in. When I am sworn in the contestant has the opportunity of presenting his petition, and presenting it to the committee to be raised to investigate all the facts.

Mr. RICHARDSON. I desire to ask the gentleman one question. I desire to know, whether in the case between himself and Mr. Butler, a notice of contest has been served, and evidence taken?

Mr. LEHMAN. Yes, sir. If this case takes its regular course, no injustice is done to me or to my constituents; for, after I had received the proclamation of the Governor of Pennsylvania, Mr. Butler, my contestant, under the act of Congress of February 9, 1851, served upon me a regular notice of contest, setting forth the grounds upon which he claimed my seat, alleging frauds at the election precincts, but for which he would have been declared elected. That was done in conformity to the act of Congress prescribing the manner and mode in which an election shall be contested. He set forth various grounds, such as fraud, illegality, illegal voting, and all these various reasons, with precision. Being the sitting member by virtue of the proclamation of the Governor, my duty was to answer that notice. I did answer it, denying, and contenting myself simply with denying—for I need not go further—the allegations contained in his notice. A commissioner was duly appointed, in conformity with the act of Congress, and the contestant took testimony in support of his allegations, and I took testimony rebutting the truth of his allegations. That notice, the answer, the testimony, all the public documents—the document which the gentleman from Pennsylvania, over the way, has produced, as well as other documents—are fully contained in the record which has been transmitted to the Clerk of this House, for the information of the House, and to be presented to, and adjudicated by, a committee of this House. When this record is laid before the committee it will properly be considered.

But if I am deprived of my seat in the first instance, I should not have the right now to contest the seat under the act of Congress of 1851. That act prescribed that the notice must be served within thirty days after the election is determined. I all along have rested under the proclamation of the Governor, which entitles me to be called the sitting member; I all along have rested under the fact that Mr. Butler was the contestant, and that I had sufficiently answered the notice in this case; and will this House now do me the injustice, at this late hour, of depriving me of the advantage I should originally have had of contesting the seat? Had the certificate been given to the contestant, and he declared entitled to the seat, I could have given notice, and shown the grounds of my contest. If I am recognized here, and am sworn in, the record is straight. All the testimony and all the light necessary to be thrown upon the case is embraced in the record which will be laid before the committee, and upon that the committee can report whether Butler or Lehman is entitled to the seat. When that report is made, and all the grounds stated, every member of the House can vote understandingly and knowingly. To do the reverse, is to negative the proclamation of the Governor, to negative my position, to change my *status*—the *status* I occupy by virtue of the laws—and to put me in the position of a contestant at this late day.

Mr. DAWES. I would like to have the gentleman from Pennsylvania answer me one question; and that is, whether the statutes of the State of Pennsylvania prescribe that the certificate to be sent to the Clerk of the House of Representatives shall be the certificate of the judges of election, or shall it be the proclamation of the Governor? I understand that the laws of each State prescribe the form and method of ascertaining who appears, in the first instance, to be elected a member of this House, and prescribes in what method that evidence shall be transmitted to the Clerk of the House. I simply want to know what the law of Pennsylvania is on that point.

Mr. LEHMAN. The law requires that the return judges shall send to the Secretary of State of the Commonwealth of Pennsylvania the returns, and that, upon those returns, the Governor of Pennsylvania shall issue his proclamation declaring who is elected. There are some facts connected with my case which I think ought to go before a committee; but it is to be presumed that that law, which was imperative upon the Governor of the State, has been complied with by him.

Mr. DAWES. I wish to inquire whether the law of Pennsylvania prescribes that any papers shall be sent to the Clerk of the House of Representatives?

Mr. LEHMAN. Yes, sir.

Mr. DAWES. What papers?

Mr. LEHMAN. It prescribes that the returns and the proclamation shall be forwarded to the Clerk of the House.

Mr. STEVENS. Does the gentleman say the proclamation?

Mr. LEHMAN. I thought so. I may be in error; and if so, I stand corrected.

Mr. STEVENS. We will see about that.

Mr. LEHMAN. I simply ask that this case shall take the regular course; and that, having been sworn in in the first instance, the whole record in the case shall be referred to the committee to be raised under the 75th rule, which prescribes that—

"It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House."

The committee are to examine the credentials because, by virtue of the Constitution of the United States, the House is to judge of the returns, qualifications, and election of the members. And how can they judge of the credentials of a member without having all the papers before them? What evidence has the House that the paper presented by the gentleman from Pennsylvania [Mr. STEVENS] has any verity in it? What evidence has the House that that paper emanates from any board of return judges in the city of Philadelphia? What evidence have they that the names subscribed to that paper are what they purport to be—the names of the judges of elec-

tion? There is no evidence that the paper is what it purports to be.

Mr. WRIGHT. I rise to a question of order. I would inquire whether the fact that the proclamation of the Governor of Pennsylvania has been issued, giving the seat to the gentleman, [Mr. LEHMAN,] and that it has been communicated to this House, does not *prima facie* entitle him to the seat? Now, it is within the recollection, doubtless, of some gentlemen here, that in the contested-election case from the State of New Jersey, some years since, the House decided that the Governor of the State having attached the State seal to the return of members, that gave them a *prima facie* right to take their seats.

I hold that the fact that the gentleman from the first district comes here with the proclamation of the Governor that he has been elected and returned, gives him *prima facie* a right to the seat.

The SPEAKER. The gentleman from Pennsylvania raises the question of order that the proclamation of the Governor of the State, being *prima facie* evidence, entitles the member to be sworn in. That is a question for the House to decide under the Constitution; and the Chair, therefore, overrules the point of order.

Mr. LEHMAN. I do not know by what authority the Clerk of the House placed my name upon the record. At the commencement of the remarks of the gentleman from Pennsylvania, [Mr. STEVENS,] he said that my name was there by mistake. I now call for the authority, if it is in the possession of the Clerk, under which Colonel Forney placed my name on the roll.

The Clerk read the following paper:

The Clerk, in placing the name of William E. Lehman upon the roll of members, for the first congressional district of Pennsylvania, was actuated by the following reasons:

William F. Packer, Governor of Pennsylvania, on the 8th day of November, 1860, pursuant to the provisions of act of Assembly, issued his proclamation declaring that William E. Lehman was duly elected Representative in Congress from the first congressional district, and enumerating him with twenty-four others as members elect from the State of Pennsylvania to the House of Representatives in the present Congress. This proclamation is presented by Mr. Lehman as his credentials.

John M. Butler, on the other hand, claimed that the official returns made out by the board of election judges, under act of Assembly, showed he was elected Representative in the first district. This return he relied upon as evidence sufficient for the Clerk to place his name upon the roll.

In this conflict, the question arose which of these claimants should be placed by the Clerk upon the roll, and be called in the organization of the House, or whether the names of both should be omitted until after the organization. The Constitution of the United States provides that the time, place, and manner of holding elections for Representatives shall be prescribed in each State by the Legislature thereof; but Congress may at any time, by law, make or alter such regulations. (Art. 1., sec. 4.) The fifth section of the first article provides that each House shall be the judge of the election, returns, and qualifications of its own members. The plain words of the Constitution, as well as the uniform action of the House ever since the organization of the Government, show that it is the exclusive province of the House to decide the right to contested seats upon its floor. The Clerk is but a ministerial officer, having no right to investigate or decide; but, inasmuch as there must be some evidence or rule to guide him for the purpose of organization, the election law of Pennsylvania has conferred upon the Governor of that State authority to decide by proclamation the persons returned as elected in their respective districts. This official declaration is in the nature of a primary adjudication upon the fact of election, which can only be ratified or reversed by the House. The Clerk is therefore bound to look at the law of the State; and where the claimant presents the credential prescribed by that law it must be received as the only authentic evidence. The Governor's proclamation is made the prescribed credential to which the Clerk must look in making out the roll of members; but he has no power to consider anything contradictory, or impeaching that credential.

The Governor's official declaration guides the Clerk in respect to the uncontested seats, and is his general authority for placing the claimant's names upon the roll; and if, where there is a contest, he should go beyond the Governor's proclamation, and look at the returns to see whether the enumerated persons were duly elected, he would be usurping the function of the House, and assuming to judge what is only within its jurisdiction. In the present case Mr. Lehman presents precisely the same evidence of his right to the seat for the first district of Pennsylvania exhibited by all the other Representatives from that State. The Clerk has no power to distinguish between the persons declared in the same proclamation to be elected, but must give the proclamation equal credit as to all who are enumerated as members.

At the organization of the House of Representatives of the Twenty-Sixth Congress, in December, 1839, five seats from the State of New Jersey were contested; and the Clerk, without entering the names of either upon the roll, submitted to the House whether he should pass over their names until the call of the balance of the roll was completed. After a protracted and exciting contest, the House resolved: first, to call the names of gentlemen whose right to seats was not disputed or contested; second, that after the names of such members were called, and before a Speaker was elected, they should, provided there be a quorum of such present, then hear and judge of the election, returns, and qualifications of the claimants, Messrs. Ingersoll and Naylor excepted, to the seats contested upon the floor. The claimants holding the Governor's certificate were excluded from voting in the organization; but, after investigation and report by a committee, the seats were awarded to their contestants.

But the proceedings of the Clerk and by the House in the New Jersey case were at the time regarded as a departure from previous usage and practice, and very much influenced by special circumstances of a political nature then existing. The constitutional duty of the Clerk to call those whose right is attested by the official evidence of the Governor's certificate was earnestly insisted upon by some of the wisest and most distinguished statesmen of that day, among whom were the venerable John Quincy Adams and two of the ablest jurists of Pennsylvania—John Sergeant and Richard Biddle; and the majority of the House, by its own action at the same time in another case, determined in favor of the *prima facie* right furnished by the proclamation of the Governor of Pennsylvania. Mr. Lehman is officially declared by the Governor as legally elected in the first congressional district, and is enumerated with all the other members claiming seats from that State. The Clerk has no more right to exclude his name from the roll, on the ground of error or mistake by Governor Packer, or that his declaration is contradicted by the return of the board, than he would have to exclude every other person named in the Governor's proclamation. The exercise of power in any case would imply the right to leave out the whole Pennsylvania delegation, and exclude that State from representation in the organization of the House, and deprive a sovereign State of its right to say through its constituted authorities who should be its Representative upon the floor of this House.

For these reasons I have placed the name of William E. Lehman upon the roll of the House, along with the other members designated by the Governor's proclamation, as the person selected to represent the first district of the State of Pennsylvania in the House of Representatives of the United States.

Mr. STEVENS. Mr. Speaker, I desired to be enlightened by authoritative documents of this new Daniel that has come to judgment on the law of this House that has just been read. But, sir, in the haste in which he has made it up, he has forgotten the analogies of the case; for remember he has made up that document since I gave notice this morning that the seat was to be contested. Of course, sir, the Clerk had no suspicion that there was anything wrong, or he would not have entered the name he did on the roll. Now, here is an elaborate argument. Let us, for a single moment, confine ourselves to the *prima facie* case. I am sorry the gentleman across the way, and who claims to be my colleague, did not confine himself to his own suggestion of propriety, instead of answering questions put to him with reference to facts outside of the record here. Since he has done so, however, I may be permitted to state facts also. This was a triangular fight. Here was this gentleman belonging to one wing of the Democracy. There was also a Breckinridge Democrat in the field, and a Republican; and I believe the Breckinridge Democrat hated the Douglas Democrat a little the worse of the two. They made a false count in some of the precincts, as they always do in the first congressional district, and when they found, with all the false counts, the Douglas Democrat had overrun them a little, the Breckinridge Democrats brought in returns which they said were forged. They got certain witnesses to swear that the returns were forged, and it is true they did convict a judge of elections; but on examination the Governor was satisfied that there had been perjury in the case, and he pardoned the man and let him out. I will state one other thing: after the Democratic Governor had issued his proclamation stating that there were returns there showing Mr. Lehman was elected, Mr. Butler, supposing that it was so, gave the notice of contest required by law. He then had a recount of the contents of the ballot-boxes, and that recount elected Mr. Butler just according to the original returns, showing that the conviction of the judge was brought about by perjury, and that the original returns were correct. Now, sir, I should never have noticed this if my friend had not, in answer to certain questions, (I admit it was dragged from him,) stated these facts. Hence I felt justified in saying this before going into the law of the case.

Mr. LEHMAN. I know the gentleman's object and mine are the same—to get at the truth; and I desire, therefore, to say that his statement of facts is inaccurate. I know he supposes he has good authority for what he states, but the facts are not as he gives them.

Mr. STEVENS. While the gentleman is up let me ask him one question. Has he ever got the certificates of the return judges?

Mr. LEHMAN. Mr. Butler himself has not got them.

Mr. STEVENS. Has the gentleman got them?

Mr. LEHMAN. I have not, nor has Mr Butler.

Mr. STEVENS. I wish to indicate what the law in the case requires, after the learned disquisition of the gentleman from Pennsylvania. What I mean to say is this: that in some of the States, as the gentleman from Masssachusetts [Mr. DAWES] pertinently remarked, the certificate of the Governor is the authority upon which members take their seats here, and are *prima facie* entitled to them, as was the case in the great New Jersey case, where the broad seal was spoken of. I believe there the commission of the Governor was the *prima facie* evidence upon which they were entitled to seats. My friend on my right says it is so in several of the States; but in Pennsylvania it is just otherwise. The law there requires the return judges to make out the count of the votes and give a certificate as to the number. They are required to file one copy of that certificate with the prothonotary of the county, and send another to the secretary of the Commonwealth, to be filed in his office. The Governor is to look at this certificate and proclaim who is returned as elected—not who is elected, but who is returned elected; and the Governor is to send this certificate to the Clerk of the House of Representatives. He is not to send his proclamation at all. His proclamation is not here; his proclamation, according to the law, is not anywhere except to the people of the State. The only authority upon which the members from that State are entitled to claim their seats here is the certificates given to them—certificates filed in the office of the prothonotaries of the counties and filed in the office of the Secretary of the State, which certificates are to be sent here. Now, they were here if the Governor has done his duty. He sent to the Clerk of this House the certificate of my election; he sent to the Clerk of the House the certificate of Mr. Butler's election; and they are the only certificates of anybody's election that belong here or can have any validity here.

But it is said the Governor of Pennsylvania discovered that there had been fraud, and afterwards proclaimed that Mr. Lehman was elected; and that proclamation is received here as of validity beyond the certificate of the return judges, which I repeat are the only certificates that could lawfully come here at all.

Now all I want is for the House to understand the question. If we are to take our seats from Pennsylvania upon the certificate of the Governor, then I admit that Mr. Lehman has a *prima facie* case. But I deny that the certificate of the Governor of Pennsylvania in this case has any validity at all, or that it is before, or can come before, this House at all. And in support of the assertion, I ask the Clerk to read from the laws of Pennsylvania what I send up.

The Clerk read, as follows:

"SEC. 64. The judges of the several counties having met, as aforesaid, shall cast up the several county returns, and make duplicate returns of all the votes given for such office in said district, and of the name of the person or persons elected; and one of said returns for each office shall be deposited in the office of the prothonotary of the court of common pleas of the county in which they shall meet, and the other shall be, by said judges, deposited in the nearest post office, sealed and directed to the secretary of the Commonwealth, in the manner directed in parts two and three of the eighteenth section.

"SEC. 65. It shall also be the duty of the return judges, in every case, to transmit to each of the persons elected to serve in Congress, or in the Senate or in the House of Representatives of this Commonwealth, a certificate of his election, within five days after the day of making up such returns."

"SEC. 113. It shall be the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States as aforesaid, by the secretary of the Commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts; and he shall also, as soon as conveniently may be thereafter, transmit the returns so made to the House of Representatives of the United States."

Mr. STEVENS. Now, sir, it is the plainest thing in the world that the process of making up the returns, and of certifying them to this House, is as I have stated. It was the duty of the return judges, within five days after the election, to notify the man elected of his election. They did notify Mr. Butler within five days of his election. Mr. Lehman never received such a certificate at all. Within the prescribed time, the certificate showing that Mr. Butler was elected was sent to

the office of the Secretary of the Commonwealth, and filed there. It remains filed there yet. What, then, was the duty of the Governor? It was his duty to proclaim who these returns elected. But by a mistake, I presume—it was a gross violation of duty if he went into an investigation of the facts behind the returns—by, I undertake, therefore, to say, mistake, in making his proclamation he wrote the name of Mr. Lehman instead of that of Mr. Butler, who the returns themselves certify was elected. He then sent on—what was sent on here? Not the proclamation. The gentleman from Pennsylvania was mistaken in saying the proclamation of the Governor was sent on here. It is not here. There is no such thing. Then, who is entitled to the seat? Why, undoubtedly, the man who has the certificate of the judges of the election—the one who has the certificate filed by the return judges with the prothonotary of the county, and with the secretary of the Commonwealth. Mr. Lehman has no such certificate of his election. He has simply and only in his favor the error of the Governor in inserting his name instead of that of the gentleman returned as elected. I say, therefore, that he has no *prima facie* case here. He says it would be doing him great injustice to refuse him his seat now after having in consequence of the Governor proclaiming him as elected, failed to take the necessary steps required by law for contesting the seat. Far be it from me to do injustice to the gentleman from the first district, or to any one else; and for the purpose of relieving him from any difficulty of this kind, I will submit my resolution in this form:

Resolved, That the Clerk be directed to insert the name of John M. Butler on the roll of members, as the Representative of the first congressional district of Pennsylvania and that William H. Lehman shall be entitled to contest the seat of the said John M. Butler, by giving him the required notice, at any time within three months.

I call for the previous question.

Mr. LEHMAN. I hope the gentleman will defer his motion for a few moments.

Mr. STEVENS. If the gentleman will renew it afterwards, I will.

Mr. LEHMAN. I will do so.

Mr. JOHNSON. I rise to a point of order. I inquire whether the resolution of the gentleman from Pennsylvania has been entertained by the Chair?

The SPEAKER. It is entertained as a modification of the original proposition.

Mr. JOHNSON. It undertakes to repeal an act of Congress in this: it declares that Mr. Lehman should become a contestant of the seat of Mr. Butler contrary to the act of Congress of 1851, which provides the manner of contesting seats upon this floor. I make the point that it is not in order.

The SPEAKER. The Chair overrules the point of order. It is for the House, and not for the Chair, to determine what repeals former acts of Congress and what does not.

Mr. LEHMAN. Mr. Speaker, if I understood the tenor of the argument of the gentleman from Pennsylvania, it was that the proclamation of the Governor of Pennsylvania was issued in mistake and without the authority of law, and that it was not a credential which could be recognized by this House. The act of Assembly which was read by the Clerk of the House is in these words, and I do not think there can be any mistake about them:

"It shall be the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States, as aforesaid, by the secretary of the Commonwealth, to declare, by proclamation, the names of the persons so returned as elected in the respective districts; and he shall also, as soon as may be convenient thereafter, transmit the returns so made to the House of Representatives of the United States."

Now, by inquiry at the proper department, it will be found that the Governor of Pennsylvania has transmitted those returns as they were sent to him, and that by a computation of those returns I was elected, and not John M. Butler. The Governor, in pursuance of the requirements of law, and in accordance with the returns, as they were received by him, proclaimed me to be elected. Now a motion is coolly made which is to relieve me of all difficulty, by which my name, properly and rightfully placed upon the list, is to be removed and somebody else's inserted, thus overriding the law of my own State and the authority of its highest officer.

If I understand the law, it is this: when a case comes authenticated by an official seal, whether in a court of justice, or in a House of Congress, or anywhere else, there is *prima facie* evidence that what was done under it in the instrument to which it is attached was rightfully done, and under the law. Then, if that paper is to be set aside, if its authority and influence are to be controverted, there must be some impeachment of it in the regular way. I do not believe that in the experience and the practice which the distinguished gentleman from Pennsylvania has had in his own State and elsewhere, he ever heard of such an anomalous or absurd theory presented as the one he now avows: that you not only have to come in with your official paper from the department of State and from the law officers, but you have to come prepared to authenticate them doubly; in other words, that the paper does not carry the influence and weight which, under the theory of law recognized throughout Christendom, it really does carry.

The distinguished gentleman from Pennsylvania having first said that the Clerk placed the name of William E. Lehman upon the roll by mistake, now says that the Governor also issued his proclamation by mistake. If the House will pardon me further, I will show that the Governor of Pennsylvania not only did not act by mistake, but that he acted under the authority of law, after having considered the whole case. In this case, in his general proclamation, he inserted some special clauses, thus showing that he did not act by mistake, but that he desired to exercise the functions of his office rightfully and legally; and what is more, in favor of the right, and against legalizing and sanctioning a fraud. The clause to which I refer is as follows:

"And whereas certain returns have been received at the office of the secretary of the Commonwealth of the votes cast in the first congressional district for member of Congress, certifying that at the election aforesaid John M. Butler received eight thousand five hundred and eighty-one votes, William E. Lehman received eight thousand three hundred and eighty-three votes, and Edward King received two thousand and fifty-seven votes; and whereas it has been judicially ascertained that said returns include a false, forged, and fabricated return of the votes cast in the fourth ward part of the first congressional district; and whereas the return judge from the said fourth ward has been duly convicted in the court of quarter sessions of the peace in and for the city and county of Philadelphia for the criminal substitution of said false, forged, and fabricated return, in lieu of the true and correct one; and whereas by the true returns, certified from the prothonotary's office of the court of common pleas in and for the city and county of Philadelphia, it appears that at the election aforesaid William E. Lehman received eight thousand five hundred and fifty-nine votes, John M. Butler received eight thousand four hundred and twenty-seven votes, and Edward King received two thousand and forty-four votes; and whereas it thus appears, from the true and genuine returns, that William E. Lehman was duly chosen at the election aforesaid a member of the House of Representatives of the United States for the first congressional district, composed of Southwark, Moyamensing, Passayunk, in the county of Philadelphia, and Cedar, Lombard, Spruce, and New Market wards in the city of Philadelphia."

Now, if my case is right upon the record; if I am entitled to be called in the first place by all these questions of fact, about which at the very outset there was a very wide difference between myself and the distinguished member from Pennsylvania, can we here and now settle the case properly, in accordance with the law and upon the testimony? It should be settled understandingly; but if this sort of method is to be adopted, it may result, in the present instance, to the satisfaction of some parties, undoubtedly; but why should the House of Representatives, in the discharge of its duties, set a precedent which may hereafter bring disaster and mischief upon the country? I think the true course of proceeding, in all cases of this kind, is to refer them to the appropriate committee; and that is all that is asked by the Representative from the first district of Pennsylvania. If, upon the investigation of the testimony by the committee, it shall appear upon the merits of the case that Mr. Butler is entitled to the seat, there is no one that will acquiesce more readily and more cheerfully than myself, when that decision is sustained by the House. I now call the previous question.

Mr. BINGHAM. Before the previous question is seconded I would ask that the return transmitted by the Governor of Pennsylvania to the Clerk of this House be read from the Clerk's desk.

Mr. STEVENS. The return has been read twice already.

Mr BINGHAM. I wish to hear the return which the Governor sent to the Clerk read separate from anything else. I have no doubt that every member will be governed in this case by the return which the Governor made to the Clerk.

Mr. FOUKE. I move to lay the resolution of the gentleman from Pennsylvania [Mr. STEVENS] upon the table.

Mr. VALLANDIGHAM called for the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was determined in the affirmative—yeas 92, nays 48; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Bailey, Bingham, George H. Browne, Burnett, Calvert, Carlile, Ambrose W. Clark, Cobb, Roscoe Conkling, Cox, Cravens, Curtis, Davis, Dawes, Delano, Diven, Duell, Dunlap, English, Fouke, Franchot, Gooch, Goodwin, Grider, Haight, Harding, Harrison, Hickman, Holman, Horton, Hutchins, Jackson, Johnson, William Kellogg, Killinger, Law, Lazear, Logan, McClernand, Mallory, Menzies, Anson P. Morrill, Morris, Nixon, Noble, Noell, Norton, Odell, Olin, George H. Pendleton, Perry, Pike, Pomeroy, Porter, Potter, Reid, Alexander H. Rice, John H. Rice, Richardson, Riddle, Robinson, James S. Rollins, Sedgwick, Sheffield, Shellaberger, Sloan, Smith, John B. Steel, William G. Steel, Stratton, Benjamin F. Thomas, Trimble, Upton, Vallandigham, Van Valkenburgh, Voorhees, Wall, Charles W. Walton, E. P. Walton, Ward, Wheeler, Whaley, Albert S. White, Chilton A. White, Wickliffe, Windom, Wood, Woodruff, Worcester, and Wright—92.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baxter, Beaman, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Colfax, Frederick A. Conkling, Conway, Covode, Cutler, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Fisher, Frank, Granger, Hale, Hanchett, Julian, Lansing, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Justin S. Morrill, Patton, Shanks, Sherman, Spaulding, Stevens, Train, Trowbridge, Vandever, Van Wyck, Wallace, and Washburne—48.

So the resolution was laid upon the table.

Mr. FOUKE moved to reconsider the vote last taken; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. FENTON. I move that the House now proceed to the election of a Clerk.

Mr. FOUKE. I move that Mr. Lehman be first sworn in.

Mr. RICHARDSON. That motion is not necessary, as the rules require the members to be first sworn in. That is the first order of business, and all other business contravening that is out of order.

The SPEAKER. The Chair thinks the motion is in order, as the House might refuse to have the gentleman sworn.

The question was put, and the motion was agreed to.

The usual oath to support the Constitution of the United States was then administered to Mr. LEHMAN.

The Clerk next called the name of Mr. THAYER.

Mr. McCLERNAND. I called the attention of the House to this case a few minutes since. I do not rise at this time to enter into any extended debate upon the questions presented by it, nor to take part in favor of one party or the other. I am not sufficiently familiar with the facts of the case to form a confident judgment of its merits. So far, however, as I have been able to look into it, the inclination of my judgment is, that Mr. Shiel is entitled to the seat, and not Mr. Thayer. In saying this, however, I reserve the right of correcting my opinion if I find it erroneous. What ought to be done at this time is a question for the House to decide. From the facts developed before the House, Mr. Shiel was elected on the first Monday of June, 1860, in a contest between him on the one side and Mr. Logan on the other. The canvass was a very thorough one, occupying considerable time, and bringing out a full vote of the parties in the State; the result being in favor of Shiel by a very small majority. The constitution of the State of Oregon, in one of its clauses, provides that the first general election in the State shall be held on the first Monday of June. In another clause it provides that if the constitution shall be ratified by the people, the election for Representatives in Congress, and for State and county officers, shall be held on the first Monday of June, 1858, to be followed by another election two years after. The election at which Mr. Shiel was elected, in June, 1860, was a general election. The election at which Mr. Thayer claims to have been elected was at the presidential election in November after. There was no law of any character in force then authorizing an election for Representatives in Congress at that time. The election which took place then was under the law of Congress relating to the election of

President, and had no relation whatever to a congressional election. Persons in Oregon voluntarily opened polls at several places, and votes were cast for Mr. Thayer, who had no opposition. Both Republicans and Democrats seem to have conceded that the previous election in June was a competent and final one; which accounts for the fact that but few votes were cast for Mr. Thayer in November.

The question now is whether, under these circumstances, we shall admit Mr. Thayer to a seat; whether, in fact, we shall oust Mr. Shiel, who in June previous received a majority of a full vote of the State, in an election energetically contested by one of the ablest members of the Republican party in the State, Mr. Logan, and let in a gentleman who was elected under no law, and whose election was a voluntary affair. Under the circumstances, I submit whether it would not be safer and better to refer the whole question to the Committee of Elections, hereafter to be raised, and in the mean time to suspend the right of either party to vote.

Mr. VALLANDIGHAM. I desire to ask the gentleman from Illinois, who has the Governor's certificate, or the certificate authorized by the statute of Oregon to be forwarded to the Clerk of this House?

Mr. McCLERNAND. In reply to the gentleman I would state that Mr. Shiel has the certificate that was first issued by the Governor or secretary of State—the certificate based on the June election showing that a full vote of the State was polled, and that in that election he received a majority of the votes polled. It further appears that Mr. Thayer has a certificate based upon the election in November, an unauthorized and merely voluntary election. Shiel's certificate is the older of the two, and the election upon which it is founded was held in pursuance of territorial law, which authorized a general election. At the same election the Legislature was elected which assumed the function of electing United States Senators, and which elected Messrs. BAKER and NESMITH, the two Senators from Oregon now sitting in the other end of this Capitol. Hence, if Mr. Shiel has no title to a seat here, neither have those gentlemen titles to seats in the Senate. If the title of the one is void so is that of the other. But I will forbear further to deal with this question now. I do not wish to prejudice it by anything I might say; my object is simply to warn the House against hasty action, and perhaps erroneous action upon it. I will close by submitting the following resolution:

Resolved, That the question of the *prima facie*, as well as the final right of George K. Shiel and A. J. Thayer, contestants, respectively claiming a seat in this House, from the State of Oregon, be referred to the Committee of Elections, hereafter to be appointed, and until such committee shall have reported in the premises, and the House have decided said question, neither of said contestants shall be admitted to a seat.

Mr. HUTCHINS. I move to lay that resolution on the table.

The motion was agreed to; and the resolution was laid on the table.

The usual oath, to support the Constitution of the United States, was then administered to Mr. THAYER.

The Clerk next called the case of SAMUEL G. DAILY.

Mr. RICHARDSON. If it be the pleasure of the House to defer this case until we have organized by the election of a Clerk, I am perfectly willing, provided the case is not prejudiced thereby. I make that motion.

The motion was agreed to.

ELECTION OF CLERK.

Mr. FENTON. I now renew my motion that the House proceed to the election of a Clerk.

Mr. VALLANDIGHAM. I hope the gentleman will withdraw his motion until we have adopted rules for the government of the House

Mr. FENTON. I cannot; and I call the previous question upon the motion.

The previous question was seconded; and the main question ordered to be put.

The motion was agreed to.

The House then proceeded to execute its order.

Mr. BLAIR, of Missouri, nominated John W. Forney, of Pennsylvania.

Mr. MALLORY nominated Emerson Etheridge, of Tennessee.

Mr. FOUKE nominated John E. Deitrich, of Illinois.

The roll was called, with the following result:

Whole number of votes, 156; necessary to a choice, 79; of which—

Mr. Etheridge received	92
Mr. Forney	41
Mr. Deitrich	21
Mr. Florence	2

The following is the vote in detail:

For Mr. Etheridge—Messrs. Aldrich, Alley, Appleton, Arnold, Ashley, Goldsmith F. Bailey, Baker, Baxter, Beaman, Samuel S. Blair, Blake, Buffinton, Calvert, Carlile, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Crisfield, Cutler, Dawes, Delano, Duell, Dunlap, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Grider, Hanchett, Harding, Horton, Hutchins, Jackson, Francis W. Kellogg, William Kellogg, Lansing, Leary, Loomis, McKean, McKnight, Mallory, Marston, Menzies, Mitchell, Anson P. Morrill, Justin S. Morrill, Nixon, Patton, Pike, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, James S. Rollins, Sedgwick, Shanks, Sheffield, Shellaberger, Sherman, Sloan, Spaulding, Stevens, Benjamin F. Thomas, Francis Thomas, Trowbridge, Upton, Vandever, Van Horne, Van Valkenburgh, Wall, Charles W. Walton, E. P. Walton, Washburne, Webster, Wheeler, Whaley, Albert S. White, Wickliffe, Windom, Worcester, and Mr. Speaker.

For Mr. Forney—Messrs. Babbitt, Bingham, Francis P. Blair, Campbell, Cobb, Covode, Cravens, Curtis, Davis, Diven, English, Goodwin, Gurley, Haight, Hale, Harrison, Hickman, Holman, Julian, Kelley, Killinger, Law, Lehman, Lovejoy, McPherson, Moorhead, Olin, Perry, Pomeroy, Porter, John B. Steel, William G. Steel, Stratton, Thayer, Train, Trimble, Wan Wyck, Verree, Wallace, Woodruff, and Wright.

For Mr. Deitrich—Messrs. Allen, Ancona, Joseph Bailey, Cooper, Cox, Fouke, Johnson, Lazear, Logan, McClernand, Morris, Noble, Norton, George H. Pendleton, Richardson, Robinson, Vallandigham, Vibbard, Voorhees, Chilton A. White, and Wood.

For Mr. Florence—Messrs. Odell and Ward.

The SPEAKER then announced that EMERSON ETHERIDGE, having received a majority of all the votes cast, was duly elected Clerk of the House for the Thirty-Seventh Congress.

ADOPTION OF RULES.

Mr. WASHBURNE. I now desire to submit the motion I have before indicated, in relation to adopting the rules of the last House. I submit the following resolutions:

Resolved, That the rules of the House of Representatives of the Thirty-Sixth Congress shall be the rules of the House of Representatives until otherwise ordered.

Resolved further, That a committee of five, to consist of the Speaker and four members, to be named by him, be appointed, to whom shall be referred the rules of the House, who shall have the right to report at any time all such amendments or revision of the same as they shall think proper; and such report, when made, shall be considered by the House as a special order.

I now demand the previous question on the resolutions.

Mr. VALLANDIGHAM. I wish to remark that at the last Congress such a committee was appointed, from which a report was made by the gentleman from Maine, (Mr. Washburne,) not now a member of the House. The House, after a long and thorough consideration, adopted the report of that committee, and the gentleman who now sits at the Clerk's desk was appointed to collate the rules, rearrange them, and publish them, with Jefferson's Manual and Barclay's Digest. This was done at considerable expense. A large number of them were printed, and it seems to me unnecessary to go over the same ground again now.

Mr. WASHBURNE. The gentleman will see that no revision of the rules is required by this resolution. But it may become necessary, in emergencies that may arise during this session, to change certain rules, and I wish to place it in our power to make such change if we shall find it expedient.

Mr. VALLANDIGHAM. Will it not be better to wait and ascertain whether any change is necessary?

Mr. WASHBURNE. If the committee find it necessary to make no change, of course they will make none. I demand the previous question.

The SPEAKER. The Chair will remark that he would construe the rules of the last House as continuing in force until otherwise ordered; but he sees no objection to the adoption of the resolutions of the gentleman from Illinois.

The previous question was seconded, and the main question ordered to be put.

The resolutions were adopted.

Mr. WASHBURNE moved to reconsider the vote by which the resolutions were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NOTICE TO THE PRESIDENT.

Mr. ELY, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That a committee be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States, and inform him that a quorum of the two Houses of Congress has assembled, and that Congress is ready to receive any communication he may make.

NOTICE TO THE SENATE.

Mr. TRAIN submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled; that GALUSHA A. GROW, one of the Representatives of the State of Pennsylvania, has been chosen Speaker; that the House is now ready to proceed to business; and that the Clerk do go with said message.

THE STANDING COMMITTEES.

Mr. COLFAX. It is necessary that we proceed as rapidly as possible with our business, and to facilitate our organization, I move that the Speaker be authorized to appoint the standing committees of the House.

The SPEAKER. The Chair will state that, by the standing rules of the House, the Speaker is authorized to appoint the committees.

HOUR OF MEETING.

Mr. McKNIGHT. I submit the following resolution:

Resolved, That the sessions of the House shall begin at eleven o'clock, a. m., and end at three o'clock, p. m., until otherwise ordered.

The SPEAKER. The Chair is compelled to rule the resolution out of order, as it proposes a change of the rules.

Mr. McKNIGHT. Then I will leave off the close of the resolution which provides the hour at which the session shall close. It seems to me entirely proper that we should meet at an earlier hour than we were in the habit of doing during the short days of winter. I will also state that in many of the boarding-houses of the city the dinner hour is three or half past three, and that some of us who are detained later, have to go with cold dinners.

Mr. CURTIS. I disagree entirely with my friend as to the propriety of meeting at an earlier hour than twelve. The committees of the House, which do the work, meet at nine o'clock, and have as much work as they can get through with. I move to amend the gentleman's motion by striking out "eleven" and inserting "twelve."

The amendment was agreed to.

The resolution, as amended, was adopted.

TARIFF.

Mr. VALLANDIGHAM. I desire to give notice that I will, at an early day, introduce a bill to modify the tariff bill passed at the last session of Congress.

The SPEAKER. That notice can be handed to the Clerk under the rules.

PENNSYLVANIA CONTESTED ELECTION.

Mr. STEVENS presented the petition of John M. Butler, contesting the right of WILLIAM E. LEHMAN to a seat in the House from the first district of Pennsylvania, to be referred to the Committee of Elections, when formed.

And then, on motion of Mr. WASHBURNE, (at ten minutes before five o'clock,) the House adjourned until to-morrow, at twelve o'clock, m.

IN SENATE.

FRIDAY, *July* 5, 1861.

Prayer by Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday was read and approved.

ELECTION OF SERGEANT-AT-ARMS.

Mr. HALE. I move to take up the resolution which I submitted yesterday, for consideration.

The VICE PRESIDENT. The Senator from New Hampshire moves to suspend the rules of the Senate for the purpose of taking up the resolution submitted by the Senator yesterday. The Chair hears no objection. The resolution is before the Senate, and will be read by the Secretary.

The Secretary read it, as follows:

Resolved, That the Senate do now proceed to the election of a Sergeant-at-Arms and Doorkeeper.

The resolution was agreed to.

Mr. HALE. There may be some misunderstanding about that resolution. I believe there is in the minds of some gentlemen, because it apparently refers to two officers. The resolution is for the election of a Sergeant-at-Arms and Doorkeeper. It is one office.

The VICE PRESIDENT. Senators will please prepare their ballots for the officer designated in the resolution.

The ballots having been collected and canvassed, the result was as follows: Whole number of votes cast, 41; necessary to a choice, 22; of which—

Mr. George T. Brown received	29
Mr. D. R. McNair	9
Mr. George Brown	2
Mr. R. Beale	1

GEORGE T. BROWN having received a majority of the whole number of votes, was declared elected Sergeant-at-Arms and Doorkeeper.

Mr. HALE. I offer the following resolution:

Resolved, That the Secretary of the Senate pay, out of the contingent fund of the Senate, to D. R. McNair, late Sergeant-at-Arms, an amount equal to the salary of Sergeant-at-Arms from the 5th of July instant until the first Monday of December next.

Mr. President, I will let that lie over until to-morrow, but I beg the indulgence of the Senate to make a single statement about it. At the last time of the election of a Sergeant-at-Arms by the Senate, when Mr. McNair was chosen, a similar resolution to this was passed in favor of the retiring Sergeant, Mr. Beale, except that Mr. Beale's salary was paid to the close of the fiscal year. But for this extraordinary session of the Senate, Colonel McNair's salary would continue until next December without any further interference of the Senate. As an act of justice and courtesy to Mr. McNair, who is removed without any cause affecting his moral character, to say the least of it, and whose intercourse with the Senate, so far as I know, has been pleasant, courteous, and gentlemanly, I have thought it due to him to offer this resolution; and that the Senate may not vote on it by surprise, let it lie over until to-morrow. I give notice that I shall call it up to-morrow morning.

Mr. SAULSBURY. I know that the Senator from New Hampshire never does an act without cause. I should like to ask him the reason why it was necessary to remove Colonel McNair at all. We have seen a good officer removed, no objection made to him, no reason assigned for that removal. Perhaps the Senator knows of some good cause; if so, we ought to be informed of it.

Mr. HALE. If the Senator from Delaware will tell me why the State of Delaware superseded Mr. Comegys, and sent him here, perhaps I may inform him. [Laughter.]

Mr. SAULSBURY. I presume for the same reason that the State of New Hampshire sent the gentleman here—because they had confidence in the man.

The resolution lies over under the rules.

NOTICE OF A BILL.

Mr. CHANDLER. I desire to give notice that I shall to-morrow, or on some subsequent day, introduce a bill to confiscate the property of all Governors of States, members of Legislatures, judges of courts, and all military officers above the rank of lieutenant, who shall take up arms against the Government of the United States, or aid or abet treason against the Government of the United States, and that the said individuals shall be forever disqualified from holding any office of honor, emolument, or trust, under this Government; the property thus confiscated to be used in restoring to the Union men of the rebel States any losses which may have resulted to them in consequence of the present rebellion.

NOTIFICATION OF ORGANIZATION.

A message from the House of Representatives, by Mr. EMERSON ETHERIDGE, its Clerk, announced that a quorum of the House of Representatives had assembled; that GALUSHA A. GROW, one of the Representatives of the State of Pennsylvania, had been chosen Speaker; and that the House was now ready to proceed to business.

The message also announced that the House had passed the following resolution:

Resolved, That a committee be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States, and inform him that a quorum of the two Houses of Congress has assembled, and that Congress is ready to receive any communication he may be pleased to make.

And that the Speaker had appointed Messrs. ALFRED ELY of New York, JOHN S. CARLILE of Virginia, and WILLIAM A. RICHARDSON of Illinois, to serve as the committee on the part of the House.

Mr. HALE. I offer the following resolution:

Resolved, That a committee, consisting of three members, be appointed, to join such committee as may be appointed by the House of Representatives, to wait on the President of the United States, and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make, and that said committee be appointed by the Chair.

The resolution was agreed to; and the Vice President appointed Mr. HALE, Mr. BROWNING, and Mr. PEARCE, the committee on the part of the Senate.

Mr. CHANDLER. I move that the Senate take a recess until half past one o'clock.

The motion was agreed to.

At half past one o'clock the Vice President resumed the chair.

THE STANDING COMMITTEES.

Mr. FESSENDEN. I desire to give notice that to-morrow, at twelve o'clock, I shall move that the Senate proceed to the appointment of the regular standing committees of the body, by ballot, in the usual form.

THE PRESIDENT'S MESSAGE.

Mr. HALE. The joint committee appointed by the two Houses to wait upon the President of the United States, and inform him that a quorum of the two Houses had assembled and were ready to receive any communication he might be pleased to make, have attended to that duty; and the President instructed the committee to report to the two Houses that he would communicate to Congress forthwith in writing.

Soon afterwards, Mr. JOHN G. NICOLAY, the Secretary of the President of the United States, appeared at the bar and announced that he was directed by the President of the United States to deliver to the Senate a message in writing.

The VICE PRESIDENT. The message will be read by the Secretary.

The Acting Secretary read the message. [It will be published in the Appendix.]

Mr. HALE. I move that the usual number of copies of the message be printed, and ten thousand extra copies.

The VICE PRESIDENT. The Chair will suggest to the Senator that there are also accompanying documents.

Mr. HALE. I move that the usual number of them be printed.

The VICE PRESIDENT. The motion of the Senator from New Hampshire will, when the committees are raised, go to the Committee on Printing.

Mr. HALE. It need not go there. This is a communication from the Executive.

The VICE PRESIDENT. The motion to print the usual number does not go to the committee, but the motion to print extra numbers does.

Mr. BRECKINRIDGE. I suppose every Senator desires to see that message in print, and I presume there will be no objection on this side of the Chamber to printing the usual number.

The VICE PRESIDENT. The rule can be dispensed with by the unanimous consent of the Senate. The Chair hears no objection.

Mr. FESSENDEN. I believe there is no need of dispensing with the rules, for the purpose of printing the usual number; but the motion to print extra numbers must go to the committee, if required.

The VICE PRESIDENT. The usual number will be printed for the use of the Senate, there being no objection.

REPORT ON THE FINANCES.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in pursuance of law, on the subject of the finances, containing estimates of the public revenue and public expenditures, and plans for improving and increasing the revenue; which, on motion of Mr. GRIMES, was ordered to lie on the table, and be printed.

INCREASE OF THE NAVY.

Mr. HALE. I wish to give notice that on to-morrow or some subsequent day of the session I shall ask leave to introduce a bill to provide for the temporary increase of the Navy.

On motion of Mr. HALE, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 5*, 1861.

The House met at twelve o'clock, m. Prayer by Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

SWEARING IN OF THE CLERK.

Hon. EMERSON ETHERIDGE, of Tennessee, who was yesterday elected Clerk of the House of Representatives for the Thirty-Seventh Congress, appeared and took the oath of office.

COMMITTEE ON RULES.

The following gentlemen, together with the Speaker, constitute the committee on rules, appointed under the resolution of the House of yesterday: Messrs. WASHBURNE, COLFAX, RICHARDSON, and MALLORY.

ELECTION OF SERGEANT-AT-ARMS.

Mr. LOVEJOY. I move that the House do now proceed to the election of a Sergeant-at-Arms.

The motion was agreed to.

The following nominations were then made:

By Mr. PIKE: Benjamin F. Mudgett, of Maine.

By Mr. HORTON: Edward Ball, of Ohio.

By Mr. BAILEY, of Pennsylvania: Adam J. Glossbrenner, of Pennsylvania.

By Mr. CALVERT: W. L. W. Seabrook, of Maryland.

By Mr. MCCLERNAND: William G. Flood, of Illinois.

The SPEAKER appointed the following tellers to count the votes: Messrs. LOVEJOY, PIKE, HORTON, and BAILEY of Pennsylvania.

The House then proceeded to vote *viva voce* for Sergeant-at-Arms, with the following result:

Whole number of votes cast, 156; necessary to a choice, 79; of which—

Mr. Ball received	81
Mr. Mudgett	33
Mr. Glossbrenner	21
Mr. Seabrook	13
Mr. Flood	8

The following is the vote in detail:

For Mr. Ball—Messrs. Aldrich, Allen, Arnold, Ashley, Babbitt, Baker, Beaman, Bingham, Samuel S. Blair, Blake, Campbell, Carlile, Chamberlain, Ambrose W. Clark, Colfax, Conway, Covode, Cox, Curtis, Cutler, Davis, Duell, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Goodwin, Gurley, Hale, Harrison, Holman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, McKean, McPherson, Marston, Mitchell, Moorhead, Justin S. Morrill, Nixon, Patton, Perry, Pomeroy, Porter, Potter, Riddle, Edward H. Rollins, Shanks, Shellabarger, Spaulding, John B. Steel, Stevens, Stratton, Thayer, Trimble, Trowbridge, Upton, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, E. P. Walton, Washburne, Whaley, Albert S. White, Windom, Worcester, and Mr. Speaker.

For Mr. Mudgett—Messrs. Appleton, Goldsmith F. Bailey, Baxter, Francis P. Blair, Buffinton, Frederick A. Conkling, Roscoe Conkling, Dawes, Delano, Diven, Fisher, Gooch, Granger, Haight, Hickman, Lovejoy, McKnight, Anson P. Morrill, Odell, Olin, Pike, Alexander H. Rice, John H. Rice, Sedgwick, Sheffield, Sherman, Sloan, Smith, Benjamin F. Thomas, Train, Vibbard, Charles W. Walton, and Wheeler.

For Mr. Glossbrenner—Messrs. Allen, Ancona, Joseph Bailey, Burnett, Cobb, Cooper, Cravens, English, Johnson, Law, Lazear, Lehman, Morris, Noble, George H. Pendleton, Robinson, William G. Steel, Vallandigham, Chilton A. White, Woodruff, and Wright.

For Mr. Seabrook—Messrs. Calvert, Crisfield, Dunlap, Grider, Harding, Jackson, Killinger, Leary, Mallory, Menzies, Francis Thomas, Webster, and Wickliffe.

For Mr. Flood—Messrs. George H. Browne, Fouke, Logan, McClernand, Noell, Norton, Reid, and Richardson.

During the roll-call a number of members who had voted for Mr. Mudgett changed their votes, and voted for Mr. Ball, who had received a plurality of the votes.

Mr. COX said: I know Mr. Ball is well fitted for this office, and I take pleasure in voting for him. I change my vote from Glossbrenner to Ball.

The tellers having reported the result of the vote as above recorded,

The SPEAKER declared that EDWARD BALL, of Ohio, having received a majority of all the votes cast, was duly elected Sergeant-at-Arms of the House of Representatives for the Thirty-Seventh Congress.

Mr. BALL then appeared and took the oath of office.

MEMBERS SWORN IN.

Mr. WICKLIFFE. My colleague, Hon. JOHN J. CRITTENDEN, is present, and desires to take the oath of office.

Mr. CRITTENDEN, Representative from the eighth congressional district of Kentucky, then appeared, and took the oath to support the Constitution of the United States.

CONTESTED ELECTION.

Mr. JOHNSON. I present the petition of John Kline, a citizen of the third congressional district of Pennsylvania, contesting the seat of John P. Verree, returned as member from that district.

The SPEAKER. The petition will be referred to the Committee of Elections, when appointed.

Mr. JOHNSON. I ask that the documents in the case filed with the Clerk be also referred to the committee, when appointed.

It was so ordered.

Mr. JOHNSON. I offer the following resolution:

Resolved, That the several gentlemen who shall have contests for seats pending before this House have the privilege of the floor during such contests.

Mr. DAWES. It is usual to add "with the right to speak to the merits of the question." I suggest that amendment.

Mr. JOHNSON. I accept the modification.

The resolution, as modified, was agreed to.

ELECTION OF DOORKEEPER.

Mr. VAN WYCK. I move that the House proceed to the election of a Doorkeeper.

Mr. EDWARDS. I desire to submit the following resolution:

Resolved, That the election of Doorkeeper be postponed until the first regular session of this Congress, and that the present Doorkeeper be continued in office until such election.

I am aware, sir, that this is a somewhat unusual motion, and that the reason should be assigned for its presentation to the House. I will state, in the first place, that the reason for the submission of the motion by me is, that the Doorkeeper is a citizen of the State of New Hampshire, and it seemed proper that a request of this kind from him should come from one of the Representatives of that State; and let me say, sir, that in the office-holding under this Government, that State is not very fully represented.

Mr. VALLANDIGHAM. I rise to a question of order. I make the point of order that the resolution submitted by the gentleman from New Hampshire is out of order, because it conflicts with the 10th rule of the House, which provides that there shall be elected, *at the commencement of each Congress*, to continue in office until their successors are appointed, a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster. I make the point of order that the resolution is not in order because it changes that rule.

The SPEAKER. The Chair thinks it would be in order to postpone the election of Doorkeeper, and overrules the point of order.

Mr. VALLANDIGHAM. I beg leave to call the attention of the Chair to the rule.

The SPEAKER. The Chair would state that by a rule of the House the present officers of the House continue in office until their successors are elected. The question of postponement, therefore, is a question for the House.

Mr. VALLANDIGHAM. I apprehend the Chair did not understand the point I made—that, inasmuch as the rule peremptorily requires an election at the commencement of each Congress, it is not in order to postpone the election to a subsequent session. That is my point of order, and I apprehend it is well taken.

The SPEAKER. The Clerk will read the 10th rule.

The Clerk read the rule, as follows:

"There shall be elected at the commencement of each Congress, to continue in office until their successors are appointed, a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and to keep the secrets of the House; and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker; and, in all cases of election by the House of its officers, the vote shall be taken *viva voce*."

The SPEAKER. Under that rule the Chair overrules the point of order made by the gentleman from Ohio, and understands the precedents are in accordance with the reading of the rule. The officers would continue in office until their successors are elected.

Mr. VALLANDIGHAM. It is not a case in which I would desire to take an appeal from the decision of the Chair, but I think the point was well taken.

Mr. EDWARDS. The main reason that induces this request is, that the Doorkeeper—the present incumbent—about six weeks since was called home to New Hampshire on account of the severe sickness of his wife; that her sickness has required his constant personal attention from that time to this; that he had the misfortune to have to attend her burial on Sunday, and arrived here only last night; that he has had no opportunity of consulting his friends in relation to this matter, and that he has had no opportunity to make the usual interest which is made by every candidate for office here, and without which no man can be elected here. All he desires is that this matter may be postponed until the first regular session, when he will only have completed the usual term of office, and then that the matter may be submitted to the House for their free action. On these considerations I hope that the House will indulge him in this matter, and will see that it is but an act of justice to him and of propriety in every point of view.

Mr. LOVEJOY. I move to lay the resolution of the gentleman from New Hampshire upon the table.

The motion was agreed to.

The question was then taken on Mr. VAN WYCK's motion; and it was agreed to.

The following nominations for Doorkeeper were then made:

By Mr. FENTON: Ira Goodenow, of New York.

By Mr. COX: John G. Doran, of Ohio.

By Mr. LAW, (in behalf of Mr. CARLILE, who was absent on a committee of the House,) George A. Bassett, of the District of Columbia.

The SPEAKER appointed Messrs. FENTON, COX, LAW, and FOUKE, tellers to count the votes.

The tellers having taken their places; the House proceeded to vote *viva voce* for Doorkeeper of the Thirty-Seventh Congress, with the following result:

Whole number of votes cast, 147; necessary to a choice, 74; of which—

Ira Goodenow received	121
John G. Doran	14
George A. Bassett	11
W. F. Aiken	1

The following is the vote in detail:

For Mr. Goodenow—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Bailey, Baker, Baxter, Beaman, Bingham, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cravens, Crisfield, Curtis, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunlap, Edgerton, Edwards, English, Fenton, Fessenden, Fisher, Fouke, Franchot, Frank, Gooch, Goodwin, Granger, Grider, Gurley, Haight, Hale, Hanchett, Harding, Hickman, Holman, Horton, Hutchins, Jackson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Law, Loomis, Lovejoy, McKean, McKnight, McPherson, Marston, Menzies, Mitchell, Moorhead, Justin S. Morrill, Nixon, Odell, Olin, Patton, Perry, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellaberger, Sherman, Sloan, Smith, Spaulding, John B. Steel, Stevens, Stratton, Francis Thomas, Thayer, Trimble, Trowbridge, Upton, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Vibbard, Voorhees, Wall, Wallace, Charles W. Walton, E. P. Walton, Ward, Washburne, Wheeler, Whaley, Albert S. White, Wickliffe, Windom, Woodruff, Worcester, Wright, and Mr. Speaker.

For Mr. Bassett—Messrs. Francis P. Blair, Samuel S. Blair, Calvert, Cobb, Eliot, Leary, Mallory, Sheffield, Benjamin F. Thomas, Train, and Webster.

For Mr. Doran—Messrs. Allen, Ancona, Cooper, Cox, Harrison, Johnson, Lazear, Logan, McClernand, Morris, Noble, George H. Pendleton, Vallandigham, and Chilton A. White.

For Mr. Aiken—Mr. Burnett.

During the vote,

Mr. BAILEY, of Pennsylvania, asked to explain his vote.

The SPEAKER (objection being made) decided that discussion was not in order during the roll call.

Mr. BAILEY, of Pennsylvania, voted for Mr. Goodenow.

The SPEAKER then announced that IRA GOODENOW, having received a majority of the votes cast, was duly elected Doorkeeper of the House of Representatives of the Thirty-Seventh Congress.

Mr. GOODENOW appeared and took the usual oath to support the Constitution of the United States.

ELECTION OF CHAPLAIN.

Mr. COX, by unanimous consent, submitted the following resolution; which was adopted unanimously:

Resolved, That Rev. Thomas H. Stockton be, and he is hereby, declared to be the Chaplain of the House of Representatives of the Thirty-Seventh Congress.

ELECTION OF POSTMASTER.

Mr. KELLOGG, of Illinois, moved that the House proceed to the election of Postmaster for the House of Representatives of the Thirty-Seventh Congress.

The motion was agreed to.

Mr. KELLOGG, of Illinois, nominated Josiah M. Lucas, of Illinois.

Mr. ALDRICH nominated William S. King, of Minnesota.

Mr. STEEL, of New Jersey, nominated William A. Johnson, of New Jersey.

Mr. KILLINGER nominated William K. Mehaffey.

The SPEAKER appointed Messrs. STEEL of New Jersey, KELLOGG of Illinois, KILLINGER, and ALDRICH, tellers.

The tellers having taken their places, the House then proceeded to vote *viva voce* for Postmaster of the House of Representatives of the Thirty-Seventh Congress, with the following result:

Whole number of votes cast, 156; necessary to a choice, 79; of which—

William S. King received	80
Josiah M. Lucas	72
William A. Johnson	2
William K. Mehaffey	2

The following is the vote in detail:

For Mr. King—Messrs. Aldrich, Alley, Ashley, Babbitt, Baxter, Bingham, Samuel S. Blair, Blake, George H. Browne, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Curtis, Cutler, Davis, Dawes, Delano, Duell, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Goodwin, Granger, Hanchett, Hutchins, Julian, Kelley, Francis W. Kellogg, Lansing, Lovejoy, McKean, McKnight, Marston, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Patton, Pike, Pomeroy, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Sherman, Sloan, Spaulding, John B. Steel, Stevens, Train, Trowbridge, Vandever, Van Horne, Van Valkenburgh, Vibbard, Wall, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, Worcester, Wright, and Mr. Speaker.

For Mr. Lucas—Messrs. Allen, Ancona, Appleton, Arnold, Joseph Bailey, Baker, Francis P. Blair, Burnett, Calvert, Carlile, Cobb, Colfax, Cox, Cravens, Crisfield, Diven, Dunlap, English, Fisher, Fouke, Grider, Gurley, Haight, Hale, Harding, Harrison, Hickman, Holman, Horton, Johnson, William Kellogg, Killinger, Law, Lazear, Leary, Lehman, Logan, Loomis, McClernand, Mallory, Menzies, Morris, Nixon, Noble, Noell, Norton, Odell, George H. Pendleton, Perry, Porter, Reid, Alexander H. Rice, Richardson, Robinson, James S. Rollins, Shellaberger, Smith, William G. Steel, Stratton, Francis Thomas, Thayer, Trimble, Upton, Van Wyck, Verree, Voorhees, Wallace, Webster, Whaley, Chilton A. White, Wickliffe, and Woodruff.

For Mr. Johnson—Messrs. Cooper and Vallandigham.

For Mr. Mehaffey—Messrs. Jackson and McPherson.

The SPEAKER then announced that Mr. KING, having received a majority of the votes cast, was duly elected Postmaster of the House of Representatives of the Thirty-Seventh Congress.

Mr. KING appeared and took the usual oath to support the Constitution of the United States.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. ELY. Mr. Speaker, I rise to a privileged question. The committee appointed on the part of the House of Representatives to meet a similar committee on the part of the Senate, to inform the President of the United States that both Houses were assembled, organized, and ready to receive any communication it might be his pleasure to make, have discharged that duty, and have received for answer that he will communicate immediately with both Houses in writing.

MESSAGE OF THE PRESIDENT.

A message, in writing, was received from the President of the United States, by the hands of JOHN G. NICOLAY, Esq., his Private Secretary.

NEBRASKA CONTESTED ELECTION.

Mr. CONWAY. I rise to a privileged question. I move that the oath be now administered to Mr. Daily, the Delegate from the Territory of Nebraska. According to the order of yesterday, this ceremony was postponed until the organization of the House was effected. From the best information I can get there is no good ground for the objection that has been interposed. On the contrary, the objection seems to be frivolous and vexatious. I move that the oath be now administered to Mr. Daily.

Mr. RICHARDSON. I move, as a substitute, that J. Sterling Morton be sworn in as the Delegate from the Territory of Nebraska. Mr. Morton was elected and commissioned as a Delegate from that Territory.

Mr. STEVENS. Let me interrupt the gentleman. This may give rise to considerable debate, and I think it proper that the message of the President should be first read.

Mr. CONWAY. I have no objection to the postponement of this case, provided that action upon it is not unnecessarily procrastinated.

Mr. WASHBURNE. It is a privileged question, and can be called up at any time.

Mr. RICHARDSON. I move that the question be postponed until the message of the President has been read.

Mr. CONWAY. I have no objection.

There being no objection, it was ordered accordingly.

MESSAGE.

The Clerk then read the message of the President of the United States. [It will be published in the Appendix.]

The reading of the message was frequently interrupted by the most enthusiastic applause, both on the floor and in the galleries.

Mr. STEVENS moved that the President's message and accompanying documents be referred to the Committee of the Whole on the state of the Union, and be printed; and upon that motion he demanded the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the motion was agreed to.

Mr. WASHBURNE submitted a resolution that fifty thousand extra copies of the message and accompanying documents be printed; which resolution was referred, under the rules, to the Committee on Printing.

TREASURY REPORT.

The SPEAKER, by unanimous consent, laid before the House the report of the Secretary of the Treasury on the state of the finances; which was laid upon the table, and ordered to be printed.

Mr. WASHBURNE offered the following resolution; which was read, considered, and agreed to:

Resolved, That so much of the report of the Secretary of the Treasury as relates to the finances be referred to the Committee of Ways and Means; and so much thereof as relates to the manner of collecting the revenue from customs, and the collection districts, be referred to the Committee on Commerce; and that said report be printed.

NEBRASKA CONTESTED-ELECTION CASE.

Mr. RICHARDSON. According to previous understanding, the Nebraska contested-election case comes up at this time. I move to substitute the name of J. Sterling Morton for that of Samuel G. Daily, as Delegate from the Territory of Nebraska. I desire the Clerk to read from his desk the certificate, under the seal of the Territory, certifying to the election of Mr. Morton.

The Clerk read the certificate, as follows:

EXECUTIVE CHAMBER, NEBRASKA TERRITORY.

SAMUEL W. BLACK, *Governor of said Territory*,

To all whom these presents shall come, send greeting:

J. Sterling Morton having received the largest number of votes cast at the general election for Delegate in the Thirty-Seventh Congress of the United States, from the Territory of Nebraska, held on the 9th day of October, A. D. 1860, is hereby declared duly elected said Delegate in Congress from the Territory aforesaid.

This shall be, and is, the certificate of the said election as Delegate in Congress from this Territory in the Thirty-Seventh Congress of the United States.

In witness whereof, I have hereunto set my hand and caused to be affixed the great seal of the Territory
[L. S.] of Nebraska. Done at Omaha City, this 2d day of November, in the year of our Lord 1860.

SAMUEL W. BLACK,
Governor of Nebraska.

Mr. VALLANDIGHAM. The House is evidently in no condition to transact business just now; and I therefore ask the gentleman from Illinois to give way to a motion to adjourn, if that be the temper of the House.

Mr. RICHARDSON. If the House desires to adjourn, I have no objection.

Mr. VALLANDIGHAM. I submit that motion.

Mr. LOVEJOY. I had thought of submitting a motion that when the House adjourns, it adjourn to meet on Monday next; so that the Speaker, if he desires it, may have time to arrange the committees.

The SPEAKER. The Chair would state that it makes no difference with him.

The motion to adjourn was not agreed to.

Mr. RICHARDSON. Mr. Speaker, I have caused to be read at the desk the certificate given by the Governor of the Territory of Nebraska, in November last, of the election of Mr. Morton. This makes a *prima facie* case. According to the law of the Territory, the votes for Delegate to Congress are canvassed by the Governor, the chief justice, and the district attorney. These officers met and canvassed the votes in November. In accordance with that canvass, Mr. Morton received the certificate of election. Subsequent to that time, and during the month of April last, the Governor of the Territory, without the consent or coöperation of either of the other canvassers, undertook to revoke this first commission, and issue another to Mr. Daily. He undertakes, six months after he has performed all the duty that he can perform, to revoke what has been done by the legal authority, and of his own will to make a Delegate here of another person.

I ask that the second certificate may be read, that gentlemen may see that it bears upon its face usurpation of power by the late executive of Nebraska.

The certificate was read, as follows:

I, Samuel W. Black, Governor of Nebraska, do hereby certify that, at an election held in the said Territory on Tuesday, the 9th day of October, 1860, for Delegate to the Congress of the United States for the Thirty-Seventh Congress, Samuel G. Daily was duly and lawfully elected Delegate to the said Congress; and whereas, after the canvass of the votes at the said election, a certificate of election was given to J. Sterling Morton, he having apparently the highest number of votes, having nominally fourteen votes more than Samuel G. Daily, the only opposing candidate; and it being a fact that one hundred and twenty-two votes were counted to the said J. Sterling Morton in what is called the northern precinct of L'eau-qui-court county, that being the whole number of votes returned and claimed as cast therein at the election aforesaid.

And it further appearing conclusively, since the date of the said canvass and certificate issued to the said J. Sterling Morton, that the election in the said northern precinct of L'eau-qui-court was a fraud throughout, and should have been rejected and not counted, which would have shown a legal majority of one hundred and eight votes in favor of the said Samuel G. Daily.

Therefore, I, Samuel W. Black, Governor of Nebraska Territory, do hereby revoke the certificate of election issued, as aforesaid, to J. Sterling Morton as Delegate in Congress to the Thirty-Seventh Congress, and do certify that Samuel G. Daily was, according to a fair and just count, duly elected as Delegate to the Thirty-Seventh Congress of the United States for Nebraska Territory.

In testimony whereof, I have hereunto set my hand and caused the great seal of the Territory to be affixed.
[L. S.] Witness my hand at Omaha, this 29th day of April, A. D. 1861.

SAMUEL W. BLACK.

Mr. RICHARDSON. Judge Black assumes to decide what belongs to this House, and to this House alone. Without a recount of votes, he overturns the decision of the canvassers who by law were entitled to count the votes. I will not comment upon the fact that, by the organic law, Samuel W. Black, as Governor of the Territory, was bound to send whatever official act he did to the secretary's office to be recorded. This act was never sent there. He first usurped the powers of the canvassers, of this House, and of the person who keeps the official seal for the laws of the Territory, and attached it to this certificate without ever sending the certificate to the office of the secretary.

Every consideration of justice and right, Mr. Speaker, ought to induce this House to permit Mr. Morton to be sworn. Let the Committee of Elections report the facts which Governor Black undertakes to decide; and if true, the sense of justice of this House will turn Mr. Morton out, and put Mr. Daily in. Subsequent to the issuing of the certificate to Mr. Morton, Mr. Daily gave him notice of contest. They traversed the Territory, and took depositions. Subsequent to the time of this pretended certificate of Governor Black, Mr. Daily again gave Mr. Morton notice that he would take further testimony. He assumed in May, after he had received this pretended certificate, to give notice that he would take further testimony to show that he had the right to a seat in this House.

Now, what will be the effect upon Mr. Morton, and upon the people of the Territory, by not allowing Mr. Morton to take his seat? According to the law of Congress, Mr. Morton, having received the certificate, gave no notice of contest. Mr. Daily did; and testimony was taken. It is right and proper that the case should go before the committee. If Mr. Daily is sworn in, Mr. Morton has no power to contest his seat; for, according to the law of Congress, the time in which he could give that notice has long since expired. No injustice is done to Mr. Daily, for he has served upon Mr. Morton two notices—one within thirty days after the election, and the other after he received this pretended certificate—that he would take depositions to support his claim here. But if this House should turn Mr. Morton out, and put Mr. Daily in, the voice of the people of Nebraska cannot be heard here, and no investigation can be had. The fact that the second certificate bears upon its face evidence that Governor Black had assumed authority which did not belong to him, ought to have put the Clerk upon his guard against putting Mr. Daily's name upon the list. I repeat, that no wrong is attempted to be done Mr. Daily, or the people of Nebraska. I do not undertake to say, for I do not know, anything about the merits of this contest. All that I pretend to say to the House is, that according to the *prima facie* case—and upon that we have to act—Mr. Morton has the clear, satisfactory, legal, and only legal, evidence of the right to a seat upon this floor.

The whole House is familiar with the acts of Congress under which this contest takes place. I need not refer to the act which has heretofore been read in your hearing. I need not refer to the act which requires the acts of the Governor of the Territory to be sent to the secretary of the Territory, to be there recorded. What is the fact here? Mr. Morton comes here with a certificate which he has had from November until now. Mr. Black gives to Mr. Daily a certificate without sending it to the secretary's office to be recorded, which he was bound to do if it was an official act; and that certificate never saw the light of day, so far as Mr. Morton knew, until yesterday morning, when it is suddenly sprung upon him. I will not allude to the causes—for it is improper that I should do so—which led to the difficulties between the Governor and Mr. Morton. I propose only to look at the acts of this Governor as they are presented by the public records. I might state, sir, that there is in the testimony in the case here upon file the sworn statement of Governor Black, which contradicts the certificate which he has given to Mr. Daily. I do not feel, sir, that this is the place to characterize such conduct as he has been guilty of in this matton. I only say that Mr. Morton has clearly and conclusively the *prima facie* right to the seat. That is all this House is called upon to decide now.

Mr. CONWAY. Mr. Speaker, this is a very simple case, and may be very briefly and simply stated. There was an election in the Territory of Nebraska on the 9th of October, 1860, for Delegate to Congress. There were two candidates in that election, Mr. Morton and Mr. Daily. Upon the first count of the ballots, Mr. Morton seemed to have received a majority of nineteen of the votes cast. Accordingly the Governor, as required by the organic act of the Territory, issued to Mr. Morton a certificate of election—that is, a document stating to this House that Mr. Morton had received a majority of the votes cast in that election. It subsequently appeared, however, as is acknowledged by the gentleman on the other side, that one hundred and twenty-two of the votes cast in the northern precinct of a certain county in the Territory were fraudulent votes. This having been demonstrated to the satisfaction of the Governor, he reconsidered the certificate of election to Mr. Morton, and issued one to Mr. Daily. The one hundred and twenty-two votes which were fraudulently cast having been thrown out, placed Mr. Daily in a majority.

The only question which comes before the

House for its consideration at this time is, whether it was competent for the Governor of the Territory of Nebraska to reconsider his original motion of issuing the certificate to Mr. Morton, and to issue a counter one to Mr. Daily. That is the question for the consideration of the House.

Mr. RICHARDSON. With the permission of the gentleman, I desire to state that the canvassers who determined the vote were the Governor, the chief justice, and the district attorney. Mr. Black may have been overruled in the disposition of that testimony before those canvassers.

Mr. CONWAY. The organic act of the Territory of Nebraska provides that in elections for Delegate to Congress the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given him.

Mr. WASHBURNE. The Governor alone?

Mr. CONWAY. Yes, sir; the Governor alone. It is, therefore, necessary that this House shall have before it a certificate from the Governor of Nebraska, in order to determine who has received the highest number of votes in the election.

Mr. KELLOGG, of Illinois. I desire to make one inquiry. I understood my colleague [Mr. RICHARDSON] to say that by the law of the Territory the votes were to be canvassed by the Governor, the chief justice and the attorney gen-General.

Mr. RICHARDSON. The district attorney.

Mr. KELLOGG, of Illinois. Well, the district attorney. And that they were, after having canvassed the votes, to determine upon the number of votes given. I wish to ask the gentleman from Kansas if that is a correct statement, and according to the law?

Mr. CONWAY. I am not acquainted with the fact.

Mr. KELLOGG, of Illinois. That seems to me to be an important matter.

Mr. RICHARDSON. If there is any dispute about it, I will send and get the law.

Mr. CONWAY. It is not important at all. As a matter of course, we presume that the officers whom the law required to canvass the votes discharged the duty, for we have the certificate of the Governor as evidence.

Mr. KELLOGG, of Illinois. Will the gentleman permit me to ask him a question which seems to me to be important? Is he advised whether, in the second count mentioned in the second certificate, the chief justice and district attorney were associated with the Governor?

Mr. CONWAY. Well, sir, the chief justice and the district attorney were not associated in either certificate. It would be improper for them to be so associated. It is only necessary that we should have before us the certificate of the Governor of the Territory, in order to inform us of the fact.

Mr. KELLOGG, of Illinois. My inquiry was in relation to the count.

Mr. CONWAY. I propose to make my statement, and give my version of the case, and then the whole House can discuss it if they please.

The point disclosed by the testimony in this case, which is the important point in it, and the one which decides it, is this: that the certificate of of election testifying to the votes cast and to the person elected, is the certificate which was awarded to Mr. Daily. The certificate which was given by mistake to Mr. Morton was no certificate of election. The Governor of the Territory himself declares that it does not certify to the election of Mr. Morton. The organic act of the Territory provides that the Governor shall certify who has received the highest number of votes; and it is upon that certificate that a *prima facie* case is made out, which entitles a member to a seat upon this floor in the first instance.

Now, the point which I make is this: that the certificate which has been given by the Governor is the one which is held by Mr. Daily; and that the original certificate of the Governor does not certify that Mr. Morton received the highest number of votes cast. It certifies no such thing; and the proof of that is, that the Governor of the Territory, in the most solemn and formal manner, under the seal of the Territory, has declared that it does not certify to the election of Mr. Morton; that, in consequence of having discovered that fraudulent votes were cast, he is disabled from so certifying; and he has formally issued a certificate to Mr. Daily as having received the highest number of votes cast.

It would, therefore, seem to me to be impossible for the House to admit Mr. Morton to a seat upon the floor as bearing the certificate from the Governor of the Territory. We have the Governor's formal declaration to the contrary.

The gentleman from Illinois [Mr. RICHARDSON] has stated that Mr. Daily had served a notice of contest upon Mr. Morton, and he desires that that shall be taken as the basis of action in this House in order to admit Mr. Morton to the seat over Mr. Daily. Mr. Daily very properly served notice of contest upon Mr. Morton upon ascertaining, as he did at first, that the Governor had issued a certificate to Mr. Morton. It was perfectly proper for him to do so. He based his action upon the error which had been committed by the Governor. Upon the correction of that error by the Governor, and upon the issuance of a certificate to him, the necessity for such a proceeding fell to the ground. Mr. Daily then assumed the position which Mr. Morton had originally occupied by virtue of having the Governor's certificate, and it became necessary for Mr. Morton to serve notice of contest upon Mr. Daily. It is said that Mr. Morton must suffer in case Mr. Daily is admitted to the seat by reason of not having served such notice on Mr. Daily. That is the fault of Mr. Morton. If he failed to serve notice of contest on Mr. Daily upon ascertaining that the Governor had determined to issue a certificate to that gentleman, it was his own delinquency; and this House cannot be held responsible for it, or asked to admit him to the seat in consequence of it.

It seems to me, Mr. Speaker, that in no view of this case can the House come to the conclusion to admit Mr. Morton to the seat, but that Mr. Daily is fully and fairly entitled to it.

Mr. McCLERNAND. Mr. Speaker, I can only account for the very wild and extravagant statement which has been made by the gentleman from Kansas, upon the supposition that he is totally ignorant of the facts and the law of this case. Among other very peremptory statements made by the gentleman, as I understood him, was this: that at the first canvassing of the returns of this election, neither the judge of the Territory nor the district attorney was present. I am authorized to say that that statement is not true.

Mr. CONWAY. The gentleman from Illinois will allow me to correct him. I said no such thing.

Mr. McCLERNAND. What was it the gentleman did say?

Mr. CONWAY. I said that there was nothing in either of the certificates to show that any other member of the board was present, except the Governor himself, at the counting of the votes.

Mr. McCLERNAND. I am willing to accept the gentleman's explanation. That is what the gentleman may have intended to say, but, with all respect to him, I think he stated differently in response to an inquiry my colleague [Mr. KELLOGG] put to him as to the number present.

Mr. CONWAY. That is not so.

Mr. McCLERNAND. That is what I understood you to say. You have a right to disclaim it. The gentleman, in his very wild and extravagant expressions, said that the certificate does not declare that Mr. Morton was elected. I took down the gentleman's language, or the substance of it. Now, I call for the reading of the certificate.

The Clerk again read the certificate.

Mr. McCLERNAND. There, sir, is the highest evidence that can be afforded——

Mr. CONWAY. I request that the counter certificate be also read.

Mr. McCLERNAND. Not at this point of time, with my permission.

Mr. CONWAY. I suppose not.

Mr. McCLERNAND. We will not bandy words.

The gentleman, as I before observed, is mistaken in this point. The certificate is a full and complete one. It affirms, not only the fact that Mr. Morton received a majority of the votes polled at that election in June, 1860, but that he was duly elected Delegate to Congress from the Territory of Nebraska. So much for that point.

But the gentleman says that the certificate issued to Mr. Morton was issued through mistake. We have the gentleman's authority for that assertion. Doubtless the gentleman is sincere in it. But we are to determine whether the certificate was issued through mistake, in view of the facts. We have reason to believe—indeed, we are authorized to say—that, not only was the Governor present at the time the returns of this election were canvassed, but the judge and district attorney were also present; and that when they were canvassed, it was found that Mr. Morton had received a majority of the votes. It was upon this majority, thus ascertained, that the certificate was issued. How, then, I repeat, can it be said that the certificate was issued through mistake? Upon what authority does the gentleman predicate his assertion?

But the gentleman says that afterwards—four months afterwards—the Governor assumed the prerogative of canceling the first certificate and issuing another to the other candidate, Mr. Daily. Does the gentleman assume to assert, as a sound legal proposition, that the Governor had the legal power, the right to do that? Suppose that Mr. Morton had been admitted to his seat, and that after he had been admitted the Governor had cancelled the certificate under which he took his seat: would that cancellation have been valid—would it have been sufficient to oust Mr. Morton of his seat? No man who is at all acquainted with legal principles would say so—would assert such an absurdity. The right to pass upon the election, returns, and qualification of the members of this House belongs to the House itself, as a high constitutional privilege; and it was a usurpation of authority on the part of the Governor to go behind the returns and the result, as declared by the canvassers, and to issue a certificate determinate of a different result. After having issued his certificate declaratory of the result as determined by the board of canvassers, his power was at an end. Upon what pretense can it be claimed that he had the right to reconsider the certificate, to cancel it, and to issue another? It was a violation of the law of Nebraska, which authorized canvassers, three in number, to determine the result. Not only so, but it was a usurpation of the constituted prerogative of this House to judge of the returns, election, and qualification of its own members. That was the very point made by gentlemen on the other side of the House in the case of Butler against Lehman, debated and decided yesterday. It was insisted in that case that inasmuch as the returns showed Butler to be elected, the Governor was bound to issue his certificate accordingly, and that it was a usurpation on his part to go behind the returns and issue a certificate upon a state of facts not shown by the returns, although the returns may have been fraudulent. It was argued that in doing that he had trenched upon the privilege of the House, and hence that the certificate granted to Lehman was void. I understand that to be the position maintained by gentlemen on the other side. If it was good yesterday, is it not good to-day?

Mr. Speaker, the act of 1854, under which the Territory of Nebraska was organized, creates the office of secretary of the Territory, and makes the secretary the custodian of the seal of the Territory; and it further provides that, whenever a document or record is to be authenticated, the secretary shall affix the seal thereto. What is the case here? Why, it has been alleged by my colleague who preceded me in this debate, that the seal affixed to Mr. Daily's certificate was not affixed to it by the secretary, but by the Governor; the secretary refusing to do it. It is needless to say that the Governor in doing so violated the fundamental law of the Territory—the very law under which the Territory was organized.

Mr. RICHARDSON. Mr. Speaker, I omitted to state when I was up, that by the laws of Nebraska, the returns are to be made within a given time—ten days, I believe—and that then the canvassers are to examine the votes; and upon their examination, the Governor is to issue his certificate, in issuing which he ceases to have any further power in the matter.

Mr. McCLERNAND. In addition to that, a law of Congress authorizes any person claiming to have been elected as a member or Delegate to this House to serve upon the adverse party, at any time within thirty days after the result of the election has been announced, notice that he will take evidence to sustain his claim. In pursuance of that law, Mr. Daily served Mr. Morton with

notice that he would contest his right to a seat upon this floor, and he proceeded to take evidence accordingly. After Mr. Daily had finished taking testimony in support of his claim, Mr. Morton proceeded to take evidence in support of his right as declared by his certificate; and at the end of sixty days, this mutual examination of witnesses was closed by law.

Now, some time after the close of that period, Mr. Daily served, or undertook to serve, another notice upon Mr. Morton, and accordingly proceeded to take other and additional testimony, which, I suppose, forms the basis upon which his subsequent certificate was issued. Whether this evidence was competent, whether it afforded a sufficient basis for the second certificate, is a question for the Committee of Elections to consider and for the House to decide. As for myself, I think it was unauthorized and amounts to nothing. Again: I wish to call the attention of the House to the fact that it was after Governor Black had issued the second certificate to Mr. Daily, that that gentleman served upon Mr. Morton the second notice that he would take testimony; thus recognizing the validity of Mr. Morton's certificate, and the fact that he had a *prima facie* right to a seat in this body. But now, by some operation, the relation of the parties is changed, and Mr. Morton made the contestant, while Mr. Daily is to be made the sitting member. The effect of such a change is not only to give Mr. Daily the seat in dispute, but to deny Mr. Morton of all right, under existing law, to contest it. Such must be the effect, because the thirty days allowed by law, in which to give notice of his intention to contest the seat, has elapsed. Now, is such a procedure right? Is it just? Is it fair?

Mr. DAWES. I would like to ask the gentleman from Illinois to distinguish this case from the Oregon case of yesterday, in which the House decided that a certificate given by the Governor of Oregon some six months after he had given a certificate to another person, was itself *prima facie* evidence upon which the member producing it should be sworn in. If the argument of the gentleman, that the Governor of Nebraska had performed his duty so that he could not afterwards issue a second certificate to another person, is good now, then certainly it was good yesterday; and if the House would preserve its consistency, there is no other way for it except to retrace its step of yesterday, or swear in Mr. Daily now.

Mr. McCLERNAND. I will answer the gentleman's question by asking him another. I believe the gentleman is a sound lawyer, and I ask him whether he affirms the proposition, that when an executive officer has issued a certificate of election upon returns made, canvassed by the canvassers, and the Delegate elected has received the certificate, the same officer can afterwards set it aside and issue another?

Mr. DAWES. I do not understand that the gentleman has answered my question at all. I understand my friend to put a question to me in answer to mine. I answer the gentleman that I believe no such thing. I agree with the gentleman from Illinois precisely. I only say that the House yesterday set the precedent that it would give the seat, as a *prima facie* case, to the man who bore the last certificate from the same Governor; and if the House desires to preserve its consistency, I said they must do one of two things: either retrace the steps taken yesterday, or swear in Mr. Daily. That is all I said. I do not express any opinion upon this question, and the argument of the gentleman from Illinois I do not controvert. I desired to call the attention of the House to their action yesterday. I stood up alone here in the House in voting against that proposition yesterday, when the House, by an almost unanimous vote, decided that the gentleman in the Oregon case bearing the last certificate of the Governor should be sworn in.

Mr. McCLERNAND. In answer to the gentleman, I would state respectfully that he begs the whole question in his statement of it. Upon what authority does he assume that the House decided the Oregon case yesterday upon the ground he has stated? All that was said upon that subject was what I said on one side, and the simple motion made by the gentleman from Ohio [Mr. HUTCHINS] on the other, to lay the resolution which I had moved on the table. That resolution suspended the right of both of the contestants from Oregon to take a seat until the House had decided between them.

Mr. DAWES. I have only to say there was no other ground to put it upon.

Mr. McCLERNAND. Did that ground exist?

The SPEAKER. The Chair must remind gentlemen that conversation between them is out of order.

Mr. McCLERNAND. In regard to what the gentleman from Massachusetts has said, I wish to say further, that I do not believe you can find a man within the precincts of this Capitol who will seriously affirm that the election under which Mr. THAYER took his seat upon this floor yesterday was had under any shadow or color of authority. It was purely a voluntary act; a gratuitous matter.

Mr. KELLOGG, of Illinois. The case put by the gentleman from Massachusetts is not at all analogous to the present case. The question now discussed is, whether a Governor can give two successive certificates for the same election; whether, having executed his duty in one election, he may afterwards reverse his action and give another certificate. That is the present case. In the case yesterday that kind of action did not come in question. In the Oregon case, as I recollect, the Governor gave one certificate upon one election. Afterwards there was another election, in reference to which the Governor gave another certificate. The second certificate was based upon an election entirely independent of the election upon which the first certificate was based. It was the duty of the Governor, in each case where there had been an election, or an assumed election, to issue a certificate. Now, in this case, while I contend that the Governor's duties ceased at the giving of the first certificate, yet, if there had been another election by the people, it would have been his duty, under the law, to give a certificate of the number of votes cast. Then it would be a parallel case to that put by the gentleman from Massachusetts.

Mr. DAWES. Mr. Speaker, there is this difference between the case yesterday and the case to-day, and this difference only: in the case yesterday the Governor of Oregon issued two certificates without stating in the last certificate the reason why he gave two certificates to two individuals that they had been elected to the same seat in Congress. That was the case yesterday. I understand the reason to be that between the issuing of the two certificates the Governor had a quarrel with the man to whom he had given the first certificate, and therefore he gave a certificate to the second one. I suppose the fact that there were two elections makes no difference. It depends upon the question whether there was any law for the second election or not. If the fact that a man gets up an election, or that a body of men, without the sanction of law, get together and vote for a man, imposes upon the Governor an obligation to issue a certificate to that man that he is elected according to law, then I suppose I can get up an election now in the district of my friend from Illinois, [Mr. KELLOGG]—it is not too late—and I can impose thereby upon the Governor of Illinois the obligation to give me a certificate that I am elected to represent that district. I suppose my friend would be content with the certificate that he has got, as Mr. Shiel was content with the certificate he had got that he had been elected according to law.

The truth is, that there could be but one time to hold an election for Congress in the State of Oregon; whether it was the time when Mr. Shiel was elected, or the time when Mr. Thayer was elected, it is not proper for us to decide now. But one or the other was the proper time. When the Governor had certified once that the first man was elected, and elected according to law, he had discharged his duty. He had no authority to assume that an election, not according to the forms of State law, imposed upon him the obligation to give a new certificate.

Now, here is a case precisely like that, except with this difference, that the Governor of the Territory of Nebraska has seen fit to insert in his second certificate what he deemed to be a sufficient reason why he should issue a new certificate. In the case of Oregon, the Governor of the State did not take any notice of the fact, in his second certificate, that he had given a certificate before. If the Governor of the Territory of Nebraska had simply given Mr. Daily a naked certificate, without stating any reason whatever, Mr. Daily would have come here precisely as Mr. Thayer came here from Oregon. He would have had a certificate bearing date six months after the certificate given to Mr. Morton. I say, therefore, that the cases are precisely alike, with this simple difference: that the Governor of Nebraska, in this case, saw fit to insert in his last certificate the reason which influenced him in granting it.

Mr. McCLERNAND. I admit the ingenuity of the gentleman from Massachusetts. Nevertheless, I think he has failed to establish the identity or the resemblance between the case of yesterday and the one of to-day. As was correctly observed by my colleague, [Mr. KELLOGG,] in the Oregon case there were two elections, and the Governor of Oregon issued a certificate upon each election, and each election afforded the reason why the certificate issued upon it was issued. There was but one election in the Territory of Nebraska, and the Governor of Nebraska has undertaken to issue two certificates upon that one election. Under these circumstances how is it possible to establish a parallel between the two cases? The gentleman has endeavored to do so, and has thrown some mist around the question; but he certainly has failed in his object. The gentleman was with me yesterday, or I was with him; and I hold that he ought, in consistency, to be with me to-day. We agreed yesterday that the first certificate issued was the one which ought to control the action of the House. The gentleman shakes his head. At all events we agreed that the action of the House was incorrect, under the circumstances; and we ought to labor to-day to enlighten it, and induce it to correct the error which it committed. I know it is a rather hopeless undertaking, nevertheless we ought not to despair. It is our duty to persist in the effort to vindicate right.

There could be no greater usurpation of power than has been committed by the Governor of Nebraska in this case. He has not only assumed to go behind the result as declared by the three canvassers when two of them were absent; but, as I before observed, he has usurped the constitutional prerogative of this House to judge the returns, qualifications, and election of its members. What more dangerous usurpation could there be than this? What safety can there be under the sanction of such a precedent?

Now, Mr. Speaker, one or two words more, and I have done. I really did not know the politics of either of these contestants until a moment or two ago. I do not know at this moment what are the politics of Mr. Daily. I do not want to know. This is purely a legal question presented to this House for its consideration and determination. Will it set aside the regular certificate, showing that Mr. Morton received a majority of the votes cast and was duly elected, and give the seat to another gentleman who has no apparent right to it, thus depriving Mr. Morton of all chance of contesting the seat with Mr. Daily? Will it do this? I hope not, in respect for itself, if not in regard to justice and right. If my colleague's motion fails, Mr. Morton will be denied of all remedy; while on the other hand, if he is allowed to take the seat in controversy temporarily, the contest will still go on, because Mr. Daily is in court; because he will still be in a position enabling him to have the evidence on the Clerk's desk referred to the Committee of Elections, and to invoke the decision of the House upon it. I repeat, that I think the equity as well as the right of the case requires that the amendment of my colleague [Mr. RICHARDSON] should be adopted. I did not intend when I rose to say half as much as I have said, and I will now take my seat.

Mr. TRAIN. I move the previous question.

Mr. RICHARDSON. I desire to ask the gentleman from Massachusetts to hear a simple suggestion.

The SPEAKER. Does the gentleman from Massachusetts withdraw the demand for the previous question?

Mr. TRAIN. I cannot withdraw it.

Mr. RICHARDSON. I want to make a simple request, if the House will permit me to do it.

The SPEAKER. It is not in order, as the demand for the previous question is insisted upon.

The previous question was seconded, and the main question ordered.

The question being first upon the amendment offered by Mr. RICHARDSON to Mr. CONWAY's motion,

Mr. RICHARDSON demanded the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Is it in order now to move to lay the motion on the table?

The SPEAKER. It is.

Mr. STEVENS. The result of that would be, I presume, that the gentleman whose name was placed on the roll by the Clerk would be sworn in.

The SPEAKER. That would depend on the action of the House afterwards.

Mr. STEVENS. If the motion to lay upon the table should prevail, that would be the result—would it not?

The SPEAKER. The Chair will decide that question when it arises. The motion to lay upon the table is in order. Does the gentleman make it?

Mr. STEVENS. I make that motion.

Mr. WASHBURNE. I suggest to the gentleman that he had better allow this question to be disposed of by a direct vote. His motion will probably involve two votes.

Mr. STEVENS. Very well. I withdraw the motion to lay upon the table.

The question was taken on Mr. RICHARDSON's amendment; and it was decided in the negative—yeas 57, nays 75; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Bailey, Beaman, George H. Browne, Burnett, Calvert, Cobb, Cooper, Cravens, Crisfield, Dawes, Delano, Dunlap, English, Fisher, Fouke, Grider, Haight, Harding, Harrison, Holman, Jackson, Johnson, William Kellogg, Law, Lazear, Leary, Lehman, Logan, McClernand, Menzies, Morris, Noble, Noell, Norton, Odell, George H. Pendleton, Perry, Reid, Richardson, Robinson, James S. Rollins, Sheffield, Smith, John B. Steel, William G. Steel, Benjamin F. Thomas, Vallandigham, Vibbard, Voorhees, Ward, Webster, Chilton A. White, Wickliffe, Woodruff, and Wright—57.

NAYS—Messrs. Aldrich, Alley, Ashley, Babbitt, Baker, Baxter, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Duell, Edgerton, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Hale, Horton, Hutchins, Julian, Kelley, Loomis, Lovejoy, McKnight, McPherson, Marston, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Patton, Pomeroy, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Francis Thomas, Thayer, Train, Trimble, Trowbridge, Van Horne, Van Valkenburgh, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Albert S. White, and Windom—75.

So the amendment was rejected.

Mr. CONWAY's motion was adopted.

Mr. CONWAY moved to reconsider the vote by which the motion was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Hon. SAMUEL G. DAILY appeared and took the usual oath to support the Constitution of the United States.

PORTS OF ENTRY IN REBELLIOUS STATES, ETC.

Mr. STEVENS. I give notice that I will to-morrow, or some subsequent day, ask leave to bring in a bill to repeal the laws creating ports of entry in the rebellious States; and also a bill erecting a judicial district out of Virginia and North Carolina, court to be held at Wheeling and other points.

The SPEAKER. That can be done under the rule.

STATIONERY.

Mr. CAMPBELL. I offer the following resolution:

Resolved, That the members and Delegates of this House be allowed, at this extra session, the same sum for stationery and newspapers that is usually allowed at a short session of Congress.

Mr. Speaker, the act of Congress makes no allowance for this session, and I have therefore offered the resolution before the House to cure that defect. I demand the previous question.

The previous question was seconded, and the main question ordered.

Mr. VAN WYCK demanded the yeas and nays.

The yeas and nays were not ordered.

The resolution was adopted.

Mr. CAMPBELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SOLDIERS' LETTERS FREE.

Mr. VAN WYCK. I offer the following bill, and hope that there will be no objection to its passage.

The Clerk read it, as follows:

Be it enacted, &c., That the colonel of every regiment now or hereafter to be in the service of the United States shall appoint the chaplain of his regiment, and in case there be no chaplain, then any other person he may deem competent, to act as postmaster for the regiment, whose duty it shall be, without receiving or being entitled to any compensation therefor, to frank with his name all letters and papers not weighing over one ounce for all officers, musicians, or privates in said service. All letters and papers so franked shall be carried free of postage.

SEC. 2. *And be it further enacted*, That any letter or paper directed to any officer, musician, or private in said service, addressed to the regiment to which such person belongs, shall be carried free of postage in all mails or boxes put up to receive letters and papers to be carried to the post offices or mails of the United States.

SEC. 3. *And be it further enacted*, That all letters and papers directed to any officer, musician, marine, or sailor, in the service of the United States, directed to the station or ship where he may be serving, shall be carried free of postage in all the mails and boxes put up for the purpose of receiving letters and papers to be carried to the post offices and mails of the United States.

SEC. 4. *And be it further enacted*, That the appointment referred to in the first section of this act shall, by said postmaster, be filed in the office of the Postmaster General.

Mr. MORRILL. I trust that that bill will not be pressed on this occasion. While I approve its general objects, yet there may be some scheme hereafter suggested which will better secure the purpose designed. At any rate, the bill cannot pass without debate, and I hope that it will be withdrawn for the present.

Mr. BURNETT. We have had enough of this franking privilege, and I object to the introduction of the bill.

And then, on motion of Mr. PERRY, (at half past four o'clock, p. m.,) the House adjourned.

IN SENATE.

SATURDAY, *July* 6, 1861.

Prayer by Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday was read and approved.

SERGEANT-AT-ARMS.

The VICE PRESIDENT administered the oath of office to GEORGE T. BROWN, Esq., yesterday elected Sergeant-at-Arms and Doorkeeper of the Senate, and he entered upon the discharge of his duties.

ELECTION OF ASSISTANT DOORKEEPER.

Mr. HALE. I move that the Senate proceed to the election of an Assistant Doorkeeper.

The VICE PRESIDENT. Is it the pleasure of the Senate to proceed to the election of an Assistant Doorkeeper?

The motion was agreed to; and the Senate proceeded to ballot.

The ballots being collected and canvassed,

The VICE PRESIDENT announced the result as follows:

Whole number of votes, 40; necessary to an election, 21; of which—

Isaac Bassett received	30
Charles S. Jones	8
Charles T. Jones	2

Mr. BASSETT, having received a majority of the whole number of votes cast, was declared duly elected Assistant Doorkeeper of the Senate. The oath of office was administered to him by the Vice President, and he entered upon the discharge of his duties.

THE SENATE CHAMBER.

Mr. HALE. I want to present a resolution, which I shall not ask to have acted on this morning; but let it be read for information, and lie over.

The Acting Secretary read it, as follows:

Resolved, That a committee of three be appointed by the Chair to consider the expediency and practicability of so altering and changing the construction of the present Chamber for the use of the Senate, that it may be made a comfortable and convenient place for the meeting of the Senate.

Mr. HALE. I give notice that in a day or two I shall call up the resolution. That matter was referred by the Senate to a committee last year, or the year before, and they reported. While I am up, I want to say, and let it go for what it is worth—and I am ready to stake what little reputation belongs to me on it—this is the worst, the most inconvenient, uncomfortable, and unhealthy place that ever I was in in all my life, for holding the sessions of a public body; and I do not believe human ingenuity can make it worse than it is.

NOTICE OF A BILL.

Mr. LANE, of Kansas. I desire to give notice that I will, on Monday next, or some subsequent day, ask leave to introduce a bill directing, from and after the 1st day of August, 1861, commanders in the Army and Navy of the United States to assemble, from their several commands, courts-martial, and defining the duties and jurisdiction of said courts.

BILLS INTRODUCED.

Mr. WILSON, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; which was read twice by its title, and ordered to be printed.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 2) to increase the present military establishment of the United States; which was read twice by its title, and ordered to be printed.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 3) providing for the better organization of the military establishment; which was read twice by its title, and ordered to be printed.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 5) for the organization of a volunteer militia force, to be called the National Guard of the United States; which was read twice by its title, and ordered to be printed.

He also, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion; which was read twice by its title, and ordered to be printed.

RETIRED LIST.

Mr. WILSON, in pursuance of previous notice, obtained leave to introduce a bill (S. No. 4) to promote the efficiency of the Army; which was read twice by its title, and ordered to be printed.

Mr. GRIMES. I move that that bill be referred to a select committee, and I propose that it be a large one, to be composed of nine members. My reason for this motion I will state very briefly. I have looked into the bill which has been submitted by the Senator from Massachusetts. I have no doubt that the efficiency of the Army, and the best interests of the country, require that there should be a retired list of the Army, as is provided for in the bill. Of course, I have no judgment to pronounce as to the details of the bill; I have no criticism to make upon that subject.

I am aware, sir, that some of the commanders of regiments in the regular service are utterly incapacitated for the performance of their duty, and they ought to be retired upon some terms, and efficient men placed in their stead. But the same reason that prevails for the creation of a retired list in the Army, prevails to quite as great an extent, and I think to a greater extent, in regard to officers of the Navy. I therefore desire that this bill may be referred to a committee composed of nine members, for the purpose of applying it not only to the Army officers, but to the Navy officers also. There is a relative rank existing between the officers in the two services, and I want the same justice done to the officers in the one service as shall be done to the officers in the other service.

The bill submitted by the Senator from Massachusetts provides that after an officer has seen forty years' service, he may voluntarily retire on a given pay. Now, sir, if you will examine your Navy Register, you will see that there is not a single captain in the American Navy that has not been more than forty-two years in the service.

There is also a provision in the bill, that the head of the Army may direct a board to assemble, composed of officers of the line and medical officers, to pass upon the competency of any officer as to his mental, military, and physical abilities to discharge the duties of his office. The same

THE CONGRESSIONAL GLOBE:

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. WEDNESDAY, JULY 10, 1861. NEW SERIES.....No. 2.

rule ought to be applied to naval officers. There are lieutenants of the Navy who have for four years been the inmates of insane asylums, and who are regarded as utterly incurable. They stand in the way of the promotion of junior meritorious officers, and such men ought to be assigned to a retired list.

I apprehend sir, that it is quite as desirable that the Navy should be put upon an efficient footing at this time as the Army. I apprehend that we are to derive more actual benefit from the closing of the ports—I will not call it a blockade that is now being carried on under the direction of our naval officers—than we are from the operations of our armies; and although they are not to acquire any great glory by their performances in the Gulf of Mexico by the closing of the ports there, yet they are to endure fatigues and hardships that the officers of the Army will not be subjected to.

Mr. FESSENDEN. The motion, I suppose, is simply to print.

Mr. GRIMES. I move to refer the bill to a select committee.

Mr. FESSENDEN. If the Senator will waive that for a moment, I should like to make a motion in regard to the standing committees, and then business can come properly before the Senate.

Mr. GRIMES. Very well.

THE STANDING COMMITTEES.

Mr. FESSENDEN. I gave notice yesterday, that to-day, at twelve o'clock, I should move to proceed to the appointment of the standing committees of the Senate by ballot, in the mode which is prescribed by the rules. I have here in my hand a list of committees prepared, which has been submitted to gentlemen on both sides of the Chamber, and I believe is not objected to in any quarter. Under these circumstances, I move that, by unanimous consent, the list which I send to the Chair be adopted as the list of standing committees for this session.

The VICE PRESIDENT. The Senator from Maine submits a list of standing committees of the Senate, which he asks may be adopted. The Secretary will read the list.

It was read as follows:

On Foreign Relations—Messrs. Sumner, (chairman,) Collamer, Doolittle, Wilmot, Browning, Polk, and Breckinridge.

On Finance—Messrs. Fessenden, (chairman,) Simmons, Sherman, Howe, Pearce, Bright, and McDougall.

On Commerce—Messrs. Chandler, (chairman,) King, Morrill, Wilson, Ten Eyck, Saulsbury, and Johnson of Tennessee.

On Military Affairs and the Militia—Messrs. Wilson, (chairman,) King, Baker, Lane of Indiana, Lane of Kansas, Rice, and Latham.

On Naval Affairs—Messrs. Hale, (chairman,) Grimes, Foot, Sherman, Thomson, Kennedy, and McDougall.

On Judiciary—Messrs. Trumbull, (chairman,) Foster, Ten Eyck, Cowan, Harris, Bayard, and Powell.

On the Post Office and Post Roads—Messrs. Collamer, (chairman,) Dixon, Wade, Trumbull, Rice, Bright, and Latham.

On Public Lands—Messrs. Harlan, (chairman,) Bingham, Clark, Pomeroy, Johnson of Tennessee, Rice, and Nesmith.

On Private Land Claims—Messrs. Harris, (chairman,) Foster, Sumner, Polk, and Bayard.

On Indian Affairs—Messrs. Doolittle, (chairman,) Wilkinson, Cowan, Foot, Lane of Kansas, Harlan, and Nesmith.

On Pensions—Messrs. Foster, (chairman,) Bingham, Lane of Indiana, Howe, Wilmot, Pomeroy, and Saulsbury.

On Revolutionary Claims—Messrs. King, (chairman,) Chandler, Wilkinson, Hale, and Nesmith.

On Claims—Messrs. Clark, (chairman,) Simmons, Howe, Wilmot, Pomeroy, Polk, and Thomson.

On the District of Columbia—Messrs. Grimes, (chairman,) Dixon, Morrill, Wade, Anthony, Kennedy, and Powell.

On Patents and the Patent Office—Messrs. Simmons, (chairman,) Sumner, Cowan, Thomson, and Saulsbury.

On Public Buildings and Grounds—Messrs. Foot, (chairman,) Anthony, Chandler, Bright, and Kennedy.

On Territories—Messrs. Wade, (chairman,) Baker, Wilkinson, Hale, Browning, Johnson of Tennessee, and Breckinridge.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Dixon, (chairman,) Clark, and Johnson of Tennessee.

On Printing—Messrs. Anthony, (chairman,) Harlan, and Powell.

On Engrossed Bills—Messrs. Lane of Indiana, (chairman,) Morrill, and Latham.

On Enrolled Bills—Messrs. Bingham, (chairman,) Baker, and Saulsbury.

On the Library—Messrs. Pearce, (chairman,) Collamer, and Fessenden.

The motion of Mr. FESSENDEN was agreed to; and the list was adopted as submitted

RETIRED LIST.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa, to refer to a special committee of nine members the bill (S. No. 4) introduced by the Senator from Massachusetts.

Mr. GRIMES. Permit me to say—what I ought to have said and intended to say when I was on the floor before—that, should the proposition which I have submitted, to refer this bill to a select committee, be adopted, I hope the Chair will not regard any precedent, or anything of that sort, in the way of appointing the committee; but that the Senator from Massachusetts, who is the chairman of the Military Committee, and the Senator from New Hampshire, who is the chairman of the Naval Committee, will be placed upon the special committee, as I do not desire to serve upon it. I only wish that each of those committees shall be represented upon this select committee, so that each branch of the service may stand upon an equality.

Mr. WILSON. I shall not oppose the motion made by the Senator from Iowa, to refer this bill to a special committee. The Senator says that such a bill is needed for the Navy, as well as for the Army. I am very sure that it is needed for the Army, and as soon as it can be passed. The Senator from Iowa has, doubtless, examined the subject in connection with the Navy, and I accept his opinions. I am willing, therefore, that this bill, instead of going to the Military Committee, shall go to a special committee. I hope, however, that no action will be had which will interpose any obstacle to the passage of the bill at this session. I am willing that the Senator's motion shall be adopted, and then I desire that the other bills, after being ordered to be printed, shall be referred to the Committee on Military Affairs.

Mr. HALE. I want to say a single word in relation to this subject. It is not new to me. I have not seen the bill, and I do not know what it is; but I have heard the remarks made by the Senator from Iowa. My ideas on this subject I have had occasion to express heretofore; but probably nobody has taken pains to remember them. I am opposed on principle to the whole organization of our Army and Navy in this respect: to paying salaries where there is no capability of rendering service. I do not know any reason why the Government should do it; but they do it. It is one of the things that have come down to us from our English ancestry. We have got a great many good things from our English ancestry, and some very bad ones; and among the very bad ones is the idea of keeping in office Army and Navy officers years and years after they are utterly incapable of rendering any service. It is an anomaly in this Government. I am opposed to it. I do not expect to remedy it very soon; but I hope that, in the progress of time, we shall remedy it. I think that the idea of paying salaries year after year—ten, twenty, or thirty years—to men that cannot render any service at all, is inconsistent with what ought to be the practice of a republican Government—a Government of law. I am so utterly disgusted with the proceedings of the late retiring board of the Navy—I have such an utter disgust of the selfishness which, in my humble judgment, governed that board, and of the principle upon which it was organized, of trying men for moral offenses behind their backs, and condemning them to a life of infamy, so far as they could do it, that I am sick of the very name of retiring board.

I have no objection to the bill being passed; but I hope, for mercy's sake, that I shall not be put on any committee called upon to sanction anything of the sort. If you have got any men in office who cannot render service, dismiss them; but do not have a retiring board. I would not have indulged in even this short talk if I thought I was taking up time that could be more profitably employed. I have no objection to a liberal pension bill, prospective in its operation, that shall take a man who has rendered service for a given time, and who is unable to render more, and put him on a pension list; but I am utterly opposed to this idea of keeping men in office who are incapable of rendering service. I venture to say that there are men in office to-day in the United States who have not for the last twenty-five years devoted a minute's service to the Government, and who have been receiving salaries of two, three, or four thousand dollars a year. I am opposed to the whole thing from beginning to end, root and branch. I am for applying the same rule in the naval and military service that we apply in the civil service; and that is, to pay a man as long as he performs duty; and when he cannot perform it, let him go.

Why, sir, I have in my eye now a most distinguished statesman from my own section of the country who was actually shocked because I proposed to pay the late Sergeant-at-Arms his salary for six months after he went out of office! He came to me as if I had introduced a proposition that was going to upset the whole theory of Government; and yet, sir, you are paying men salaries, year after year—not for six months, but for six years and sixty years—who do not render a month's service, and who cannot. They are paid long after they are unfit for service; but Senators are filled with holy horror the moment the idea is suggested of paying a man here for six months after he has ceased to render service.

I hope that some day or other—I do not know when—this thing will be abolished. I do not think we shall come to it very soon, however. The war fever is up now, and I am glad of it, and it is difficult to say anything against any proposition to give liberal salaries to every one that belongs to the Army, or ever did belong to it. I do not think that the present is exactly the time to attempt to reform it; but I desire now and forever, here and everywhere, to utter my protest against the whole principle. I have always been opposed to it. From the time I was first honored by my constituents with a seat on the floor of the House of Representatives to this day, I have been opposed to it, and I hope I ever shall be; and I hope and trust in God that I shall live to see the day when this whole idea will be discarded. It is an aristocratic notion. It is paying the public money to men who have no earthly right to it, making them beneficiaries; whereas the theory of the Government is to pay for services rendered. If this system is carried on it will not be long, and it ought not to be long, before the same thing will be extended to the civil list, and we shall have a bill to pay retired Senators—men who have served their country long and faithfully in this body.

I simply throw out these suggestions, not expecting to effect anything by them, but to enter my protest here and now against the whole system.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa, to refer the bill to a select committee to consist of nine members.

The motion was agreed to.

The VICE PRESIDENT. The motion of the Senator from Iowa does not indicate the method by which the committee shall be appointed.

Mr. GRIMES. By the Chair, of course.

The VICE PRESIDENT. If not objected to, the committee will be designated in that manner. The Chair hears no objection.

Messrs. WILSON, HALE, LATHAM, SHERMAN, POWELL, COWAN, KING, KENNEDY, and HOWE, were appointed the committee.

REFERENCE OF BILLS.

Mr. WILSON. I move that the other bills and the joint resolution which I have presented this morning be referred to the Committee on Military Affairs and Militia.

The motion was agreed to.

RETIRING SERGEANT-AT-ARMS.

The VICE PRESIDENT. The following resolution, submitted by the Senator from New Hampshire, [Mr. HALE,] yesterday, is now before the Senate:

Resolved, That the Secretary of the Senate pay, out of the contingent fund of the Senate, to D. R. McNair, late Sergeant-at-Arms, an amount equal to the salary of Sergeant-at-Arms from the 5th of July instant until the first Monday of December next.

This resolution having already been read a first time, by the rules of the Senate it will be read a second time, and referred to the Committee to Audit and Control the Contingent Exponses of the Senate.

The resolution was read the second time, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

CREDENTIALS.

Mr. POLK presented the credentials of Hon. WALDO PORTER JOHNSON, elected a Senator by the Legislature of the State of Missouri, for the term of six years, commencing on the 4th day of March, 1861; which were read, and the oath prescribed by law having been administered to Mr. JOHNSON, he took his seat in the Senate.

EXECUTIVE SESSION.

Several messages in writing were received from the President of the United States, by Mr. J. G. NICOLAY, his Secretary.

The VICE PRESIDENT. These messages are of an executive character.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened.

DEATH OF MR. SCRANTON.

A message was received from the House of Representatives, announcing the death of the Hon. GEORGE W. SCRANTON, a member elect from the State of Pennsylvania, and communicating the proceedings of the House thereon.

The resolutions adopted by the House of Representatives were read.

Mr. WILMOT. Mr. President, the duty devolves upon me of making to the Senate the formal announcement of the death of Hon. GEORGE W. SCRANTON, a member elect to this Congress from the State of Pennsylvania. I can scarcely claim to have enjoyed the pleasure of his personal acquaintance, having met him for the first time in the city of Washington but a few weeks previous to his death. Still, sir, I knew Mr. SCRANTON. Enviable fame had spoken of him. Indeed, there is scarcely any man familiar with the development of the mineral resources of Pennsylvania, but has heard much of Hon. GEORGE W. SCRANTON. He was a man of action—a man of wonderful energy. He impressed upon his adopted State deeply his enterprise. He was intimately connected with—I might almost say mainly instrumental in pushing forward to completion—one of the most stupendous enterprises of this remarkable age. The theater of his energy and his enterprise was in the coal fields of northern Pennsylvania, and under his direction and guidance there was an expenditure of ten or fifteen million dollars in connecting that region with the city of New York.

He was a native of the State of Connecticut; removed from there to Warren county, New Jersey, where he engaged in the manufacture of iron. From Warren, New Jersey, he came to the State of Pennsylvania. He enjoyed in an eminent degree the confidence of the community in which he resided; perhaps I may say truthfully that no man enjoyed in a higher degree the confidence and respect of those who were acquainted with him. Of irreproachable life, of unsullied integrity, he brought to every enterprise in which he engaged a character and energy which insured success.

He was first elected to Congress in 1858, with great unanimity, and from a district of country differing from him in political opinion. He was reëlected to the present Congress. He did not figure so prominently on the boisterous surface of affairs; but he was a man of labor, a man who brought to the task of legislation, and to the discharge of his duties as a member of Congress, the same energy, the same perseverance, the same industry, which had made him eminent in other walks of life.

Mr. President, I am hardly competent to speak in terms of truthful eulogy of his character and virtues. His loss will be deeply felt and deplored in that section of country to which he belonged. He was a Christian man, sir, in the true sense of that term. A genuine unostentatious piety characterized his life; and if there was any one feature more than another that marked the ceremony of his burial, it was the numerous concourse of women and children who attended it, whom he had benefited—nay, I may say almost supported—for years. He was a man of unostentatious, but of most liberal charity.

I move, Mr. President, the following resolutions:

Resolved, That the Senate receives with sincere regret the announcement of the death of Hon. GEORGE W. SCRANTON, late a member elect of the House of Representatives from the State of Pennsylvania, and tenders to the relatives of the deceased the assurance of its sympathy with them under the bereavement they have been called upon to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of the deceased a certified copy of the foregoing resolution.

Resolved, That in token of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions were agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 6, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

DEATH OF HON. GEORGE W. SCRANTON.

Mr. WRIGHT. Mr. Speaker, it is a somewhat remarkable incident in the history of the mortality of this House, for the successor of a deceased member to move the ordinary resolutions of condolence and speak his eulogy.

It is painful at all times to speak of the dead, and particularly so in the present case, when announcing the death of GEORGE W. SCRANTON, with whom I had lived on terms of the closest intimacy for almost a quarter of a century. Those gentlemen who met him in and about these Halls, in the acquaintance formed during the Thirty-Sixth Congress, and saw his bland, affable, and agreeable manners, knew but little of his real worth, and the exalted character of the man. It was rather in the walks of private life, and in the pursuit of ordinary business avocations, that he was best known.

He died, sir, on the 24th of March last, at his home in the State of Pennsylvania, in the midst of his family and his friends. The duties that he performed in the Thirty-Sixth Congress, severe as they were, made strong inroads upon his health. He went from this House and from his labors an invalid. He went directly to his home, which he never left until he was carried to his sepulcher. I have no doubt that his labors in regard to the revenue measures of the country, in which he always manifested so marked an interest, hastened his decease. He might have been living to-day, had it not been for the discharge of his onerous official duties here. But he has gone. The day that GEORGE W. SCRANTON died, a great man fell in Pennsylvania.

With your permission, I will tell you how he was a great man. He started in early life friendless and alone, unaided by the fortuitous circumstance of a position. He was the architect of his own fortune. Twenty years ago I met him in the district I have now the honor to represent, not an ambitious, aspiring man, but a modest, energetic, business man, with the flush of youth and the buoyancy of hope, who had commenced life, perhaps, with the intention of making his mark upon the theater which he had chosen for himself. He established himself in the northern part of Pennsylvania, at a point which was then a comparative wilderness, where stands to-day the city bearing his name, and which grew up under his own influences, and which, together with the great railroad which he projected and lived to see completed, he leaves behind him as majestic monuments to commemorate his name in all time to come.

A few years after his settlement at that point, now called Scranton, the commerce, the money, and the power of the city of New York were about being directed to the accomplishment of a great object; and that great object was the connection of the city of New York by railroad with the northern lakes. GEORGE W. SCRANTON, then engaged as an iron manufacturer, a private gentleman, and with very limited means, was at the same time contemplating the noble idea of connecting the Lackawanna coal valley, in the center of which he lived, with that railroad. He also entertained and carried into operation the project of connecting his own town by railroad with the great city of New York. In other words, this young, unassuming, but strictly business man, revolving in his own mind the accomplishment of measures almost a great as those which engaged the attention of half the moneyed men of New York, in his individual effort in the connection of the Lackawanna coal valley with the New York and Erie railroad, which opened a communication to market for the anthracite coal with the lakes. He carried it out. But he did not relax at this point. He marched steadily on with the project of connecting by railroad the greatest anthracite coal field in the world with the greatest commercial city on the continent.

But gigantic as was this undertaking, as immense as was the amount of money necessary to be expended, the energy and the perseverance of this man moved steadily on, until he accomplished the great purpose he had in view. And almost at the same point of time that the city of New York and Lake Erie were united, the great coal fields of Pennsylvania were united with New York bay; and that, I undertake to say to-day, was the result of the energy and perseverance of a solitary man. Therefore, I say, when GEORGE W. SCRANTON died, a great man fell. There was no natural valley leading from the Lackawanna coal fields to New York. There were mountains to be ascended which an ordinary man would have regarded as an impassable barrier. Unaided and alone, he sent forward his engineers for the purpose of exploring the route; and after ascending the summit, regarded before that time as impassable, the engineers returned and communicated to Mr. SCRANTON the fact, that it was barely possible to ascend the lofty summit by rail. Before that time it had been regarded as impracticable to ascend a grade with loaded trains beyond sixty feet to the mile. In this case the grade was in some places nearly a hundred feet to the mile; but nevertheless he ordered the road to be located, and put the work under contract, and at the expiration of some five years, and after an expenditure of some ten million dollars, he had accomplished the great work.

When any one individual, unaided, accomplishes a task like this, it furnishes the evidence to the world that he possesses more than ordinary intellect and energy. GEORGE W. SCRANTON was a modest and unambitious man. Mingling with the thronging multitudes which swarm around the capital of the nation, it would never have occurred to any one, either from his manner or conversation, that he possessed the mind capable of moving millions of dollars, and of projecting and accomplishing a work of internal improvement which, in other instances, required the combined influence of a whole Commonwealth to effect. And yet that was the kind of a man whose eulogy I pronounce to-day. Always moved by a gentle and mild spirit, yet that man could sit down, and, with the simplicity of a child, argue the great questions of revenue and internal improvement with a purpose and effect absolutely astonishing. You, who were members of the last Congress, witnessed the active part he took in regard to those revenue measures which had been the theme of his thoughts and consideration for the last twenty years; and how effectually he did it, your legislation shows. He came to Congress not as a party man, and perhaps he never could have been returned as such from that district. He came here having the confidence of that community as a patriotic, Union-loving man, as he was. During the Thirty-Sixth Congress, he devoted his great energies and clear judgment to the enactment of those questions of revenue in which he felt so great an interest.

He was one of those men, too, who, during the commencement of these troublesome times which had their origin during the last Congress, retired to his closet and fervently prayed for the welfare

and safety of his country. He was not ashamed to appeal to his God in the hour of threatening calamity. The marked characteristic of his life was his high moral and upright character, and his implicit reliance on the Divine revelations to man. He was eminently a pious man: what a noble coronet for his manly brow! The last conversation I remember to have had with my deceased friend was upon the subject of the perpetuity of the American Union. Though at that time weak in body and emaciated in form, when he came to talk upon the subject of the American Union it seemed as though he spoke with the spirit of inspiration. At all events, it made an impression upon my mind, and that impression has never been effaced, and I pray God it never may be.

As a private citizen, as an individual at the head of the community in which he resided—and it is saying considerable for me to place him at the head of a community of thirty thousand people—there was no man who entertained the confidence of that community to a greater extent than did GEORGE W. SCRANTON. The demonstration that was made upon his burial exceeded anything of the kind I ever beheld in a rural district. Some seven or eight thousand people, from the length and breadth of that large district, came together to pay their last homage to their departed friend. Some of them came to pay their homage to a great and illustrious citizen; some as friends; some as relatives; but above all, came the numberless train of laboring men, women and children, to pay their homage to the man who had been their benefactor; who had fed and clothed them.

On the day of his funeral obsequies, the city presented one universal scene of mourning, for there was scarcely one building of that city of eight or ten thousand inhabitants that did not bear the emblems of mourning. The lintel of almost every door was draped, and sadness and sorrow were depicted on all the faces of the countless multitude. It was indeed a day of general grief. It was a day of sorrow—not affected, but deep, sincere, and actual. The great man of the city had fallen; and the whole people gathered in sorrow about his bier. All kinds of business were suspended; the din and clatter and hum of industry, of machinery, of the coal shafts, of the lumbering locomotives that pass to and fro there at all hours of the day and night. On that day all was silent, and but one theme was upon every tongue—the sad occasion which had brought them together.

GEORGE W. SCRANTON was as patriotic a man as ever lived and breathed in this Union. He was as generous in his impulses, he was as correct in his business, he was as pure in his integrity, he was as upright in his morals, he was as fervent in his religion as any of the one hundred thousand souls in the district which he represented. How great is my pleasure in being able to say such things as these of the man who went before me, and whose seat I occupy to-day! How gratifying to my heart that I am able to speak thus, under the circumstances under which I am placed to-day!

I shall conclude my remarks in regard to my lamented friend—for he was my friend; I enjoyed his confidence, as he enjoyed mine, for a long period of time. I will close these few remarks by reading the conclusion of an obituary which I prepared, at the instance of his family, a few days after his burial. In speaking of his grave, I concluded with this sentence, every word of which is marked with the impress of truth:

"His remains repose in the cemetery near the town of his own founding, and bearing his own name. It is appropriate that his sepulture should be on that spot. Let those who live now, or who shall in years to come, when they approach his grave, reflect that if they can but imitate the noble virtues and possess the manly attributes which once warmed the heart of the man who peacefully slumbers there, they will have reached as nearly the summit of human perfection as is compatible with the nature and constitution of man. His amiable social qualities, business habits, and Christian virtues, formed a model worthy of universal imitation."

I offer the following resolutions:

Resolved, That this House has heard with profound regret the announcement of the death of Hon. GEORGE W. SCRANTON, late a member thereof from the twelfth congressional district of the State of Pennsylvania; a gentleman distinguished no less for his personal virtues than for his honorable official career; and that it tenders to the family and relatives of the deceased, and to his late constituents, to whom he was endeared as a friend and benefactor, its sincere sympathies for their great bereavement.

Resolved, That in respect to the memory of the lamented deceased, the members and officers of this House will wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House communicate a copy of these resolutions to the Senate, and a copy also to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. COLFAX. Mr. Speaker, if, on the battle-field, it is fitting that the conflict of arms should be hushed, while those who have fallen are buried, it is even more appropriate that we should pause, amid the excitement of legislation, to pay the last tribute of respect to one so worthy as our late associate, whom we mourn to-day. It was my good fortune to be numbered among the circle of his intimate friends; and never have I known one worthier of the most unbounded confidence and the sincerest friendship and regard. Genial in his intercourse with his associates, he was one of those men in whose presence you always feel as if sunshine is radiating from them. Unswerving in whatever he considered the path of duty, he disarmed all hostility by the amenity of his manners and the evident sincerity of his convictions. And faithful to what he regarded as the interests of his constituents, he snapped the frail hold he had on life by the wearing exhaustion of public duties and personal effort. From the arena of action here, he went home, with exhausted frame, to look again on the bustling, active city which bears his name, to greet once more the loved ones of his household, and then to turn his face to the wall and to die.

And yet, grieving as we do over our loss, we mingle with it rejoicings at the enviable history our friend has left behind him. Some men eat, drink, and are merry, and when they pass away the record of their lives is a blank. Others commingle with energy or talent an aptitude for evil, or a weakness of moral purpose which destroys their usefulness, if, indeed, it does not plunge them into crime. But our friend has left behind him a far different record. He was of that class of men—would that it were larger—eminently constructive and creative in their character, who prove by their acts, more eloquent than words, that they do not live in vain. Such are the men who found nations, so many of whom history commemorates. Such are the men who consolidate States into powerful governments, like the lamented Cavour. And though our departed friend aspired to no such companionship as this, and was as modest in his statesmanship in these Halls as he was in his personal bearing at home, yet his deeds prove that he was of this very type of man to whom the world owes so much.

His history is written where even the corroding tooth of time cannot efface it, in the Valley of the Lackawanna. There, his energy and daring produced results almost as magical as the stories of Aladdin's lamp. What was the wilderness but a few years since, now teems with a busy, active population, who, in the bowels of the earth, or in the glowing furnace, are developing its exhaustless resources, and converting its hidden treasures into gold and bread. Cities and villages rise up to fill what before was but a blank on the map of our country; and the trail of the hunter gives place to that wondrous illustration of power—the ponderous locomotive, as it thunders with its attendant train over its daily path.

Nor is this all. Not only do his works praise him there, and his manly bearing and spotless worth cause those praises to be echoed here, but he has a home in hearts, which, though humble, have throbbed with joy at his presence and sorrow at his death, as if they were brothers. In those humble tenements where, at a great revulsion, involving widespread industrial distress, he sought out the poor, whose arm of labor had been paralyzed, and though crippled himself by the reverses of trade, relieved the wants of hundreds, the name of SCRANTON shall be loved as long as gratitude endures.

I will not enter the household which his absence has made so lonely and so desolate. Only six months ago, it was my good fortune to be in its midst, and to enjoy the hospitality and companionship of one whom I had so soon learned to love and admire. In that sacred circle of home, it was evident that affection filled it from hearth-stone to roof-tree. His heart, full of warm and generous impulse, proved there a well-spring of joy. True, since then, he has been removed to another sphere. But he was ready for the messenger of death. Providence, in kindness, had frequently warned him that at any hour, in the very midst of active life, the pitcher, in his case, might suddenly be broken at the fountain; and as he bent the knee, morning and evening, in the midst of his family, before the Father of us all, he seemed always ready for the last of earth, and his dying hour proved that his reliance had not been in vain. Why then sorrow, after such a life, crowned with such usefulness—and such a death, crowned with such immortal hope?

> Oh! mourn him not; the voice of wo
> Befits not this, his triumph-hour,
> Freed from the earth's corrupt control,
> The trials of a world like this.
> Joy! for his disembodied soul
> Drinks at the fount of perfect bliss.

Mr. STRATTON. Mr. Speaker, I cannot allow the present occasion to pass without adding a word of tribute to the memory of our deceased friend. For several years of his life, Colonel SCRANTON was an active and influential citizen of New Jersey; and, although I knew him well by reputation, I had not the pleasure of making his personal acquaintance until the commencement of the last Congress. He was among the first of my associates upon this floor whose acquaintance I formed—an acquaintance which soon ripened into a warm friendship, that continued without interruption until his death.

I do not intend, Mr. Speaker, in the few remarks which I shall make, to indulge in eulogistic strains upon the character of the deceased. The best and highest compliment which can be paid to the memory of GEORGE W. SCRANTON is to speak of him as he was.

To those who knew him as I did, no word of praise is necessary. He enjoyed few advantages of education. Long before he reached manhood, circumstances compelled him to engage in the stern and active business of life. He met the responsibility with an intelligence and energy far beyond his years; and thus, at an early age, he became self-reliant, knowing that his success in life must depend upon his own unaided exertions. That success which always attends a determined will, combined with an unwavering integrity, marked his footsteps.

The beautiful town which bears his name, and which sprang, as it were, by the influence of his magic wand, out of the wilderness, is but one of the many instances of his successful prosecution of every project in which he embarked. Truly may it be said of him that he caused "the wilderness to blossom as the rose."

Practical good sense, love towards his fellow-men, unbounded generosity, and a most scrupulous sense of honor, were the leading traits of his character. Cool and clear-headed, with a vigorous and well-balanced mind, I have rarely known any one in whose judgment I would place more implicit reliance than in that of GEORGE W. SCRANTON. His manners were ever kind and courteous. He had a pleasant word and winning smile for all whom he met. No friend in distress ever applied to him for assistance who did not leave him with a lightened heart. His honor was above suspicion. He had the hearts of all his people. In his first canvass for Congress, although living in a district strongly Democratic, he was returned by an overwhelming majority. All party lines were broken down; and men of all classes and parties seemed to vie each with the other in testifying their affection for and confidence in Colonel SCRANTON. His brief career as a member of this House proves that they knew the man, and that their confidence was not misplaced. Although rarely taking a part in debate, no member devoted himself more untiringly to the measures of legislation before the last Congress than did Colonel SCRANTON. To his constant efforts are the people of his State greatly indebted for the passage of the tariff which they so much desired.

When the national calamity which is now upon us was seen in the distance, he was greatly troubled, and devoted much time in endeavoring to devise some plan by which it might be averted. Although true to his principles, and the last man to betray the trusts confided in him, he felt (as many of his friends did) that he would best carry out the wishes of his constituents, and satisfy his own conscience, by supporting such fair and honorable measures as should satisfy the South, and restore peace to the country. Hence he not

only voted for, but labored earnestly to procure, the passage of the propositions introduced by Mr. Adams. His congressional career was a decided success. Those of us who were upon terms of intimacy with him, feel that we have been deprived of a counselor upon whose wisdom we could rely, a friend in whose fidelity we could trust.

Although stricken down by disease in the city of Washington, he was enabled to reach his home; and there, in the midst of his afflicted family, and surrounded by thousands of loving and mourning friends, he died, as he had lived, a Christian gentleman. Having filled his mission on earth honorably to himself, and usefully to society, his bereaved friends are happy in the belief that he rests with the "spirits of just men made perfect."

Mr. CAMPBELL. Mr. Speaker, I rise to pay a brief tribute to the memory of a lamented friend and colleague. All who had the good fortune to possess the regard of GEORGE W. SCRANTON were justly proud of his friendship. A truer friend never lived.. No opportunity was ever lost by him to serve those who enjoyed his regard, and with such total self-abnegation that the individual was always lost sight of in the disinterested act.

He enjoyed a wide circle of friends. His gentleness, benevolence, and universal kindness, radiated with animating warmth; and all who came within the circle were touched with a corresponding influence. His was a gentle nature. No man ever dispensed more "charity to all men," said more kind words, did more good deeds, or was more charitable, affable, or less harsh, than GEORGE W. SCRANTON.

The poor loved him, for he was always their friend; the influential and cultivated admired him, for he was peer to them; the public respected him, for he was always faithful and true. Meanness, craft, deceit, and avarice fled at his approach or died in his presence, for he was ever and constitutionally their foe. If he was the welcome guest of the fortunate of earth, he was the beloved friend in the abodes of the lowly.

Within his family circle he was loved with a love that was natural to the center of his affections and the abode of his manly nature. His loss none can there restore. His great heart and genial presence have passed away. If silence and memory alone dwell there, still the blessed hope of immortality remains—

> "For the soul's energy,
> The vital spark,
> Breathed in his nostrils by the living God,
> Can never die"—

and those who mourn his loss now, may rejoice in his presence hereafter.

As a member of this House, he was a universal favorite. Beloved by his colleagues, he was respected and admired by all. Men of all parties confided in him, and praised his frankness, liberality, and disinterested nature. True to the interests of his constituents, he labored continually to promote their welfare. Regarding the just protection of the industrial interests of his own State as of primary importance, he was untiring in his efforts to secure wise legislation on the subject. His practical information and breadth of view were of the greatest assistance to those who had those interests more directly in charge; while his laborious energy made both hearers and converts.

He died at a time when wicked and rebellious men had raised their hands to destroy the best Government on the face of the earth. It is but just to his memory to say that, had he lived, all that he was, or hoped to be, all that he had would have been given to the sacred cause of the Union and liberty.

In all the departments of life he was a useful man. He lit up the forest with the fires of his forges and furnaces; made the wilderness the abode of civilized man; founded and erected a city in the solitude of the hills; poured unlimited mineral supplies into the depots of New York; extended vast improvements beneath the waters of the Lackawanna, and threw the iron bands of commerce and of enterprise across the lofty summit of the Pocono!!

He was revered as a father, beloved as a husband, respected as a citizen, and regretted as a faithful public servant.

Humanity has lost a friend; society an ornament; the State a valuable citizen. Peace to his ashes. The sods of the valley cover no more noble heart; the realms of the blest contain no purer spirit.

Mr. McPHERSON. Mr. Speaker, I knew Colonel SCRANTON well, valued him as a friend, admired him as a man, honored him as a legislator; and it is but justice to his memory that I should consent upon this occasion to express the feelings of my heart. My acquaintance with him antedates, by a few months, the assembling of the Thirty-Sixth Congress, during the two sessions of which we were in daily association. With many points of mutual interest and sympathy, it is not singular that a friendship auspiciously begun ripened into intimacy, nor that I should feel his death as a personal loss, all the more severe because suddenly occurring within a few weeks after our late parting in this city.

I first met him while journeying over my native State, and exploring that part of it known as the mineral region, whose extraordinary growth has, within the last decade, added thousands to our population and millions to our wealth, and whose vast capacities must be well studied and thoroughly understood as essential to forming a correct estimate of the future of promise and power which lies before her. Then it was I visited the valley of the Lackawanna, twenty years before a rugged, sterile, sparsely-settled, inaccessible wilderness; now a cultivated, smiling, populous, and productive region, teeming with activity, penetrated with railroads, and, under the witchery of intelligent industry, the homes of thirty thousand persons enjoying the comforts and blessings of Christian civilization. Centrally located within this valley is one of the handsomest of our inland towns—Scranton, justly named for its founder, whose sagacity chose the site, and laid the plan; whose tenacity of purpose and unwearying perseverance developed the resources which gave it growth; and whose liberal, enlightened, and expanded views were impressed upon its public and private institutions. It is an elegant memorial of him—more brilliant than marble shaft; more enduring than bronze; and more eloquently and truthfully expressive of his merits than any inscriptive words. It is itself his eulogy, his monument, and his grave. He had a pride in it, both honorable and pardonable. As, after its days of darkness had passed, and the sunlight of assured progress had been reached, he drove us through its spacious, shaded streets, and mapped out its present limits and its prospective growth; or turning to the source and sustenance of all this elegance, he pointed out the furnaces and mills and shafts; the huge engine, as, with sublime monotony, it performed the labor of a thousand hands; the massive machinery, as, with conscious power and almost glad alacrity, it relieved and elevated labor; and the ingenious mechanism, as, with least expenditure or effort, it obtained the widest range of results; all felt that he, through whose genius, mainly, this wilderness had thus been converted into the happy home of many thousands, ought to be, was fairly entitled to be, proud of the achievement. By his many tedious days of expectancy, his moments of enjoyment were fully earned. The work—great and marvelously complete—was done and remains; but who that appreciates the tediousness of such a realization can ever forget or ignore his patient toil; his weary and sore discouragements; his ever-rising, ever-needed energy of mind and body, and his steady, unquailing, self-sustaining faith—such as animates and marks heroes, drives the world onward, and distinguishes the master spirits of mankind?

A striking feature of Colonel SCRANTON's character was that faith, which, called by whatever name, is the basis of all personal, social, and political progress. Based upon ascertained facts, created by broad and comprehensive views of them, and stimulated by the enthusiasm belonging to creative natures, it overcomes mountains, snatches victory from the jaws of defeat, diffuses itself through and melts into harmony with itself all it touches, and finally rests not until its self-appointed mission is fully accomplished. His life proves this power to have been his. No one can travel through that country, compare its present and past condition, realize the difficulties which have been surmounted, and understand the agency which he alone had in their removal, without feeling that GEORGE W. SCRANTON was possessed of qualities truly great, that he used them to the benefit of his fellows, and that he was not less remarkable for his high practical genius than for the modest unobtrusiveness of his nature. He was a man of singularly apt executive ability, uniting highest efficiency with calm and quiet action. He was clear in perception, sound in judgment, and prompt in execution. By strangers he was not fully appreciated. More intimate acquaintance revealed the admirable powers and symmetry of his character. As a gentleman he was not only unimpeachable, but of highest tone; and he has gone to his grave without a stain upon his memory. His warmest friends were his daily intimates. The people of Luzerne regarded him with a feeling of affection of triple origin—admiration of his frank and generous nature, of his great financial and executive ability, and gratitude towards him as a benefactor. When reluctantly made a candidate for Congress, in 1858, he received a most flattering vote in which party lines were wholly broken; and in 1860, when national issues arrayed parties more rigidly, his reelection by a decided majority was the tribute of the people to his superior and uncontested merits. No one ever more honorably won entrance into the ranks of the legislators of the Republic.

In this Hall he discharged his duties with intelligence and conscientiousness, conciliating respect from those who differed in opinion and action, and confidence from all. He impressed his associates with a conviction of his purity, integrity, and single-mindedness. He represented his constituents with fidelity, sacrificing personal ease and comfort, and imperiling health in their service; yet he bounded his views of duty by no lower or meaner line than the good of the whole country. While representing peculiar interests, vital to the nation, and demanding for them the recognition and protection their importance justified, he was far more an American than a Pennsylvanian, seeking the good and promoting the prosperity of every part of the nation. That narrow, belittling, and corroding sentiment which binds men to States as against the country, to communities as against the Union; that ancient, antiquated, provincial, and petty sentiment, which has been the bane of our politics, diseasing so many strong heads and corrupting so many stout hearts; that bitter root from which have sprung, in accursed abundance, numerous and fearful plagues; a sentiment politically deforming, morally perverting, and intellectually degrading, and with expressive contemptuousness characterized by the greatest living lawyer of America as a miserable *State-ishness*, from which all should pray to be delivered—this insinuating dogma met not the approval of his clear judgment, and had not lodgment in his large heart. His public course was governed by permanent and sound principles, and will bear the severe scrutiny of experience, the trying test of time.

His health, not recently firm, and doubtless impaired by too constant demand upon his life energies, began to fail soon after his arrival in this city. He never fully rallied. When we parted in March, we hoped he would be with us in December. In a few short weeks he was no more. As the clouds were thickening around us late in March, he was called away, and this additional gloom overcast our spirits. Beloved by his neighbors who trusted him, mourned by his county which honored him, lamented by his State which cherished him as among her worthiest citizens, he closed, in his own home, at the early age of fifty, a life of great usefulness and promise, over all whose events was cast the effulgence of that religion whose truths had early entered his soul, whose maxims controlled his life, whose consolations supported him triumphantly in death, and whose promises authorize us to believe that he is this day enjoying that peace which passeth all understanding.

As usefully and virtuously he lived, may we live! As peacefully and hopefully he died, may we die!

Mr. McKNIGHT. Mr. Speaker, I cannot refrain from dropping a tear and adding a word of tribute to the memory of my late colleague and friend. Coming to the last Congress, without any previous acquaintance with Col. SCRANTON, I soon learned to respect, to honor, and to love him. He was one, acquaintance with whom at once

ripened into friendship. He was honest, kind-hearted, genial, and true—

"Nature's own nobleman, friendly and frank,
A man with his heart in his hand."

Although suffering much from bodily ailments, he ever had a kindly greeting for all. When I shook his hand at parting last March, agreeing to execute a friendly commission for him, I little thought the first tidings which should reach me on my return home would announce his death; I say not *untimely* death, for "not a sparrow falleth to the ground without our Heavenly Father."

But, sir, amid the sadness and grief which afflict his friends, they have the consolation of knowing that he died a Christian, and that "our loss has been his gain;" for amidst all the occupations of his busy life, in acquiring wealth and honors, he did not neglect to lay up treasure above.

For him, therefore, we should cease to mourn; resting on the faith that on the morn of the resurrection, when the archangel's trump shall sound,

"He will burst his chains, in sweet surprise,
And in his Maker's image rise."

Mr. MOORHEAD. Mr. Speaker, although I had no notice that these resolutions would be offered to-day, yet I cannot permit this occasion to pass without paying a feeble tribute to the memory of GEORGE W. SCRANTON. As my colleague [Mr. WRIGHT] has said, the day that GEORGE W. SCRANTON died, a great man fell in Pennsylvania. His loss will be mourned by the statesman, by the financier, by the politician, by the manufacturer, by the mechanic, but more than all by the poor and destitute of the community in which he lived, and whose true friend he was. GEORGE W. SCRANTON was a man that we may well mourn. His active efforts have been so fully set forth here to-day that I should deem it now entirely out of place to rehearse them. I did not know him personally until the summer of 1859. Living in a portion of the State of Pennsylvania remote from the scene of his gigantic operations, and having but little intercourse with his neighborhood, I had not the pleasure of an acquaintance with him until we were both elected members of the Thirty-Sixth Congress. During the fall of 1859, in company with the present Secretary of War and some other friends, I paid a visit to the mountain region, the great coal field of Pennsylvania, and to my astonishment, when I reached the town that bears his name, I was met by him and other gentlemen, and conducted to a hotel in magnificence equal to the Astor House, the St. Nicholas, or Willard's Hotel, right in the mountains, and with the stumps of trees standing in front of it, where but a few years before the forest had been cut down. A city of ten thousand people had arisen there by the touch of magic, and that touch was from the hand of GEORGE W. SCRANTON.

Before him the partisan and the mere politician wilted. Look at the result when he was a candidate for Congress in his district, which was strongly Democratic. He was returned to this House by a majority of more than three thousand. That fact speaks his eulogy. But let me say, to the honor of his district, that while they mourn the loss of the man, for whom they had voted without regard to political considerations, they have pursued the same policy in the selection of his successor; and to-day the eulogy of my friend, [Mr. WRIGHT,] with whom I have acted for years in times past, whilst it has done honor to the memory of the dead, has done more honor to the eloquent living.

He was not a selfish man in any sense of the term. His greatest exertions were used, and his greatest achievements accomplished, for the public good. He built furnaces and rolling mills, railroads, cities, and towns, and developed the greatest coal field in the world—not that he might become a millionaire, but that "the wilderness might blossom as the rose;" that labor might find employment, and that the section of country in which he resided might become prosperous and happy. His benevolent heart expanded his ideas; and to the sacrifice of his own private interests he accepted a seat in Congress, that he might aid in protecting the interests of his adopted State. No man worked more faithfully and efficiently to see those interests protected, in the formation and adoption of our present revenue bill, than he did. He was the true friend of the American system. But I will add no more, sir. I am happy in the belief, with my friend, that although GEORGE W. SCRANTON has been taken from us, he has been transplanted into regions of eternal joy.

The resolutions were unanimously adopted; and thereupon (at ten minutes past one o'clock, p. m.,) the House adjourned until Monday next.

IN SENATE.

MONDAY, *July* 8, 1861.

Prayer by Rev. BYRON SUNDERLAND, D. D.

The Journal of Saturday last was read and approved.

Hon. EDWARD D. BAKER, of Oregon, appeared in his seat to-day.

DUTIES ON ARMS.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 2) to remit the duties upon certain arms imported into the United States; which was read twice. It is as follows:

Be it resolved, &c., That the Secretary of the Treasury be, and he is hereby, directed to remit the duties and imposts chargeable under any law of the United States on all arms imported since the 1st day of May last, where the duties have not been actually paid thereon, or that may be imported prior to the 1st day of January next, by or for the account and use of any State which is in good faith aiding to suppress the rebellion now waged against the Government of the United States.

Mr. WADE. Before the joint resolution is referred, I barely wish to say that there is a great necessity for prompt action on the subject. Several of the States have ordered arms from abroad, and they are now arriving in the eastern cities. They are wanted immediately for use, but they cannot be got now without payment of the duties. I believe everybody here agrees, so far as I have consulted with members, that it is highly proper these duties should be remitted, and that the Secretary of the Treasury should have power to remit them in cases of the kind, and in fact that he should be directed to do so. I move that the resolution be referred to the Committee on Finance; and I hope they will take it up and act speedily on the subject.

The motion was agreed to.

THE SENATE CHAMBER.

Mr. HALE. I laid upon the table, on Saturday, a resolution for a committee to do something about this Chamber. It costs us I do not know how many thousands of dollars a week to ventilate this Chamber. The thermometer is now between 80° and 90° inside—a good deal warmer than it is outside. I hope that resolution will be taken up.

The motion to take up the resolution was agreed to; and the Senate proceeded to consider it. It is as follows:

Resolved, That a committee of three be appointed by the Chair, to consider the expediency and practicability of so altering and changing the construction of the present Chamber for the use of the Senate that it may be made a comfortable and convenient place for the meeting of the Senate.

The resolution was adopted; and Mr. HALE, Mr. HARRIS, and Mr. BRIGHT, were appointed the committee.

PETITIONS AND MEMORIALS.

Mr. HALE. I hold in my hand the petition of Captain Roger Jones, of the United States Army, representing that on the 18th of April last he was in command of the armory at Harper's Ferry, Virginia, with a small force of forty-nine men, besieged by some twenty-five hundred or three thousand; and that, to prevent the arms and property of the Government from falling into the hands of the enemy, he destroyed them; that in so doing he destroyed private property of his own, and vouchers. This is a petition for relief, which I move to refer to the Committee on Military Affairs and Militia.

The motion was agreed to.

The VICE PRESIDENT laid before the Senate a letter of the secretary of State of Kansas, communicating an act of the Legislature of that State, providing for the taxation of the Wyandotte Indian lands, for the ratification of Congress; which was referred to the Committee on Indian Affairs.

He also laid before the Senate a memorial of the Chamber of Commerce of the city of New York, praying for an early and liberal appropriation for the harbor defenses of that city; which was referred to the Committee on Military Affairs and Militia.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and Militia, to whom was referred the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, reported it with amendments.

Mr. WILSON. The Committee on Military Affairs and Militia, to whom was referred the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, have directed me to report back the resolution without amendment, and to recommend its passage. I wish to say that the action of the President in increasing the Army, and calling out the volunteer force, will be regulated by other bills, to be brought in hereafter, with regard to the term of service, and in other respects. I ask for the present consideration of the joint resolution, if there be no objection. If there is objection, of course it must pass over until to-morrow.

Mr. POLK. Let it lie over.

The VICE PRESIDENT. It will lie over.

Mr. FOOT, (after a pause.) Mr. President, there appears to be no legislative business for the consideration of the Senate at the present time, and as there is a large number of nominations to be considered by several committees, I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 8, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Saturday last was read and approved.

MEMBERS SWORN IN.

The following members appeared and took the usual oath to support the Constitution of the United States:

Hon. ROBERT H. NUGEN of Ohio, Hon. ISAAC C. DELAPLAINE of New York, Hon. JAMES E. KERRIGAN of New York, Hon. WILLIAM H. WADSWORTH of Kentucky, Hon. WILLIAM McKEE DUNN of Indiana.

ARSENAL AT ROCK ISLAND.

Mr. VANDEVER, by unanimous consent, submitted joint resolutions of the Legislature of Iowa, instructing the Senators and requesting the Representatives of that State to procure the establishment of an arsenal and armory at Rock Island; which was referred to the Committee on Military Affairs.

STANDING COMMITTEES.

The SPEAKER announced the following as the standing committees:

Committee of Elections—Henry L. Dawes of Massachusetts, James H. Campbell of Pennsylvania, Daniel W. Voorhees of Indiana, James B. McKean of New York, Dwight Loomis of Connecticut, Portus Baxter of Vermont, William D. Kelley of Pennsylvania, George H. Browne of Rhode Island, and John W. Menzies of Kentucky.

Of Ways and Means—Thaddeus Stevens of Pennsylvania, Justin S. Morrill of Vermont, John S. Phelps of Missouri, Elbridge G. Spaulding of New York, William Appleton of Massachusetts, Erastus Corning of New York, Valentine B. Horton of Ohio, John A. McClernand of Illinois, and John L. N. Stratton of New Jersey.

Of Claims—Reuben E. Fenton of New York, E. P. Walton of Vermont, William S. Holman of Indiana, John Hutchins of Ohio, James T. Hale of Pennsylvania, John W. Noell of Missouri, R. Holland Duell of New York, Edwin H. Webster of Maryland, and John W. Wallace of Pennsylvania.

On Commerce—Elihu B. Washburne of Illinois, Thomas D. Eliot of Massachusetts, Elijah Ward of New York, John T. Nixon of New Jersey, Elijah Babbitt of Pennsylvania, John A. Gurley of Ohio, James S. Rollins of Missouri,

Cornelius L. L. Leary of Maryland, and William P. Sheffield of Rhode Island.

On Public Lands—John F. Potter of Wisconsin, John Covode of Pennsylvania, Clement L. Vallandigham of Ohio, George W. Julian of Indiana, Carey A. Trimble of Ohio, William Vandever of Iowa, Francis W. Kellogg of Michigan, John W. Crisfield of Maryland, and George C. Woodruff of Connecticut.

On the Post Office and Post Roads—Schuyler Colfax of Indiana, John B. Alley of Massachusetts, Charles A. Wickliffe of Kentucky, Anson P. Morrill of Maine, William Windom of Minnesota, Harrison G. Blake of Ohio, Chauncey Vibbard of New York, Rowland E. Trowbridge of Michigan, and Elijah H. Norton of Missouri.

For the District of Columbia—Roscoe Conkling of New York, Charles Delano of Massachusetts, James M. Ashley of Ohio, Charles B. Calvert of Maryland, Richard Franchot of New York, Edward H. Rollins of New Hampshire, William Morris Davis of Pennsylvania, and Charles H. Upton of Virginia.

On the Judiciary—John A. Bingham of Ohio, George H. Pendleton of Ohio, William Kellogg of Illinois, Albert G. Porter of Indiana, John S. Carlile of Virginia, Benjamin F. Thomas of Massachusetts, Henry May of Maryland, and Alexander S. Diven of New York.

On Revolutionary Claims—R. Holland Duell of New York, Sydney Edgerton of Ohio, Thomas B. Cooper of Pennsylvania, John H. Rice of Maine, William Wall of New York, Nehemiah Perry of New Jersey, Henry Grider of Kentucky, Alfred G. Riddle of Ohio, Anson P. Morrill of Maine.

On Public Expenditures—John Covode of Pennsylvania, Thomas M. Edwards of New Hampshire, James E. Kerrigan of New York, Charles R. Train of Massachusetts, William Windom of Minnesota, Edwin H. Webster of Maryland, George W. Julian of Indiana, Luther Hanchett of Wisconsin, Chilton A. White of Ohio.

On Private Land Claims—Samuel S. Blair of Pennsylvania, Sidney Edgerton of Ohio, John W. Noell of Missouri, Luther Hanchett of Wisconsin, Burt Van Horn of New York, John P. C. Shanks of Indiana, Charles W. Walton of Maine, Samuel Shellabarger of Ohio, and Jesse Lazear of Pennsylvania.

On Manufactures—John Hutchins of Ohio, James K. Moorhead of Pennsylvania, Edward Haight of New York, John B. Alley of Massachusetts, Albert G. Porter of Indiana, Alfred Ely of New York, Isaac N. Arnold of Illinois, Sydenham E. Ancona of Pennsylvania, and William G. Brown of Virginia.

On Agriculture—Owen Lovejoy of Illinois, Dwight Loomis of Connecticut, Charles B. Calvert of Maryland, Edward H. Smith of New York, Jacob P. Chamberlain of New York, John P. C. Shanks of Indiana, Joseph Baily of Pennsylvania, Samuel T. Worcester of Ohio, and Cyrus Aldrich of Minnesota.

On Indian Affairs—Cyrus Aldrich of Minnesota, Thomas M. Edwards of New Hampshire, Robert Mallory of Kentucky, Martin F. Conway of Kansas, William Mitchell of Indiana, Moses F. Odell of New York, William E. Lansing of New York, John Patton of Pennsylvania, and Andrew J. Thayer, of Oregon.

On Military Affairs—Francis P. Blair, jr., of Missouri, William A. Richardson of Illinois, James Buffinton of Massachusetts, Abraham B. Olin of New York, William Allen of Ohio, Gilman Marston of New Hampshire, Hendrick B. Wright of Pennsylvania, and James S. Jackson of Kentucky.

On the Militia—Robert B. Van Valkenburgh of New York, William M. Dunn of Indiana, Sydenham E. Ancona of Pennsylvania, Charles Delano of Massachusetts, Charles J. Biddle of Pennsylvania, Richard A. Harrison of Ohio, William G. Brown of Virginia, William P. Cutler of Ohio, and John N. Goodwin of Maine.

On Naval Affairs—Charles B. Sedgwick of New York, Alexander H. Rice of Massachusetts, Philip B. Fouke of Illinois, James K. Moorhead of Pennsylvania, James E. English of Connecticut, John P. Verree of Pennsylvania, Frederick A. Pike of Maine, Frederick A. Conkling of New York, and William H. Wadsworth of Kentucky.

On Foreign Affairs—John J. Crittenden of Kentucky, Daniel W. Gooch of Massachusetts, Samuel S. Cox of Ohio, Albert S. White of Indiana, Robert McKnight of Pennsylvania, Alfred A. Burnham of Connecticut, Francis Thomas of Maryland, Theodore M. Pomeroy of New York, and George P. Fisher of Delaware.

On the Territories—James M. Ashley of Ohio, Charles H. Van Wyck of New York, James A. Cravens of Indiana, William Kellogg of Illinois, Fernando C. Beaman of Michigan, John W. Reid of Missouri, A. Scott Sloan of Wisconsin, Goldsmith F. Bailey of Massachusetts, and Aaron Harding of Kentucky.

On Revolutionary Pensions—Charles H. Van Wyck of New York, Samuel S. Blair of Pennsylvania, John S. Carlile of Virginia, John F. Potter of Wisconsin, William Morris Davis of Pennsylvania, John B. Steele of New York, Bradley F. Granger of Michigan, John Law of Indiana, and William G. Steele of New Jersey.

On Invalid Pensions—Alfred Ely of New York, Socrates N. Sherman of New York, John A. Logan of Illinois, Richard A. Harrison of Ohio, William P. Cutler of Ohio, Kellian V. Whaley of Virginia, John N. Goodwin of Maine, Benjamin Wood of New York, George T. Cobb of New Jersey.

On Roads and Canals—Robert Mallory of Kentucky, John A. Gurley of Ohio, James T. Hale of Pennsylvania, Burt Van Horn of New York, Isaac N. Arnold of Illinois, Robert H. Nugen of Ohio, Stephen Baker of New York, Philip Johnson of Pennsylvania, Fernando C. Beaman of Michigan.

On Patents—William McKee Dunn of Indiana, John H. Rice of Maine, Stephen Baker of New York, Philip Johnson of Pennsylvania, and Warren P. Noble of Ohio.

On Public Buildings and Grounds—Charles R. Train of Massachusetts, Owen Lovejoy of Illinois, Isaac C. Delaplaine of New York, Robert McKnight of Pennsylvania, and James R. Morris of Ohio.

On Revisal and Unfinished Business—John A. Logan of Illinois, Elijah Babbitt of Pennsylvania, John W. Menzies of Kentucky, Samuel C. Fessenden of Maine, and Edward Haight of New York.

On Mileage—James C. Robinson of Illinois, John W. Killinger of Pennsylvania, Augustus Frank of New York, Henry Grider of Kentucky, and Benjamin Wood of New York.

Of Accounts—James Buffinton of Massachusetts, Edward H. Rollins of New Hampshire, William E. Lehman of Pennsylvania, Samuel T. Worcester of Ohio, and George W. Dunlap of Kentucky.

On Expenditures in the State Department—James B. McKean of New York, James C. Robinson of Illinois, John T. Nixon of New Jersey, William Vandever of Iowa, and Charles H. Upton of Virginia.

On Expenditures in the Treasury Department—Moses F. Odell of New York, James H. Campbell of Pennsylvania, John A. Bingham of Ohio, Alexander H. Rice of Massachusetts, and William G. Steele of New Jersey.

On Expenditures in the War Department—William A. Wheeler of New York, Samuel R. Curtis of Iowa, Chauncey Vibbard of New York, William Mitchell of Indiana, and James S. Rollins of Missouri.

On Expenditures in the Navy Department—George W. Dunlap of Kentucky, Edward McPherson of Pennsylvania, Harrison G. Blake of Ohio, Portus Baxter of Vermont, and Thomas B. Cooper of Pennsylvania.

On Expenditures in the Post Office Department—John W. Killinger of Pennsylvania, Charles A. Wickliffe of Kentucky, Carey A. Trimble of Ohio, Francis W. Kellogg of Michigan, and Edward H. Smith of New York.

On Expenditures in the Interior Department—William Allen of Ohio, Martin F. Conway of Kansas, Socrates N. Sherman of New York, Samuel Shellabarger of Ohio, and Thomas B. Cooper of Pennsylvania.

On Expenditures on the Public Buildings—Jesse Lazear of Pennsylvania, William D. Kelly of Pennsylvania, Jacob P. Chamberlain of New York, William Wall of New York, and Nehemiah Perry of New Jersey.

Joint Committee on the Library—Edward McPherson of Pennsylvania, Augustus Frank of New York, and John Law of Indiana.

Joint Committee on Printing—E. P. Walton of Vermont, Ambrose W. Clark of New York, and Joseph Baily of Pennsylvania.

Joint Committee on Enrolled Bills—Bradley F. Granger of Michigan, and George T. Cobb of New Jersey.

EXCUSED FROM COMMITTEES.

Mr. HICKMAN. I rise to a privileged question. I ask leave of the House to be excused from service upon the Committee on the Judiciary.

There being no objection, it was ordered accordingly.

Mr. BURNETT was then excused from service on the Committee for the District of Columbia; and Mr. CURTIS from service on the Committee on Military Affairs.

Mr. KELLEY. I ask the unanimous consent of the House to be excused from serving on the Committee of Elections. I do this because the seats of the sitting members from the two districts adjoining my own are contested, and I would rather that another gentleman should serve upon that committee than myself.

There being no objection, it was ordered accordingly.

Mr. WICKLIFFE. I ask the unanimous consent of the House for leave to be excused from service on the Committee on the Post Office and Post Roads. I do this from no disinclination to serve upon that or any other committee, but from my physical inability to attend its meetings. I hope that the House will excuse me.

There being no objection, it was ordered accordingly.

DRAWING FOR SEATS.

Mr. McKNIGHT. I submit the following resolution:

Resolved, That the Clerk of the House place in a box the name of each member and Delegate of the House of Representatives written on a separate slip of paper; that he then proceed, in the presence of the House, to draw from said box, one at a time, the said slips of paper, and as each is drawn he shall announce the name of the member or Delegate upon it, who shall choose his seat for the present session: *Provided*, That before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that every seat continues vacant until it is selected under this order; and that every seat, after having been selected, shall be deemed vacant if left unoccupied before the calling of the roll is finished.

Mr. VALLANDIGHAM. I call for the regular order of business.

The SPEAKER. The first business in order is the call of members by States for the introduction of bills and joint resolutions of which previous notice has been given; but the resolution for the drawing of seats, in the practice of the House, has been regarded as a privileged question. The Chair decides the resolution to be in order.

Mr. VALLANDIGHAM. Can the resolution occupy any part of the morning hour?

The SPEAKER. The morning hour does not commence until this is disposed of.

Mr. VALLANDIGHAM. I withdraw my call for the regular order of business.

Mr. McKNIGHT. I demand the previous question on the adoption of the resolution.

Mr. VALLANDIGHAM. I appeal to the gentleman from Pennsylvania to accept, as a modification of his resolution, that the seats when drawn shall be for this and the next session.

Mr. McKNIGHT. I accept the gentleman's suggestion, as a modification of my resolution.

Mr. STRATTON. I move that the resolution be laid upon the table; the members around me are perfectly satisfied with their seats.

Mr. McKNIGHT. Others, however, are not.

The question was taken, and the motion was disagreed to.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the resolution was adopted.

The House then proceeded, under the terms of the resolution, to draw seats for the present and succeeding session of Congress.

When Mr. McCLERNAND's name was called,

Mr. BURNETT said: Mr. Speaker, Mr. McCLERNAND is detained in his room by illness, and I therefore move, by unanimous consent, that one of his colleagues be allowed to draw a seat for him.

Mr. STEVENS, Mr. VALLANDIGHAM, and others, objected, as the motion was against the uniform usage of the House.

COMMITTEE OF WAYS AND MEANS.

Mr. STEVENS. I move that, by unanimous consent, the Committee of Ways and Means have leave to sit during the sessions of the House.

There was no objection, and it was ordered accordingly.

INTRODUCTION OF BILLS.

Mr. VALLANDIGHAM. I call for the regular order of business.

The SPEAKER. Bills are now in order, of which previous notice has been given. They will be introduced and referred to the appropriate committees, and the call will commence with the State of Maine.

NEW JUDICIAL DISTRICT IN PENNSYLVANIA.

Mr. BABBITT, by unanimous consent, introduced a bill to divide the State of Pennsylvania into three judicial districts, and to establish a district court to be held in the city of Erie; which was read a first and second time, and referred to the Committee on the Judiciary.

J. J. LINTS.

Mr. BABBITT, by unanimous consent, also introduced a bill for the relief of J. J. Lints; which was read a first and second time, and referred to the Committee of Claims.

PORTS OF ENTRY IN REBELLIOUS STATES.

Mr. STEVENS, by unanimous consent, introduced a bill to repeal all laws creating ports of entry in rebellious States; which was read a first and second time.

Mr. STEVENS. I move that the bill be referred to the Committee of Ways and Means.

Mr. WASHBURNE. I move that it be referred to the Committee on Commerce.

Mr. STEVENS. I do not care to which committee the bill is referred; but I will say that a similar bill in General Jackson's time was referred to and considered by the Committee of Ways and Means.

The bill was referred to the Committee on Commerce.

TARIFF.

Mr. VALLANDIGHAM, by unanimous consent, introduced a bill to repeal the tariff act of March, 1861, and to revive the tariff act of March 3, 1857; which was read a first and second time, and referred to the Committee of Ways and Means.

BOUNTY LAND.

Mr. HOLMAN, by unanimous consent, introduced a bill granting bounty land to certain officers and soldiers who have been or shall hereafter be engaged in the military service of the United States; which was read a first and second time, and referred to the Committee on Public Lands.

PACIFIC RAILROAD.

Mr. CURTIS, by unanimous consent, introduced a bill to secure contracts, and make provision for the full, certain and more speedy transportation by railroad of the mails, troops, munitions of war, and military and naval stores, between the Atlantic States and those of the Pacific, and for other purposes; which was read a first and second time.

Mr. CURTIS. I move that the bill be referred to a select committee of five.

Mr. KELLOGG, of Michigan, I move to amend by increasing the committee to nine.

Mr. BURNETT. I hope the committee will consist of more than five. This bill involves serious questions, and is probably one of the most important measures we will be called upon to consider at this session.

Mr. KELLOGG's amendment was agreed to; and the motion as amended was then adopted.

HOMESTEADS.

Mr. ALDRICH, by unanimous consent, introduced a bill to secure homesteads to actual settlers upon the public domain; which was read a first and second time, and referred to the Committee on Agriculture.

BANKRUPT LAW.

Mr. ALDRICH, by unanimous consent, also introduced a bill to establish a general bankrupt law; which was read a first and second time, and referred to the Committee on the Judiciary.

MARINE SIGNALS.

Mr. ELIOT, by unanimous consent, introduced a bill to provide for the general introduction of an international code of marine signals; which was read a first and second time, and referred to the Committee on Commerce.

NEW JUDICIAL DISTRICT IN NEW YORK.

Mr. DUELL, by unanimous consent, introduced a bill to establish an additional judicial district in the State of New York and in relation to courts of the United States in said State; which was read a first and second time, and referred to the Committee on the Judiciary.

REDUCTION OF EXPENDITURES.

Mr. VAN WYCK introduced a bill to reduce the expenses of the Government; which was read a first and second time, and referred to the Committee on Public Expenditures.

INCREASE OF SOLDIERS' PAY.

Mr. VAN WYCK also introduced a bill to increase the pay of soldiers in the service of the United States; which was read a first and second time, and referred to the Committee on Military Affairs.

CADETS AT WEST POINT.

Mr. COX introduced a bill to increase the number of cadets at West Point Academy; which was read a first and second time, and referred to the Committee on Military Affairs.

The States having been called through for bills,

The SPEAKER announced that a call of the States for resolutions was the next business in order.

The States were called accordingly for that purpose.

NUMBER OF MEMBERS OF THE HOUSE.

Mr. WALTON, of Vermont, introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of fixing the number of the House of Representatives, from and after the 3d of March, 1863, at two hundred and thirty-nine members, being the present number, to be apportioned among the several States according to the act of May 23, 1850, entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the House of Representatives, and to provide for their future apportionment among the several States."

Mr. LOVEJOY. Is that resolution debatable?

The SPEAKER. It is.

Mr. LOVEJOY. If I correctly heard the resolution read, I hope it will not be passed.

The SPEAKER. If the resolution gives rise to debate, it must go over under the rule.

Mr. WALTON, of Vermont. It is merely a resolution of inquiry. It can do harm to no one, and does justice to six loyal States, of which Illinois is one.

Mr. KELLOGG, of Illinois. I think my colleague will not object to the resolution if he will hear it again read.

Mr. LOVEJOY. I think the number of members should be larger than specified in the resolution.

The SPEAKER. If the gentleman objects to the resolution, it goes over under the rule.

Mr. LOVEJOY. I will move to amend the resolution by striking out "two hundred and thirty-nine" and inserting "two hundred and fifty;" and upon that I move the previous question.

Mr. STEVENS. I move to lay the resolution on the table.

The motion was not agreed to.

The previous question was then seconded and the main question ordered to be put; and under the operation thereof the amendment was disagreed to, and the resolution was adopted.

Mr. MORRILL, of Vermont, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to,

INCREASE OF THE NAVY.

Mr. ELIOT introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for a temporary increase of the Navy, by authorizing the President to purchase or procure suitable vessels, and commission for a limited time competent and skillful commanders and officers; with leave to report by bill or otherwise.

CAPACITY OF SPRINGFIELD ARMORY.

Mr. DELANO introduced the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire and report at any time as to the present capacity of the national armory at Springfield, Massachusetts, for the manufacture of arms; also, what further expenditure, if any, is necessary for operating that armory to the utmost capacity.

Mr. BURNETT. If the gentleman will modify his resolution by leaving out the words "and report at any time," I will not object to the resolution; otherwise I must.

Mr. DELANO. I inserted those words because there is another bill, which has already been referred to the Committee on Military Affairs, looking to the establishment of an armory elsewhere. But if the gentleman insists upon his objection, I must accept the proposed modification.

Mr. BURNETT. I insist upon it.

Mr. DELANO. Then I modify the resolution as the gentleman desires.

The resolution, as modified, was then agreed to.

CONFISCATION OF PROPERTY.

Mr. LOOMIS introduced the following resolution; upon which he demanded the previous question:

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to prepare and report to this House a bill for a public act to confiscate the property of all persons holding any office whatsoever, either civil or military, under the government of any State of the United States or the so-called confederate States of America, who have taken up arms, or shall hereafter take up arms, against the Government of the United States.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the resolution was agreed to.

RECIPROCITY TREATY WITH GREAT BRITAIN.

Mr. SPAULDING, by unanimous consent, presented the concurrent resolutions of the Legislature of the State of New York, in relation to the treaty between the United States and Great Britain, commonly known as the reciprocity treaty; which were referred to the Committee on Commerce.

GOVERNMENT CONTRACTS.

Mr. VAN WYCK introduced the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of five members be appointed by the Speaker to ascertain and report what contracts have been made by any of the Departments for provisions, supplies, and transportation; for materials and services; or for any articles furnished for the use of Government, without advertising for proposals, as required by the statute of 1861; the parties to whom given, the compensation and terms thereof, and the reasons therefor. Also, when proposals were received; if contracts were awarded to the lowest bidders; if not, the reason therefor. Also, whether the contracts, as let, are in accordance with the specifications inviting proposals; and if any alterations, the reasons for the same. Also, whether any person or persons have any interest in the contracts thus made and awarded, or obtaining the same, or profits therefrom, except contractors; that said committee have power to send for persons and papers, to administer oaths and examine witnesses, and report at any time.

ELMER E. ELLSWORTH.

Mr. DUELL offered the following resolution; upon which he called the previous question:

Resolved, That the Committee on Military Affairs be instructed to report a bill granting a pension to the mother of the late Colonel Elmer E. Ellsworth.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was agreed to.

ADDRESS TO THE PEOPLE OF THE SOUTH.

Mr. DIVEN introduced the following resolution:

Resolved, (if the Senate concur,) That the following address be signed by the Speaker of the House and by the President of the Senate, and that the President be requested to approve the same and transmit a copy to the Governors of the respective States of this Republic.

The Clerk commenced the reading of the address accompanying the resolution; but was interrupted by

Mr. ELY, who proposed that the reading be dispensed with.

Mr. DIVEN. I desire either that it shall be read or referred.

Mr. VALLANDIGHAM. I trust it will be referred to some committee, as it is evidently of considerable length. I will move its reference to the Committee on the Judiciary.

The motion was agreed to; and the resolution and address were referred accordingly.

Mr. DIVEN. I move that the address be printed.

Mr. OLIN. I think it had better take the regular course. It is not usual to print at the time of reference.

Mr. LOVEJOY. I think we have talked with those men long enough, and we should talk to them now with the musket.

The SPEAKER. The Chair must remind gentlemen that this conversation is out of order.

CADETS IN THE NAVAL SCHOOL.

Mr. CARLILE introduced the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to report a bill providing for the appointment of the full number of cadets from such States as have not now in the Naval School the number to which they are entitled by existing laws; and if from any States recommendations are not made, the number shall be taken from such States in the same section of the Union as shall apply for places in said school.

Mr. ELIOT. I would inquire if that resolution is not imperative? I ask that it be read again.

It was accordingly read a second time.

Mr. WASHBURNE. I object to the resolution as it stands; but if it is modified to instruct the committee to inquire into the expediency of reporting such a bill, I shall not object.

Mr. CARLILE. I accept the suggested modification.

The resolution, as modified, was agreed to.

RELEASE OF PRISONERS.

Mr. UPTON introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to instruct the officers of the Army of the United States taking prisoners and releasing them upon their oath of allegiance to the United States, to report their names and residences to him, that the same may be recorded in his Department.

CHARLES H. UPTON.

Mr. COX introduced the following resolution:

Resolved, That the claim of CHARLES H. UPTON to a seat in this House, from the seventh district of Virginia, be referred to the Committee of Elections, who shall examine into the regularity of his election, and his eligibility as a member of Congress from the State of Virginia.

Mr. OLIN. I move to lay the resolution on the table.

The motion was not agreed to.

The resolution was agreed to.

BUSINESS OF THE SESSION.

Mr. HOLMAN introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the House, during the present extraordinary session, will only consider bills and resolutions concerning the military and naval operations of the Government, and the financial affairs therewith connected; and all bills and resolutions of a private character, and all other bills and resolutions not directly connected with the raising of revenue or affecting the military or naval affairs of the Government, shall be referred to the appropriate committees without debate, to be considered at the next regular session of Congress.

Mr. LOVEJOY introduced the following resolutions, and called the previous question:

1. *Resolved*, That, in the judgment of this House, it is no part of the duty of the soldiers of the United States to capture and return fugitive slaves.

2. *Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of the repeal of the law called the fugitive slave law.

3. Whereas Major Emory, of the United States Army, resigned his commission under circumstances showing sympathy with the rebellion against the Government: Therefore,

Resolved, That his restoration to the service was improper, unjustifiable, and this House, in the name of the people, demand of the Executive his immediate removal.

The previous question was seconded, and the main question ordered to be put.

Mr. ASHLEY demanded the yeas and nays.

The yeas and nays were ordered.

Mr. EDWARDS. Is it in order to move to lay the resolutions upon the table?

The SPEAKER. It is.

Mr. EDWARDS. I make that motion.

Mr. LOVEJOY. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BLAKE. I would like to have the resolutions read again.

The resolutions were again read.

Mr. HICKMAN. I wish to make a single inquiry of the Chair. I would inquire whether this series of resolutions is not in direct conflict with the resolution which has just been adopted, limiting the House to the consideration of particular questions during the present session?

The SPEAKER. The gentleman from Pennsylvania raises the question of order that these resolutions are in conflict with the resolution which has just been adopted, on motion of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HICKMAN. As I remember, that resolution——

The SPEAKER. Debate is not in order.

Mr. HICKMAN. I do not wish to debate. I simply wish to call the attention of the House to the facts.

The SPEAKER. The gentleman is not in order.

Mr. HICKMAN. The resolution which has been adopted precludes the consideration of all business of this character.

The SPEAKER. The gentleman is out of order. The Chair appeals to the House now, at the outset, to sustain him in preserving order and enforcing the rules of the House. If the House will support him, he will do so without any reference to individuals. [Cries of "That's right."] The Clerk will now read the resolution which was adopted on motion of the gentleman from Indiana.

The Clerk read the resolution, as follows:

Resolved, That the House, during the present extraordinary session, will only consider bills and resolutions concerning the military and naval operations of the Government, and the financial affairs therewith connected; and all bills and resolutions of a private character, and all other bills and resolutions not directly connected with the raising of revenue or affecting the military or naval affairs of the Government, shall be referred to the appropriate committees without debate, to be considered at the next regular session of Congress.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from Pennsylvania.

Mr. VALLANDIGHAM. I ask if it is in order to move an amendment to the resolutions?

The SPEAKER. Not at this time. A motion has been made by the gentleman from New Hampshire [Mr. EDWARDS] to lay the resolutions on the table.

Mr. VALLANDIGHAM. I should be glad if the gentleman from New Hampshire would withdraw that motion, to allow me to offer an amendment to the resolutions.

Mr. EDWARDS. I cannot withdraw it.

The SPEAKER. Then no amendment or debate is in order.

Mr. LOVEJOY. I demand that there be separate votes on the different resolutions.

The SPEAKER. The motion of the gentleman from New Hampshire is to lay the resolutions upon the table, and the Chair knows of no mode in which a motion to lay upon the table can be divided.

The question was taken on Mr. EDWARDS's motion; and it was decided in the affirmative—yeas 88, nays 62; as follows:

YEAS—Messrs. Allen, Ancona, Appleton, Babbitt, Joseph Bailey, Francis P. Blair, George H. Browne, Burnett, Calvert, Carlile, Chamberlain, Cobb, Cox, Cravens, Crisfield, Crittenden, Curtis, Delano, Diven, Dunlap, Dunn, Edwards, Ely, English, Fisher, Fouke, Franchot, Granger, Grider, Haight, Hale, Harding, Harrison, Hickman, Holman, Horton, Jackson, Johnson, Francis W. Kellogg, William Kellogg, Killinger, Law, Lazear, Leary, Lehman, Logan, McPherson, Mallory, Menzies, Moorhead, Justin S. Morrill, Morris, Nixon, Noble, Noell, Norton, Nugen, Odell, Olin, Patton, George H. Pendleton, Reid, Alexander H. Rice, Richardson, Robinson, Edward H. Rollins, James S. Rollins, Sheffield, William G. Steele, Stratton, Benjamin F. Thomas, Francis Thomas, Train, Trimble, Vallandigham, Verree, Vibbard, Voorhees, Wadsworth, Wall, E. P. Walton, Ward, Webster, Chilton A. White, Wickliffe, Wood, Woodruff, and Wright—88.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Campbell, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Duell, Edgerton, Eliot, Fessenden, Frank, Gooch, Gurley, Hutchins, Julian, Kelley, Lansing, Loomis, Lovejoy, McKean, McKnight, Mitchell, Anson P. Morrill, Pike, Pomeroy, Porter, Potter, Riddle, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Stevens, Trowbridge, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Wall, Wallace, Charles W. Walton, Washburne, Wheeler, Albert S. White, and Worcester—62.

So the resolutions were laid upon the table.

During the call of the roll,

Mr. MOORHEAD said, I voted "no;" but believing that we should do nothing now but furnish men and money to put down the rebellion, I change my vote and vote "ay."

The result of the vote having been announced as above recorded,

Mr. EDWARDS moved to reconsider the vote by which the resolutions were laid upon the table; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

BUSINESS OF THE SESSION—AGAIN.

Mr. HICKMAN. I rise to a privileged question. I move to reconsider the vote by which the resolution of the gentleman from Indiana [Mr. HOLMAN] was adopted—the resolution limiting the business of the House during the session. I make the motion on the ground that the resolution, as adopted, cuts off all questions of a judicial character. My purpose is to extend the resolution so as to embrace measures of a judicial character.

Mr. HOLMAN. I move to lay the motion to reconsider upon the table.

Mr. BURNETT. I ask the gentleman from Indiana to withdraw that motion until I can make an inquiry.

Mr. HOLMAN. I will withdraw it if the gentleman will renew it.

Mr. BURNETT. I will do so. I desire to know of the gentleman from Indiana whether his resolution, by its terms, will cut off propositions that look to a peaceful solution of our present difficulties?

Mr. WASHBURNE. That will lead to debate.

Mr. BURNETT. I am entitled to the floor.

Mr. WASHBURNE. The resolution is not debatable unless the gentleman from Indiana withdraws his motion.

Mr. BURNETT. He has withdrawn it, and I am upon the floor.

The SPEAKER. The Chair thinks the resolution gives rise to debate.

Mr. BURNETT. I do not propose to debate it, but I have the right to debate it if it does give rise to debate. That is plain. I am one of those, and I frankly confess it, who have hoped for and have not yet abandoned all hope of a peaceful solution of our troubles.

The SPEAKER. The Chair suggests to the gentleman from Kentucky that debate is not in order.

Mr. BURNETT. Then I do not desire to infringe the rules of the House. I hope the vote by which the resolution was adopted will be reconsidered, and it will be so extended as not to exclude propositions for a peaceful solution of our troubles.

Mr. LOVEJOY. I object to debate.

Mr. HOLMAN. The resolution does not have the effect of preventing an effort to adjust the unfortunate difficulties now distracting our country.

Mr. BURNETT. According to my promise to the gentleman from Indiana, I now renew the motion to lay the motion to reconsider upon the table.

Mr. VALLANDIGHAM. I would like to know if the resolution includes privileged questions also?

The SPEAKER. The Chair would state that debate is not in order; and he appeals to gentlemen to assist him in enforcing the rules, especially those gentlemen who have served here a long time.

Mr. VALLANDIGHAM. I ask the gentleman from Kentucky to withdraw the motion to lay on the table for one moment.

Mr. BURNETT. I cannot do it unless the gentleman from Indiana [Mr. HOLMAN] is willing.

Mr. HOLMAN. I do not consent to withdraw it.

Mr. VALLANDIGHAM. The gentleman from Indiana does not understand my object——

The SPEAKER. Does the gentleman from Indiana withdraw the motion?

Mr. HOLMAN. I decline to withdraw it.

Mr. COX. I call for the reading of the original resolution.

The resolution was read.

The question was taken on Mr. HOLMAN's motion, and it was not agreed to.

The question recurred on Mr. HICKMAN's motion; and it was agreed to.

So the House reconsidered the vote by which the resolution was agreed to.

Mr. HICKMAN. I now move to amend the

resolution by adding to it the following words: "And the general questions of a judicial character;" so that it will read:

Resolved, That the House, during the present extraordinary session, will only consider bills and resolutions concerning the military and naval operations of the Government, and the financial affairs therewith connected, and the general questions of a judicial character; and all bills and resolutions of a private character, and all other bills and resolutions not directly connected with the raising of revenue, or affecting the military or naval affairs of the Government, shall be referred to the appropriate committees without debate, to be considered at the next regular session of Congress.

Mr. VALLANDIGHAM. I rise to a question of order. I understand that the pending question is on the adoption of the resolution. I submit that it is not in order, because it changes the rules of the House, and no notice has been given of the purpose to introduce any such resolution.

The SPEAKER. When the resolution was originally introduced, the Chair inquired whether there was any objection to its introduction. No objection was made. The subject is, therefore, properly before the House; and the Chair overrules the point of order.

Mr. RICHARDSON. I ask the gentleman from Pennsylvania to modify his amendment, so that the House may take action in regard to contested elections.

Mr. HICKMAN. I must decline to do so.

Mr. RICHARDSON. I ask the unanimous consent of the House to make a simple suggestion.

There was no objection.

Mr. RICHARDSON. Mr. Speaker, one of the highest privileges of the House is its right to inquire into the qualifications of its members. That is constitutional also. The House has already decided who are *prima facie* entitled to their seats. There are questions of high order which demand the investigation of this House in regard to contested seats here, involving the most serious consequences—involving the whole question of the right of the people to elect. If the gentleman from Pennsylvania will not permit the modification which I suggested to be made to his amendment, I ask the House to vote down his proposition, so that we may get at this question.

Mr. COLFAX. I desire to make a remark. It is certainly not needful to make exceptions of contested-election cases, because they come under a clause of the Constitution which is higher than any of our rules—that clause which makes the House the judge of the qualifications, election, and returns of its members. Besides, this resolution refers to legislation; and contested-election cases are clearly not legislation.

Mr. RICHARDSON. I ask the gentleman whether, though it is a constitutional right, the House may not defer the consideration thereof to another time?

Mr. COLFAX. On the contrary, it has been uninterruptedly decided, from the commencement of the Government, that a question affecting the right of a member to his seat takes precedence of everything else.

Mr. RICHARDSON. I do not wish to quibble about this thing; but I ask whether, although the right of a member to his seat is a constitutional question, it may not be deferred by the action of the House? That is the question I make.

Mr. COLFAX. On the contrary, I apprehend that no constitutional provision can be deferred by the action of the House.

Mr. COX. Then what is the objection to putting it in the resolution?

Mr. COLFAX. Because it is a matter of the Constitution and not of the rules.

Mr. VALLANDIGHAM. I would suggest that it is already included in the term "judicial."

Mr. RICHARDSON. No, sir.

Mr. BURNETT. I ask the indulgence of the House that I may offer the following as an amendment to the amendment of the gentleman from Pennsylvania—

And all propositions that may look to a peaceful solution of the pending troubles of the country.

Mr. WASHBURNE. I object.

Mr. BURNETT. I hope that members will be permitted to offer such propositions as are right and proper, and let the House vote them down if it choose. Gentlemen have a right to do that.

The previous question was seconded, and the main question ordered.

Mr. WICKLIFFE. Is a motion in order to lay the resolution on the table?

The SPEAKER. Yes.

Mr. WICKLIFFE. In the name of my constituents, my country, and my God, I hope the legislation of this House will be left free. I therefore move to lay the resolution on the table; and on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 52, nays 102; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cobb, Cooper, Cox, Cravens, Crisfield, Crittenden, Dunlap, English, Fisher, Fouke, Grider, Haight, Harding, Harrison, Jackson, Johnson, Law, Lazear, Leary, Logan, Mallory, Menzies, Morris, Noble, Noell, Norton, Nugen, Odell, George H. Pendleton, Perry, Reid, Richardson, Robinson, James S. Rollins, Smith, John B. Steele, William G. Steele, Francis Thomas, Vallandigham, Vibbard, Voorhees, Wadsworth, Chilton A. White, Wickliffe, Wood, and Woodruff—52.

NAYS—Messrs. Aldrich, Alley, Appleton, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Carlile, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Curtis, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Hickman, Holman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, Killinger, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stratton, Benjamin F. Thomas, Thayer, Train, Trimble, Trowbridge, Upton, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Ward, Washburne, Wheeler, Albert S. White, Windom, Worcester, and Wright—102.

So the House refused to lay the resolution on the table.

During the vote,

Mr. LOGAN stated that his colleague [Mr. McCLERNAND] was confined to his room on account of ill health.

Mr. WEBSTER (not being within the bar when his name was called) asked leave to vote.

Objection was made.

Mr. WEBSTER stated he should have voted "ay."

Mr. DELAPLAINE (not being within the bar when his name was called) asked leave to vote.

Objection was made.

The vote was announced as above recorded.

The question recurred on Mr. HICKMAN's amendment, and it was agreed to.

The question recurred on the adoption of the resolution, as amended.

Mr. EDWARDS. I desire to offer an amendment——

The SPEAKER. No debate is in order, and no amendment is in order, the main question having been ordered.

Mr. EDWARDS. I desire to make the resolution consistent.

Mr. BURNETT demanded the yeas and nays on the adoption of the resolution, as amended.

Mr. VALLANDIGHAM. I think it is hardly necessary to have the yeas and nays, and I hope the gentleman from Kentucky will withdraw the call.

Mr. BURNETT. I ask for the yeas and nays, whether I can get them or not.

Mr. VALLANDIGHAM. We have had a test vote on the question already.

The yeas and nays were not ordered.

The question was taken; and the resolution, as amended, was adopted.

Mr. MORRILL moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THE CIVIL WAR.

Mr. FOUKE offered the following preamble and resolutions:

Whereas a fierce and unnatural civil war is now raging between the Government of the United States and a portion of our misguided countrymen, convulsing the whole land; and it being important to cultivate and maintain a fraternal feeling between the citizens of the several States still loyal to the Constitution and the Union, in order to strengthen the arm of the Executive of the nation: Therefore,

Be it resolved, That we, the Representatives of the Thirty-Seventh Congress, in view of the distracted state of our beloved country, and in order to secure harmonious action, and believing the Constitution and the Union to be considerations far above party ties and affiliations, solemnly ignore, during the impending war, all political differences heretofore existing between the people of the loyal States of this Union.

Resolved, That we believe it would be wise in the Executive of this nation and the executives of the several States, in all their appointments to military or civil positions, to adopt the patriotic maxim of the immortal Jefferson, "Is he honest, is he capable?" and place men in position and power without regard to past political opinions.

Resolved, That we approve the act of the President and his official advisers in summoning the citizen soldiers of the loyal States to the defense of the national capital and its archives.

Resolved, That this Congress has unbounded confidence in the patriotism, forecast, courage, and military skill and wisdom of Lieutenant General Scott, the great military commander of the age, who *never lost a battle*.

Resolved, That whilst some of the officers of the American Army, who had been reared, schooled, and fostered by our Government, have deserted and are now leaders in the disaffected forces, this Congress congratulates the present Administration and the country that Lieutenant General Scott still stands at the head of our Army in the full vigor of health and his great intellect to direct all its important strategic movements.

Resolved, That while we hold in one hand the sword of justice, to sustain, strengthen, and uphold the Executive in the maintenance of the Constitution and the Union, it becomes our solemn and Christian duty to offer with the other continuously to our deluded brethren the olive branch of peace.

Mr. LOVEJOY. I move to lay the resolutions on the table.

Mr. HOLMAN. On that motion, I call for the yeas and nays.

Mr. HICKMAN. I rise to a question of order. Under the resolution which has been adopted, on motion of the gentlemen from Indiana, limiting the business which shall be considered by the House, the resolutions are not in order. Otherwise the resolution itself is perfectly inoperative.

The SPEAKER. The Chair sustains the question of order, and decides the series of resolutions to be out of order, as not coming within the scope of the resolution adopted by the House, defining the character of the business which shall be considered.

CLERKS OF COMMITTEES.

Mr. WASHBURNE. I submit the following resolution, and call for the previous question on its adoption:

Resolved, That the standing committees of this House which in the last Congress were authorized to employ clerks, be and they are hereby authorized to employ clerks during the Thirty-Seventh Congress upon the same terms of compensation as were provided for like service in the Thirty-Sixth Congress, while actually employed.

Mr. RICHARDSON. I rise to a question of order. I submit that under the resolution submitted by the gentleman from Indiana and adopted, as amended, on motion of the gentleman from Pennsylvania, that resolution is not in order.

The SPEAKER. The Chair sustains the question of order, and decides the resolution to be out of order.

Mr. WASHBURNE. I appeal from the decision of the Chair.

Mr. VALLANDIGHAM. I move to lay the appeal on the table.

The motion was agreed to; and the appeal was laid on the table.

REFERENCE OF PRESIDENT'S MESSAGE.

Mr. STEVENS, by unanimous consent, submitted the following resolutions:

1. *Resolved*, That so much of the special message of the President of the United States to the two Houses of Congress at the present session as relates to our foreign affairs, together with accompanying correspondence in relation thereto, be referred to the Committee on Foreign Affairs.

2. *Resolved*, That so much of said message and accompanying documents as relates to the finances; to the deficiencies in the appropriations for the year ending 30th June, 1862; to the deficiencies in the revenue; to the receipts into the Treasury, and public expenditures; to the provision of additional revenue by an increase of the present duties on imports, by loan, excise, and internal taxation, and the providing of the necessary ways and means for carrying on the Government in the present exigencies, be referred to the Committee of Ways and Means.

3. *Resolved*, That so much of said message and accompanying documents as relates to the execution of the laws; to the privileges of the writ of *habeas corpus*; to the armed neutrality of certain States; to the legal questions relating to the rebellious acts of citizens in the southern States, and to the power to enter therein with military forces to protect the loyal citizens of said States, be referred to the Committee on the Judiciary.

4. *Resolved*, That so much of said message and accompanying documents as relates to the Army of the United States, to the increase thereof, and to the establishment and improvement of military posts, be referred to the Committee on Military Affairs.

5. *Resolved*, That so much of said message and accompanying documents as relates to the Navy of the United States and the increase thereof, to provision for the protection of American merchant vessels, their crews and cargoes, against lawless seizure by privateers from southern ports in rebellion against the Government, be referred to the Committee on Naval Affairs.

6. *Resolved*, That so much of the message and accompanying documents as relates to the District of Columbia be referred to the Committee for the District of Columbia.

7. *Resolved*, That so much of said message and accompanying documents as relates to the Post Office Department, its operation and condition and cost of transportation, be referred to the Committee on the Post Office and Post Roads.

8. *Resolved*, That so much of said message and accompanying documents as relates to the public domain be referred to the Committee on Public Lands.

9. *Resolved*, That so much of said message and accompanying documents as relates to our intercourse with Indian tribes be referred to the Committee on Indian Affairs.

10. *Resolved*, That so much of said message and accompanying documents as relates to expenditures in connection with the State Department be referred to the Committee on Expenditures in the State Department.

11. *Resolved*, That so much of said message and accompanying documents as relates to expenditures in connection with the Treasury Department be referred to the Committee on Expenditures in the Treasury Department.

12. *Resolved*, That so much of said message and accompanying documents as relates to expenditures in connection with the War Department be referred to the Committee on Expenditures in the War Department.

13. *Resolved*, That so much of said message and accompanying documents as relates to expenditures in connection with the Navy Department be referred to the Committee on Expenditures in the Navy Department.

14. *Resolved*, That so much of said message and accompanying documents as relates to expenditures in connection with the Post Office Department be referred to the Committee on Expenditures in the Post Office Department.

15. *Resolved*, That so much of said message and accompanying documents as relates to the expenditures in connection with the Department of the Interior, to the expenditures generally, and to a retrenchment of the same, be referred to the Committee on Public Expenditures.

The SPEAKER stated the question to be on referring the resolutions to the Committee of the Whole on the state of the Union.

Mr. STEVENS. I hope the House will dispense with the reference, and pass the resolutions.

Mr. VALLANDIGHAM. Is debate in order upon the resolutions?

The SPEAKER. The Chair thinks if debate is proposed, the resolutions must go over.

Mr. VALLANDIGHAM. I understand the question to be on the reference of the President's message. The practice has usually been to allow debate upon that question.

The SPEAKER. If the resolutions were debatable, the usual parliamentary courtesy would give the floor to the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. VALLANDIGHAM. Certainly; but the gentleman from Pennsylvania did obtain the floor, and expressed the wish that the resolutions should be adopted, and resumed his seat. In the mean time I claimed the floor, and was assigned it by the Chair.

The SPEAKER. The Chair will hold the first reading of resolutions, when they can only be received by unanimous consent, to be for information only. The Chair, in this instance, neglected to ask if there was objection; and if there be objection at this time he will hold that the resolutions cannot be received.

Mr. VALLANDIGHAM. I do not rise to object. On the contrary, I desire that the resolutions may be adopted; but I wish to submit some observations upon them.

The SPEAKER. The Chair would regard debate as equivalent to an objection in the present instance.

Mr. VALLANDIGHAM. I do not object.

The SPEAKER. Is there any objection to the resolutions? If there be no objection, then the gentleman from Pennsylvania [Mr. STEVENS] is entitled to the floor.

Mr. VALLANDIGHAM. The Chair rose and stated the question upon the adoption of the resolutions, which are themselves debatable. I have claimed the floor, have been assigned it by the Chair, and propose to debate the resolutions.

The SPEAKER. The Chair has just stated that it was through inadvertence that he omitted to put the question, whether there was objection to the reception of the resolutions.

Mr. VALLANDIGHAM. And I have stated that I make no objection in the world, but desire to debate them.

Mr. RICHARDSON. The resolutions relate, as I understand them, to the organization of the House, and it is perfectly competent for the Chair to entertain them. Whether they are debatable or not; is, however, for the Chair to determine.

The SPEAKER. The Chair will read the rule under which the House is proceeding with its business to-day:

"All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions, until all the States and Territories are called through."

Mr. VALLANDIGHAM. I understand that has been done already.

The SPEAKER. The call of the States for resolutions has not been gone through with.

Mr. VALLANDIGHAM. Was the State of Pennsylvania being called when those resolutions were offered?

The SPEAKER. The State of Illinois was being called.

Mr. VALLANDIGHAM. Then the resolutions come up by unanimous consent, and I claim the floor to debate them.

The SPEAKER. The Chair will decide that, until the call has been gone through with, any resolution introduced by unanimous consent must go over if debated.

Mr. VALLANDIGHAM. Perhaps this matter can be accommodated. I desire to ask the chairman of the Committee of Ways and Means if he proposes to allow debate upon the President's message in Committee of the Whole on the state of the Union?

The SPEAKER. Debate is not in order except by unanimous consent.

Mr. LOVEJOY. I object.

Mr. VALLANDIGHAM. The Chair will recollect that it has always been customary to allow debate upon the resolutions referring the President's message.

Mr. LOVEJOY. I object to debate.

The SPEAKER. During the call of the States for resolutions, the gentleman from Pennsylvania [Mr. STEVENS] offered a series of resolutions for the reference of the President's annual message. If they give rise to debate, the Chair holds that they must go over. From that decision the gentleman from Ohio takes an appeal. The question now is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. VALLANDIGHAM. I will not insist on the appeal, because I desire to present no unreasonable opposition, but simply to exercise my rights as a Representative.

Mr. STEVENS. I withdraw the resolutions. I do not want discussion.

Mr. WASHBURNE. I renew the resolutions, and call for the previous question.

The previous question was seconded, and the main question was ordered; and under the operation thereof the resolutions were adopted.

Mr. WASHBURNE moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NEBRASKA CONTESTED-ELECTION CASE.

Mr. RICHARDSON. I offer the following resolution:

Resolved, That the papers in the case of the contested election from the Territory of Nebraska be referred to the Committee of Elections, and that they be authorized to investigate and report upon the same without regard to any notice, or anything of that kind.

Mr. DAWES. I move to amend the resolution so that it will include the papers in all the other contested-election cases now upon the Speaker's table.

Mr. RICHARDSON. I accept the amendment as a modification of my resolution.

The resolution, as modified, was then adopted.

Mr. FOUKE. I again offer my resolutions. The resolution of the gentleman from Indiana does not exclude resolutions in reference to the war now existing.

The SPEAKER. Debate is not in order.

Mr. FOUKE. I again offer my resolutions.

The SPEAKER. The Chair has decided them to be out of order. It is now too late to make the point, the gentleman having failed to take an appeal.

DEFENSES OF WASHINGTON.

Mr. TROWBRIDGE. I offer the following resolution, and demand the previous question on its adoption:

Resolved, That the Secretary of War be requested to furnish to this House, as soon as practicable, plans and estimates, to be prepared by the engineer department, for completing the defensive works upon the south side of the Potomac, near this city; and also to report upon the expediency of constructing similar works of defense upon the northern side of this city, with estimates for the same, so as to reduce the minimum number of troops required for the protection and defense of the capital.

The previous question was seconded, and the main question ordered.

Mr. RICHARDSON moved that the resolution be laid upon the table.

The question was taken; and the motion was disagreed to.

The resolution was adopted.

Mr. TROWBRIDGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PENSIONERS OF THE UNITED STATES.

Mr. CURTIS. I offer the following joint resolution.

Resolved by the Senate and House of Representatives, &c., That the Commissioner of Pensions be, and he is hereby, directed to strike from the pension rolls all pensioners in rebellion against the United States; and also all pensioners aiding or abetting secession or rebellion; that before payment of pensions to persons resident in States that have passed an ordinance of secession, or in States where the executive has refused to furnish military force to sustain the Government at the present crisis of our country, the applicant shall swear allegiance to the United States, and further that he has not engaged in secession or revolution, does not approve of either, and will not participate or give aid or countenance to secession or revolution.

Mr. BURNETT. Is not that resolution obnoxious to the restriction of the rule adopted this morning on motion of the gentleman from Indiana, [Mr. HOLMAN?] I make the point that the resolution is not in order.

The SPEAKER. The Chair sustains the point of order.

SECESSIONISTS IN OFFICE.

Mr. POTTER offered the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of five be appointed by the Speaker to ascertain and report to this House the number of persons, with the names thereof, now employed in the several Departments of the Government, who are known to entertain sentiments of hostility to the Government of the United States, and those who have refused to take the oath to support the Constitution of the United States; and that said committee be authorized to send for persons and papers.

Mr. VANDEVER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

APPORTIONMENT OF MEMBERS.

The SPEAKER laid before the House, by unanimous consent, a communication from the Department of the Interior, transmitting the apportionment among the States of members of the House of Representatives under the eighth census; which was laid upon the table, and ordered to be printed.

And then, on motion of Mr. OLIN, the House (at three o'clock) adjourned.

IN SENATE.

TUESDAY, *July* 9, 1861.

Prayer by Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday was read and approved.

Hon. HENRY M. RICE, of Minnesota, appeared in his seat to-day.

THE NAVAL ACADEMY.

Mr. TEN EYCK. I ask leave to present the petition of the mayor and collector of the city of Perth Amboy, and the commissioners of pilotage of the State of New Jersey, of Peter D. Vroom, Theodore Frelinghuysen, Joseph C. Hornblower, and other eminent citizens of the State of New Jersey, praying Congress, in case it shall be deemed expedient to remove the United States Naval Academy permanently from Annapolis, to establish it at the city of Perth Amboy, in the State of New Jersey. As the petition is voluminous, I will not ask to have it read, or read it myself. I beg leave simply to state very concisely that this place is considered to be eminently fitted for the site of the Naval Academy. It is perhaps the most eligible position on the seaboard, more readily accessible from the west and the north and the south than any other place upon

the sea-board. Proximity to New York and Philadelphia, with access thereto two or three times a day; nearness to the navy-yard at Brooklyn, where every material can be obtained for the purpose of such an Academy; the situation, with the Raritan river and bay on one side, and Prince's bay and Staten Island sound upon the other—a fine bay for the opportunity of naval evolutions; its nearness to the ocean, only some eleven miles from it, and yet protected from it; the harbor being equal in depth of water to the harbor of New York; the climate delightful in summer, not so rigorous as other situations upon the coast north of it in winter; the harbor always free from ice; render this, in the judgment of the petitioners, a most desirable situation. I ask that the petition be received, and referred to the Committee on Naval Affairs.

Mr. FESSENDEN. I wish to suggest the propriety of laying all petitions in relation to matters not immediately pressing, upon the table for the present, and not referring any of them. It is a very general opinion, I believe, that we ought to make this session as short as possible, and confine our action to those matters for which we were particularly called together. If we begin by referring this petition, others will be presented, and we shall have an accumulation of business such as we do not intend to act upon at the present session. I would suggest to my friend from New Jersey, therefore, whether it would not be advisable to let this petition lie on the table until we decide what kind of business we shall attend to?

Mr. TEN EYCK. Nothing could accord more clearly with my own views than the suggestion of the Senator from Maine. If I could have my way, there should be no business done at this session of Congress but that which is strictly cognate to the call. If it were possible, I should like this Congress to pass all the necessary acts in forty-eight hours, and adjourn without expressing a single sentiment other than was contained on the face of the bills. I thought, however, that this petition, as it was somewhat appropriate to the matters in hand, might safely be referred to the Committee on Naval Affairs, and they might make some recommendation for the appointment of a commission to act in the recess with regard to this matter.

Mr. HALE. I accord with what the Senator from Maine has said; but I want to suggest to the Senate that, as a great many resignations have taken place from the Naval School, and a necessity exists for an increase of the Navy, it may be necessary at this time to take some measures in regard to the reorganization of the Naval School, and finding it "a local habitation and a name."

Mr. FESSENDEN. My suggestion was simply that it be laid on the table for the present, until we had an opportunity to consult and see what course was best to take.

Mr. HALE. Very well.

Mr. FESSENDEN. It was a mere temporary matter. I will make the motion.

The VICE PRESIDENT. It is moved that this petition lie on the table.

The motion was agreed to.

DUTIES ON ARMS.

Mr. KING. I desire to present a petition from a committee of the military board of State officers of the State of New York, who have sent an agent abroad to purchase arms for the use of the volunteers and militia of that State in the service of the United States, asking that the duties which they have paid upon some that have come in may be remitted. I move to refer it to the Committee on Finance.

Mr. FESSENDEN. Let it be laid on the table, as I have a bill on the subject to report.

Mr. KING. The chairman of the Committee on Finance tells us that he has a bill for the purpose; therefore I will let the petition lie on the table.

The petition was ordered to lie on the table.

Mr. FESSENDEN. Yesterday there was referred to the Committee on Finance a joint resolution (S. No. 2) to remit the duties on certain arms imported into the United States. The committee have now instructed me to report a bill for that purpose. It is short, and I presume there is no objection in any quarter to it, and I ask that it may be read, the rules suspended, and the bill passed through. It is very important that it should be done immediately.

The bill (S. No. 6) to refund and remit the duties on arms imported by States was read twice by unanimous consent, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to refund and remit the duties and imposts on all arms imported into the United States since the 1st day of May last, or which may be imported before the 1st day of January next, by or for the account of any States, on being satisfied that the said arms are intended in good faith for the use of the troops of any State which is or may be engaged in aiding to suppress the insurrection now existing against the United States.

The bill was reported to the Senate without amendment.

The VICE PRESIDENT. The Senator from Maine asks a suspension of the rules of the Senate, for the purpose of ordering this bill to be engrossed for a third reading. The Chair hears no objection.

The bill was read the third time, and passed.

EXECUTIVE CLERK.

Mr. HALE. I have a resolution to offer; and if there be no objection, I should like to have it considered now:

Resolved, That De Witt C. Clarke be, and he is hereby, appointed principal executive clerk of the Senate, in the place of J. H. Nicholson, resigned.

The resolution was considered, by unanimous consent, and agreed to.

REPORT OF A COMMITTEE.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 2) to increase the present military establishment of the United States, have directed me to report it back with an amendment, striking out the fifth section of the bill, which authorizes the President, if, in his opinion, the public service requires it, to enlarge the old regiments to the size of the regiments ordered by this bill.

DEATH OF MR. DOUGLAS.

Mr. TRUMBULL. Mr. President, at the close of the last day in the month of May, 1861, on entering the city of Chicago after a brief visit to this place, I was informed by a friend who met me at the depot, that my colleague in this body, Hon. STEPHEN A. DOUGLAS, was dying, and would not probably survive an hour. As I approached the Tremont House in which he lay, I found the side-walks and the vestibule of the hotel thronged with people anxiously inquiring after the condition of the dying man. The next morning it was some relief to know that he was still alive, though it was said with little hope of a recovery. He continued in this condition the whole of that day and the next, when the public began to entertain expectations of his restoration to health. The fears and hopes of the immediate attendants, friends, and relatives, who watched over him during those awful hours of suspense, and till nine o'clock on the morning of the 3d day of June, when he expired, I have no disposition, had I the power, to portray. The solemn duty of announcing my late colleague's decease imposes upon me no such obligation; and God grant that the wounds then inflicted may not be opened afresh.

Mr. DOUGLAS was born at Brandon, Vermont, April 23, 1813, being but forty-eight years of age at the time of his decease. He was descended from Puritan ancestors by both his parents. Of one—his father—he was bereft in infancy. His mother still survives. After acquiring such an education as could be obtained at the common school and the academy, not having the means to perfect it by a collegiate course, at the early age of twenty he emigrated to the State of Illinois, where he taught school for a short time, and, in 1834, was admitted to the bar to practice law. In 1835, he was made State's attorney; and from that day till the day of his death was almost constantly engaged in the public service of either the State or the nation. He held the offices of State's attorney, representative in the Legislature, secretary of State, and justice of the supreme court in the State of Illinois, and also that of register of the land office at Springfield, in that State, by appointment from Mr. Van Buren, before he entered the councils of the nation, as a Representative in the other branch of Congress, in 1843.

He was three times elected by the people to the House of Representatives, and thrice by the Legislature of his State to a seat in this body, and was continuously a member of one House or the other, from his first entry, in 1843, till his death, four years of his last senatorial term still remaining unexpired. From this brief history, it appears that Judge DOUGLAS devoted more than half his life, and all the years of his manhood, to the public service; and so prominent was the part he took in public affairs, so intimate the connection between his own rise and fame, and the progress and renown of his State and the nation, that the history of the one would be incomplete without that of the other. No great public movement has taken place since he entered public life which has not felt the influence of his will and his intellect; perhaps no one man, since the Government began, ever exercised a greater influence over the masses of the people than he. No one ever gathered around him more devoted followers or more enthusiastic admirers, who were willing to do and dare more for another, than were his friends for him.

What this charm was which so linked the popular heart to him that it never faltered even under circumstances apparently the most discouraging, seems almost mysterious. This feeling of attachment followed him to the grave, and was never more manifest than after his decease, when he had become alike indifferent to the adulation of friends or the censure of enemies, and when his power had forever departed either to reward the one or punish the other. It was then, if ever, as his body lay lifeless in the city of Chicago, that the true feeling of a people would manifest itself; and it did manifest itself, not only there, but throughout the nation, to an extent scarcely, if ever, witnessed since the death of the Father of his Country. The badges of mourning were seen displayed not only from the public buildings and the mansions of the rich, but the cottages of the poor, the carts of the workmen, and the implements of the laborer, were everywhere to be seen draped with the habiliments of woe, all the more touching as they were simple and plain. The people's favorite in life, he was followed by their lamentations in death.

But Judge DOUGLAS possessed not only the power of fascinating the masses; he was a marked man wherever he went and with whomsoever he associated. No matter whether as a lawyer at the bar; as a judge on the bench; at an agricultural society, where the skilled in mechanic and industrial pursuits were assembled; at some college commencement, where the learned were convened; in the other House of Congress, in the midst of the tumult and commotion of its most excited debates; in this more deliberative body, or before the popular assembly of the people; wherever he appeared he always shone conspicuous. He was one of the few men who have proved themselves equal to every emergency in which they have been called upon to act. I remember well when he was transferred from the House of Representatives to the Senate, his enemies predicted and his friends feared that his talents were not fitted for this body, and that he would be unable to sustain the reputation he had acquired in the more popular branch. He entered here when the great men whose talents and learning and eloquence have shed an undying luster on the American Senate—when Clay, Webster, Benton, and Calhoun, in the vigor of manhood, full of wisdom and experience, were still here, and proved himself no mean compeer of either. His speech of 1850, wherein he met and refuted the positions of the great Carolinian, upon the very points which have been made the pretexts of the southern rebellion, was perhaps the greatest effort of his life.

The distinguishing characteristics of Judge DOUGLAS, which enabled him to cope successfully with the greatest intellects of the age, were fearlessness, quickness of apprehension, a strong will, and indomitable energy. He knew no such word as fail. He had full confidence in himself, and of his ability to accomplish whatever he undertook. In controversy he was unsurpassed; and without pretension either to accomplished scholarship or eloquence, there was a fullness in his voice, an earnestness in his manner, a directness in his argument, and a determination in his every look

and action, which never failed to command attention; and, often electrifying the multitude, would elicit unbounded applause. This crowded Chamber has often been witness of the delight with which the multitude hung upon his words.

Of the political course of Judge DOUGLAS, and its effect on the country, it does not become me to speak; but I may be permitted to say that, when a portion of the Opposition to the Administration assumed the position of armed resistance to its authority, and attempted by force to dismember the Republic, he at once took sides with his country. His course had much to do in producing that unanimity in support of the Government which is now seen throughout the loyal States. The sublime spectacle of twenty million people rising as one man in vindication of constitutional liberty and free government, when assailed by misguided rebels and plotting traitors, is, to a considerable extent, due to his efforts. His magnanimous and patriotic course in this trying hour of his country's destiny was the crowning act of his life. All his life long a devoted partisan of the Democratic faith, he did not hesitate, when his country was in peril chiefly from those who had formerly been his political associates, to give his powerful support and the aid of his great influence to the Government, though controlled by political adversaries. If, in thus discharging his duty, Judge DOUGLAS manifested a disinterestedness, a magnanimity, and a patriotism, which entitle him to credit, it is but just to say that he was met by his political opponents in a similar spirit. Perhaps the highest compliment ever paid him, and one which few statesmen have ever received, was that extended to him by the Legislature of Illinois, on his return to the State after the close of the last session of the Senate. That body, controlled in both its branches by his political adversaries, unanimously invited him to address them on the condition of the country; and nobly did he respond to the invitation. His address delivered on that occasion, which, by order of the Legislature, was extensively circulated through the State, will ever remain an enduring monument to his fame, and an example worthy of all imitation of the sacrifice of pride to principle, of self to country, and of party to patriotism.

In social life, Judge DOUGLAS was genial and attractive. Open, frank, and generous almost to a fault, he never failed to exercise a large influence over all with whom he came in contact; and few men have ever had more numerous or more devoted personal friends.

Such were some of the characteristics of our departed brother. Inheriting neither wealth nor position from an illustrious ancestry, he acquired both by the active, energetic, laborious, and never-ceasing use of those noble faculties with which he was endowed by the Great Author of all; and if the wealth he at one time possessed does not remain to those who were dependent on him, it is because the energies of his great mind were devoted rather to the country and to the whole people, than to providing for his own. Laboring under the defects of an imperfect education in early life, his industry and his energy supplied the want. He was emphatically a self-made man, and the history of his life affords a striking illustration of what industry and energy, united with a strong will, can accomplish.

But that iron will, which had so often met and overcome obstacles, was compelled to yield at last to the King of Terrors; for it is appointed unto men once to die. Only a few months ago, Judge DOUGLAS, in vigorous health, went forth from this Chamber to rally his countrymen to the support of the Constitution and the laws, and then to die; to die at the very zenith of his fame, when a whole loyal people, forgetting past political ties, stood ready to do him honor. His death, in the full vigor of manhood, should admonish us who are left that here we have no abiding place—it may be not even for the brief periods for which we are chosen members of this body.

Mr. DOUGLAS was not a professor of religion in the sense of being attached to any particular Church; but in his will, executed several years before his decease, after providing for his worldly affairs, he says: "I commit my soul to God, and ask the prayers of the good for His divine blessing;" thus leaving on record the evidence of his trust in the Supreme Ruler of the world. He leaves surviving him a widow; and two children by a former marriage. Into the domestic circle broken by his departure I do not propose to enter, nor to attempt by any poor words of mine to administer consolation to those who were bound to him by the closest of ties. How unutterable must be the anguish of the aged mother, the sister, the children, and the bosom companion of him whose departure has clothed a whole nation in mourning! I can only point them to Him who has promised to be a father to the fatherless, and the widow's God.

On the 17th day of June last, all that remained of our departed brother was interred near the city of Chicago, on the shore of Lake Michigan, whose pure waters, often lashed into fury by contending elements, are a fitting memento of the stormy and boisterous political tumults through which the great popular orator so often passed. There the people, whose idol he was, will erect a monument to his memory; and there, in the soil of the State which so long without interruption, and never to a greater extent than at the moment of his death, gave him her confidence, let his remains repose, so long as free Governments shall last, and the Constitution he loved shall endure.

I offer the following resolutions:

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of Hon. STEPHEN A. DOUGLAS, deceased, late a Senator from the State of Illinois, will go into mourning by wearing crape on the left arm for thirty days.

Resolved unanimously, That, as an additional mark of respect for the memory of Hon. STEPHEN A. DOUGLAS, the Senate do now adjourn.

Ordered, That the Secretary communicate these resolutions to the House of Representatives.

Mr. McDOUGALL. Mr. President, I received the first intelligence of the decease of the late Senator from Illinois as the pilot came on board our ship on my recent arrival off the harbor of New York. The universal and solemn exhibition of the profoundest sorrow on the part of all the companions of my voyage, embracing men of all classes, all opinions, and all sections, fully showed that the dead Senator had filled a large place in the heart of the American people. All seemed deeply to feel that another of our great men, one of those who had most and best illustrated our republican institutions, had left us forever for the companionship of his fathers—gone too, at a time when his great qualities for counsel and conduct were most needed by his country.

But as, powerless for the moment to resist the tide of emotions, I bowed my head in silent grief, it came to me that the Senator had lived to witness the opening of the present unholy war upon our Government; that witnessing it, from the capitol of his State, as his highest and best position, he had sent forth a war cry worthy of that Douglass, who, as ancient legends tell, with the welcome of the knightly Andalusian King, was told:

> "Take thou the leading of the van,
> And charge the Moors amain;
> There is not such a lance as thine
> In all the hosts of Spain."

Those trumpet notes with a continuous swell are sounding still throughout all the borders of our land. I heard them upon the mountains and in the valleys of the far State whence I come. They have communicated faith and strength to millions.

He lived to witness his great appeal to a nation of freemen answered by unnumbered legions of patriotic men, and to feel and understand, with a confident assurance, that the mad assault made by misguided men upon the integrity of our Union, instead of resulting in disunion and anarchy, would establish our institutions upon deeper and firmer foundations, and leave a certain guarantee of peace, liberty, and unity, to our children and children's children to remote generations. He lived to have, by the majesty and power of his last great effort, risen above the reach of malice or detraction, and to have secured for his memory the love and admiration of all men who love freedom, here, everywhere, and forever. I ceased to grieve for DOUGLAS. The last voice of the dead DOUGLAS I felt to be stronger than the voice of multitudes of living men.

While paying the tribute of my respect to the memory of Mr. DOUGLAS, I prefer speaking simply of the man as I knew him. The record of his public life is a part of the written history of our country.

It is now twenty-four years since I first met Mr. DOUGLAS; he then a young lawyer of established reputation for ability; I about attempting success in the same profession. Of the same political opinions, engaged in the same pursuits, and of similar social relations, from the first we became friends. It is to me a matter of sincere satisfaction, that I am able to reflect that that friendship continued without a single interruption for near a quarter of a century, and until the Great Ruler severed it, to be renewed, I trust, in the land of spirits.

At a very early period Mr. DOUGLAS turned his attention to public affairs, and I soon learned to place great reliance upon his sagacity and judgment. As years passed by, that confidence increased; and if among the men I have known in public life I have trusted him most, I can at the same time say I knew him best.

That he possessed commanding talents is now everywhere admitted. In my judgment, he was in his time the greatest living master of forensic discourse. Scorning ornament, simple, vigorous, and correct in language and in manner, he was a powerful as well as just reasoner, from the very necessities of his intellectual and moral organization. He possessed a true, as well as a large and powerful mind.

His enemies have charged him with ambition—with excess of ambition. He was ambitious; but it was a great and a just ambition. He was ambitious in this, that he loved to engage in and to achieve great enterprises. If he aspired to places of power, the position of power was never the goal with him. He sought power that he might accomplish great things for his country and his age.

The architect of his own fortunes, as well as the architect of his own opinions, the surroundings and discipline of his early life, together with his naturally bold and self-reliant character, gave to him progressive rather than conservative proclivities, and led him, from the outstart of life, to espouse the opinions and policies of that great Democratic party, in the councils and movements of which he ever afterward acted so large a part.

His promptness in judgment, and boldness and energy in conduct, would have made him a leader of men in any age or nation; and while he possessed the promptitude and courage of a great leader, he united with it a capacity for counsel equal to his capacity for action.

Considered opinion will, I have no doubt, yield to him a place second to that of no man of his immediate time.

The great feature of the public policies of Mr. DOUGLAS is to be found in his devotion to the organization and development of the States and Territories of the West—that great country which, by its marvelous progress, has given the best assurance of the vital power of our Republic. Indeed, from the period when as a youth he stood on the green hills of his native Vermont, it would seem as if, obedient to some rudimental law related to the motion of the sun in heaven, or the earth upon its axis, his look was westward; and, although he knew nothing of the fabled islands of the western sea, which ancient songs and golden sunsets gilded, he saw, in the new land yet unconquered from the wilderness, the theater in which to realize his young hopes and indulge the aspirations of his young ambition. During all his life his earnest eye was on the great West; while others of our statesmen knew more of the intrigues of the Courts of Europe than of the important interests springing up beyond the Alleghanies. To those interests, their comprehension, and advancement, he devoted himself with an unwavering zeal. Nor were his labors and interests confined by the valley of the Illinois, or the great basin of the Mississippi. I have known no man in public or private life who was so thoroughly conversant with or who interested himself so much in our possessions on the Pacific. He was the first person within my knowledge to earnestly advocate the construction of a railway from the Mississippi river to the bay of San Francisco. This was a favorite enterprise with him years before we had acquired California from Mexico.

But the relations of Mr. DOUGLAS to the States and Territories of the West, his labors for their material and political interest, are part of the history of the country. On the shores of the Pacific the intelligence of his decease will put a whole people in mourning.

Mr. DOUGLAS was a courageous, magnanimous, true, and great man. I loved and honored him while living—I love and honor his memory, dead.

Mr. President, I second the resolutions by the honorable Senator from Illinois.

Mr. COLLAMER. Mr. President, STEPHEN A. DOUGLAS was a native of Vermont, and she claims to utter a word on the occasion of this solemn announcement of his decease. However much a majority of her people may have often, and perhaps generally, disagreed with his political positions and measures, yet they duly appreciate the strong points of his character, the elevated position he has occupied, and the extensive influence he has wielded in this nation, and cherish pride in him as one of their sons. That a poor orphan boy from the Green mountains could peaceably accomplish all this, is to that people not merely a matter of wonder or admiration of his personal resolution and ability, but an inspiring and brilliant manifestation of the generous liberality of our free institutions, opening the avenues of enterprise to success and elevation to the effort and energy of all, however humble.

Brilliant and commanding as have been the positions and parts which he has performed on the political theater of this nation, it is strikingly observable in how short a time it was accomplished. His whole course in the national councils was confined to a period of less than twenty years. In that short period, laboring in the Democratic party, he succeeded in securing to himself the sympathy and affection of the great body of the masses of that long-dominant party, and held their hearts in his hand. How generous and cordial must have been the spirit of the man to secure to himself so extensive, so confiding, and devoted attachments!

The first great ingredient in the composition of his success was, that he was not merely with the masses of the people, but was *of* them. The people submit with cheerfulness to leadership and control, if it is of their own creation; and Mr. DOUGLAS was not great by adventitious circumstances beyond their control. This, his normal character was never essentially modified by any sophistications of education, which with him was very limited; and he fully appreciated through life, as an element of his strength, and often proudly alluded to, his early *mechanic* service, as fixing his identity with the masses of the people.

Another element of his success is found in his indomitable energy and perseverance. This is too universally understood to require remark. It was said of old that the gods help those who help themselves; and men generally concur in like conduct.

It has been truly said that "much study makes a wise man, much writing a correct man, and much speaking a ready man." The last of these propositions is most true of controversial speaking; and of that Mr. DOUGLAS was both an example and an illustration. Much has been said of his power of debate as a point in his superiority and an instrument of his elevation. As a public speaker, he was almost exclusively practiced as an advocate and champion of the Democratic party, whose principles and doctrines he never questioned. He thus became disciplined in *occupying* and *defending* positions rather than in selecting them. In this he became dexterous and adroit to an unusual and almost wonderful degree, in all the skill of forensic gladiatorship. As the positions of his party were, with him, unquestionable and axiomatic truths, he regarded everything opposed to them as false and unfounded. With this habit of mind it became to him almost impossible ever to receive or appreciate, believe or present, the statement or argument of his opponent in any other light but the one which would destroy its force or enable himself to answer it. His persistence was unrelenting, very seldom convinced of error, and never betraying a consciousness of being vanquished.

In contributing to the repeal of the Missouri compromise, that prolific source of vast political complications and consequences, it was sanctified to him by his cherished principle that the people were to be left "perfectly free to form and regulate their domestic institutions in their own way;" and though too slow to believe the border-ruffian violence by which the people of Kansas were subjugated, yet when violence and fraud culminated in that great national swindle—the Lecompton constitution—he met and exposed it with the frankness and decision of a just and high-minded patriot.

Mr. DOUGLAS supported the Democratic party as a national party. His attachments and sympathies were with the *nation* and its institutions, which cherished him; and his ambition or aspiration was to be President of the *United States*, not of only a part of it. His defeat was not by the body of his party, but by the conspiracy of men long leaders in that party, no less ambitious than himself, but enemies of the nation, its institutions, and its flag.

He became what he was mainly through his own exertions, and the fact that they enabled him to acquire the distinction he possessed was due to the liberal institutions of this Government, as to all which he was neither insensible nor ungrateful. When the southern traitors proceeded to the dismemberment of this Government by open war, he, laying aside the party differences which separated him from the Executive, promptly, and with frank, patriotic devotion, tendered to the Executive his services and influence to sustain the Government in the hour of its peril. I say "its peril," as it has long since outgrown all apprehension of foreign invasion, and domestic convulsions and internal war is its last trial. Into this service he entered with his usual devotion, activity and eloquence, until arrested by fatal disease.

He has departed to his long home in the meridian of his manhood, and at a juncture in which he might have been of more than ordinary service to the country. Human judgment might say his death was untimely and premature. Human judgment is quite too feeble for such a subject; but how can we, even in human judgment, regard his departure as premature whose last public act was the crowning glory of his earthly career?

Mr. NESMITH. Mr. President, though my personal acquaintance with Mr. DOUGLAS was brief, it was of a nature to inspire me with admiration for his character, and fill my heart with gratitude for acts of personal kindness extended to me when I arrived in this capital for the first time in January last.

My silence on this occasion would not only do violence to my own feelings, but would be in sad contrast with the sorrowful emotions of the people whom I, in part, represent, and who have just cause to mourn the loss of a friend and benefactor.

By the side of Illinois, Oregon claims the position of chief mourner at the portals of the tomb of the great DOUGLAS. From the commencement of his congressional career to the day of his death we had no such devoted friend and able advocate. In the contest growing out of our boundary question, in 1846, he was a strenuous advocate of our territorial integrity; and in the same year he reported a bill in the House of Representatives to give us a territorial organization. Again, in 1847, in this body, he reported another bill for the same purpose. He was also an efficient advocate of our admission as a State of the Union. His voice was always raised in our behalf, and in behalf of humanity, when we called upon Congress for protection against the savages who surrounded us, or for indemnification for losses suffered at their hands. During the long period that he was chairman of the Committee on Territories, Oregon Territory never appealed to him in vain; while your records show that we have been the constant recipients of his aid since our admission as a State.

In addition to the debt of gratitude which we owe for his public services in our behalf, his memory will long be cherished in the hearts of many of the early settlers in Oregon, who were his neighbors, friends, and constituents in Illinois.

These considerations, Mr. President, cause us to appreciate the melancholy fact that we have been deprived of a patron, friend, and benefactor. We are sadly conscious that our friend has fallen; and those of us who recognized him as our party chieftain, and were proud to award him the position in politics and statesmanship which his great Scottish namesake once held as the gallant leader of his clansmen in war, can hardly realize that we have listened to his slogan for the last time.

Inexorable death has paralyzed that gigantic intellect, but the memory of its noble achievements will never die; and millions yet unborn, while struggling with adversity, will be pointed to his noble career as a beacon light to guide them in the pathway of honorable usefulness and patriotic renown.

> "In stilly thought, and in bewildering fight,
> A cloud by day, a pillar'd flame by night,
> He'll point us onward, onward to the goal;
> Leading on legions with his vast control;
> Implanting truth, the idol of his soul."

In our present unfortunate difficulties Mr. DOUGLAS rose above the partisan; and early in the last session, just after a heated political contest, he voluntarily declared that bygones with him should be forgotten, while his energies were devoted to the preservation of the Union which he loved so well. He resorted to every honorable expedient to avert from his country the horrors of sectional strife, and the shedding of fraternal blood, until forbearance ceased to be a virtue, and until treason, with unparalleled audacity, threatened the very existence of the Government. It was then that he appealed in patriotic language to the gallant sons of his own State and the great Northwest to rally in defense of the Union, the Constitution, and the laws, though under the administration of a President whose advent to power he had opposed with all the energy of his mighty intellect. Less patriotic partisans have been known, while smarting under defeat, to contribute to the overthrow of a Government which they were not permitted to administer. By his voluntary acts he furnished the strongest possible evidence that with him the preservation of the Union and the Constitution were paramount to all other considerations. His memory will be held in reverence so long as the history of our Government is preserved, and while a single human mind is imbued with a belief in the capacity of man for self-government.

It is a source of gratification to know that the manly courage and heroic fortitude which so eminently characterized our friend in life, did not forsake him in the hour of his greatest trial. A consciousness of his own rectitude of purpose during a well-spent life inspired him with the courage to meet the inevitable fate which awaits us all, and to look with composure upon the valley and shadow of death.

Mr. President, in common with the people of Oregon, I mourn the loss of our benefactor. As a humble member of a powerful political organization, in common with thousands, I mourn the loss of our gallant chieftain and party leader, under whose proud banner we fought and followed in the forlorn hope.

I mourn the loss of the kind-hearted, generous, and noble personal friend who gave me counsel and advice. Yet more, I mourn the irreparable loss which the nation and the Union sustain in being deprived of the patriotic counsels of his heart in this the hour of our greatest peril.

Mr. BROWNING. Mr. President, I appear here as the successor of one who was long a distinguished member of this very distinguished body, and who, since your last adjournment, has finished his course on earth, and crossed the mystic boundary which separates time from eternity.

The melancholy duty of announcing the death of Hon. STEPHEN A. DOUGLAS has already been impressively performed by my colleague. I desire to say how truly Illinois, the loved State of his adoption, deplores his loss, and how profoundly the nation participates in the bereavement.

For many years past, the life of Senator DOUGLAS has been intimately and thoroughly identified with the history of the United States. His was a prominent and conspicuous part in the great drama of human affairs, and he associated his name, for good or evil, with every great measure of the last decade affecting the interests and fortunes of our country. During that time, no American statesman filled a larger space in the public mind—none maintained a stronger hold upon the affections of his friends. A vigorous and capacious intellect of great versatility and exhaustless resources, an indomitable and exacting will, which subordinated, or sought to subordinate, all others to its control; a copious eloquence, distinguished more for strength and earnestness than for grace and beauty—addressing itself to the intellect more than to the sentiments—combined with a physical organization capable of great endurance and un-

remitting labor, and with a temperament peculiarly ardent and impetuous, qualified him in an eminent degree for a great political leader; and as such, he eminently acted his part. No cotemporary exercised equal influence with, or held as absolute dominion over, the minds of his followers.

Without the adventitious aids of fortune or influential friends, but alone by the resources of his own intellect and the energy of his own character, he made his way from a humble but respectable position in private life to the most exalted places of trust and honor known to our Government.

From the moment of commencing his public career, his course was onward and upward. Success waited upon his steps. His way was luminous with triumphs seldom dimmed by defeat, and his achievements in the field of politics stopped short only of the highest and most coveted prize in the gift of the American people.

At present, opinions will be various and diverse as to the influence of his life upon the cause of civilization, the cause of human rights, and the destinies of our own great Republic; and it will only be after the passions, prejudices, and partialities engendered by the conflicts of his own time shall have faded away, that the faithful, impartial, and inexorable pen of history will truly estimate his character and justly assign him his place.

But, whatever diversities of judgment there may be among his cotemporaries as to the wisdom and beneficence of his measures, all will accord to him great talents, great energy, and an ardor and fervency of patriotism capable of sacrifices of personal predilections, prejudices, and antipathies, which a narrow mind and contracted sympathies could never have made.

He was an extraordinary man, and very distinguished among those who were the most justly and eminently distinguished of his time; and I, in common with those who were his political friends and admirers, claim a share in his fame, as our joint heritage, and a right to participate their sorrow for his untimely death.

In common with them, I mourn his loss, and ask the privilege of paying this poor tribute to his memory, and throwing an unworthy garland upon his tomb.

I have not risen, Mr. President, for the purpose of eulogy or panegyric—not even to utter approval of the political principles which governed and shaped his public acts; but I would be unjust to my feelings should I fail to declare how deep and sincere was my sorrow for the loss of this distinguished Senator, and especially at a time when he had the power, to a greater extent than any other living man, to render valuable and important services to our perplexed and imperiled country, and the temper and disposition of mind to use that power as it should have been used by a patriot and statesman.

I desire only to do justice to his memory. For a quarter of a century I knew him well and intimately. Young, ardent, and impetuous, and wedded to the fortunes of opposing political parties, as widely sundered and as intensely hostile as parties have ever been in this Government, we entered together upon our public career in the winter of 1836-37, he as a member of the House of Representatives and I as a member of the Senate of the Legislature of Illinois. Passing thence, at a later day, he took his place upon the bench, and I a humble position at the bar in the circuit where he presided. Our intercourse was intimate, and uniformly kind and courteous.

In the spring of 1843, the State having been redistricted for congressional representation, he and I, residents of the same village, the one a judge, the other a practitioner before him, were nominated by our respective parties as opposing candidates for Congress in the same district.

In the forenoon of a bright summer day in June, the court was brought to a close, for the term, in the last county in the circuit, and he at once resigned his judgeship.

In the afternoon of the same day, by previous mutual arrangement, and at the urgent solicitation of both political parties, we addressed a large assemblage of Whigs and Democrats, thus opening one of the most excited, arduous, and earnest political campaigns that was ever made in the State.

The next day we passed into another county, and again addressed the people; and from that time forward till the election, we traveled together, often in the same conveyance, and spoke together from the same stand on an average of two hours each per day, and that repeated every day, as my memory now serves me, with the exception only of the Sabbath. The district was one of the largest in the United States, both in population and territory, and the summer unusually warm; and it is, perhaps, not to be wondered at that the health of both of us gave way under the constant and heavy draft thus made on our physical and intellectual energies—mine a little before, and his on the day of the election.

Perhaps at no time in our country's history did party spirit run higher, or wax warmer, than at this time it did in Illinois. Personal rancor was almost universal, and personal conflicts not unfrequent between opposing candidates. Impressed with a sense of how pernicious the influence of such an example was upon the public mind; how adverse to a calm and impartial hearing, and fair estimate of discussion of the questions which separated us, and vitally interested the country; and how incompatible with the dignity which ought to characterize the deportment of gentlemen aspiring to high positions of trust and honor, we came to a mutual understanding, before entering upon the canvass, not to violate with each other the courtesies and proprieties of life; and not to permit any ardor or excitement of debate to betray us into coarse and unmanly personalities. And, I am proud to say, that the compact was well and faithfully kept on both sides. During the entire campaign not one unkind word or discourteous act passed between us; and we closed the canvass with the friendly relations which had previously subsisted undisturbed, and maintained them, without interruption, to the day of his death. From this time forward, our intercourse was less frequent. My path lay through the secluded and little observed walks of life; his was the highway of renown, wherein he attracted the constant attention of the nation, and won the unbounded confidence and approval of his friends. Occasionally, during his senatorial life, we met in debate upon the hustings, and tilted and jousted upon the political arena, without any disturbance of the harmony of our personal relations.

These details can have no interest for the Senate or the public, save such as they derive from their connection with the illustrious dead.

Mr. President, it is proper that I should say that there were but few political acts of his life which met my approval, with the exception of such as were crowded into the interval between the fall of Sumter and his death.

For the first time in the world's history the astounding spectacle had been exhibited of a Government plotting against its own life, and conspiring for its own overthrow.

For the first time in our nation's history rebel hands were raised in hostility against our country's flag, to rend its stripes and pluck its bright stars from their field of glory.

We had then but recently passed through a fiery political contest in which Senator DOUGLAS had been the chosen and almost adored standard bearer of a great and renowned party which was laboring to elevate him to a position equal in dignity, honor, and power, to any on earth. Political parties have seldom been more bitterly hostile than were that which marshaled its hosts under his leadership, and that which followed the fortunes of our honored Chief Magistrate. The object of the Senator's most intense cherished desire, and to the attainment of which he had devoted his great energies, and his unflagging industry—an object compatible with the purest and loftiest patriotism, and worthy of the most exalted ambition—had eluded his grasp, and was in the possession of his great and distinguished rival.

The party which he, no doubt conscientiously, believed to be adverse to the best and truest interests of the country—the men who represented that party, and with whom he had maintained a life-long conflict, always earnest, and sometimes bitter, were installed in power, while his own friends were scattered and dispersed. Whatever the causes of hostility, whether his fault or ours, or whether the necessary and inevitable concomitant of political antagonisms between even just and good men, without fault on the part of anybody, the fact is nevertheless so, that the political alienation between him and those who represented and wielded the power of the Government was complete.

On the other hand, many of the distinguished men of the nation, who in former times stood by him in the same party organization, and labored indefatigably for his advancement and promotion, had embarked in an enterprise which had for its object not the overthrow of a party only, but the dismemberment of the Union, and the utter demolition of the Government. His party affinities and his loyalty no longer fully and completely harmonized. He had to break with many of the most trusted and most distinguished of his former friends, and fraternize with his fiercest political foes, or he had to renounce his allegiance to the Constitution he had sworn to maintain, and prostitute his powers in plotting its overthrow.

Let us do him justice. What his internal conflicts may have been, we cannot know; what our own would be thus circumstanced, we dare not say; but we do know that, whatever the struggle in his own breast may have been, it was brief. We do know that the patriot triumphed over the partisan, and that he threw the entire weight of his great influence on the side of his country in the hour of her greatest need. We do know that the indignity done in Charleston harbor to the stars and stripes, at once the emblem of the power and beneficence of the Government and the venerated memento of the sufferings and the sacrifices, the valor, virtue, wisdom, and patriotism, of our illustrious sires; that the atrocious assault by the banded cohorts of treason upon a weak, worn, and enfeebled garrison of loyal and incorruptible American soldiers, in the faithful and gallant discharge of the highest and holiest duties, awakened all the enthusiasm, the indignation, and patriotism of his ardent nature, and enlisted all his energies, unconditionally, in the service of his endangered country. We do know that the patriot achieved a great but easy conquest over the partisan, and that he heartily, warmly, and with a zeal befitting the momentous cause in which he was engaged, united with those who had heretofore not only opposed but denounced him, in a struggle to uphold the Union, sustain the Constitution, and vindicate the claim of the national Government to the obedience of all its citizens; and who should be foremost, most self-sacrificing, and efficient, in the holy cause of the great Republic, rich in cherished memories of the past, abounding in blessings for the present, and radiant with hope for the future, was the only rivalry between him and them. It was a noble and exalted rivalry, worthy of a great cause and great minds, and fitted to shed luster upon the most eminent statesmen and patriots. Would that he could have lived to continue the generous strife until this most wicked and causeless revolt was everywhere subdued, and the footprint of a traitor no longer desecrated American soil.

There was something, Mr. President, heroic in the promptitude, fearlessness, and decision with which he rent asunder the strong personal and party ties, and dashed from him the fetters which had once bound him to those who were now conspirators, when longer fraternity with them was disloyalty to the Government, and something almost sublime in the terrible energy with which he denounced the treason, and launched his imprecations at the traitors who were warring upon the life of the great and good Government under whose fostering care he had made himself what he was; had struggled laboriously, but successfully, up the rugged steep, and taken his place in a conspicuous niche of the temple of fame.

In times of peace Senator DOUGLAS was an intense partisan. It was natural he should be so. Indeed, he could not have been otherwise. Espouse what cause he would, it was a necessity of his physical and mental organization that he should do it with all his might. Doubtless he always believed his zeal and his party preferences to be in the line of his duty, and they certainly were in just subordination to his fealty as a citizen.

He fought the battle of life bravely, but the conflict is over; and now that its turmoil is ended, he reposes quietly beneath the green sod of his adopted State.

In the full vigor and maturity of his mental and physical energies, and just at the time when his

services would seem to have been most needed in the great cause of human rights, he has been cut down by the fiat of that wisdom which never errs.

That he had extraordinary endowments, no one will deny; and whatever contrariety of opinion may exist as to the influence of his political policy and measures upon the destiny of the nation, the verdict of posterity, the judgment of history, will be, that he went down with his patriotism unseduced, and with no stain upon his loyalty.

Henceforth his name is indissolubly connected with his country's history. Many will esteem the pages which chronicle his deeds as among the brightest in our annals. All the just and good will bend reverently over the records of his closing career.

Mr. ANTHONY. Mr. President, to the affectionate praises of friends, and the magnanimous eulogies of rivals, I hope it will not be deemed presumptuous if I add a few remarks from one who sustained towards the subject of these resolutions the relations of personal friendship and of political antagonism.

I first met Mr. DOUGLAS soon after he had taken his seat in this body, in whose debates and deliberations he had already begun to hold a leading part, and with whose history his name has since been so closely identified. The frank cordiality of his manners, the unaffected kindness of his heart, the directness of his speech, and the readiness with which he declared himself upon all the questions of the day, made upon me that favorable impression which a more intimate acquaintance strengthened and confirmed.

It is not my purpose to follow his public career, or to enlarge upon the qualities of his character. That grateful office has already been performed. But I have often thought that in his indomitable energy and will, in the sturdy self-reliance of his character, in his early development, and in his rapid march to success, he was no unfitting type of the American character. As a debater, Congress has afforded to him very few equals, either in this Chamber, or in the other House, where his earlier honors were won. Inexhaustible in resources, fierce and audacious in attack, skillful and ingenious in defense, he parried every thrust, and he struck with irresistible fury at the weak point of his adversary. He was a party man, but he loved his country better than his party; and in the crisis which darkened the country in his latter days, he rose to the full height of the occasion, and appeared in the full proportions of an American Senator. His last utterances were for the Union; his last aspiration was for his country; nor is that country unmindful of his renown or ungrateful for his services. In the perils of civil commotion, and amidst the shock of fraternal strife, she pauses to weep at his tomb.

That voice to which we have so often listened with earnest attention, upon which these crowded galleries have hung hour after hour with unwearied delight, is hushed forever; and that home, so late the scene of genial and graceful hospitality, is shrouded in gloom: and to those who sit in its chambers of darkness, it seems that joy can never again cross its threshhold. To them I dare not address myself, for I well know that, at this time, the idea of consolation would seem almost like wrong to the dead, and that upon their ears words of tenderest sympathy would fall almost with the harshness of insult. But, Mr. President, you and I know that, in the good providence of God, time, the healer, will come to them, as it comes to all, and that what is now a bitter anguish will come to be a chastened sorrow, softened by the recollection of his greatness and his fame, consoled by the honors which the American people will pay to his memory.

The resolutions were adopted *nem. con.;* and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 9, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

NATIONAL LOAN.

Mr. STEVENS. I desire to submit a report from the Committee of Ways and Means.

The SPEAKER. The business in order is the call of committees for reports.

Mr. STEVENS. I am directed by the Committee of Ways and Means to report to the House, with the recommendation that it do pass, a bill to authorize a national loan, and for other purposes.

Mr. BURNETT. What does the gentleman propose to do with the bill when it is introduced?

Mr. STEVENS. To have it referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. VALLANDIGHAM. There is no objection to the introduction of the bill.

The bill was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. STEVENS. I move that the bill be made the special order for to-morrow after the morning hour.

Mr. VALLANDIGHAM. I make the point of order that, under the rules, nothing but an appropriation bill can be made a special order except by unanimous consent.

The SPEAKER. The Chair sustains the point of order.

PAY OF VOLUNTEERS.

Mr. STEVENS, from the Committee of Ways and Means, reported a bill to provide for the payment of the militia and volunteers called into service of the United States by proclamation of the President, dated April, 1861, from the time they were called into service until the 30th day of June, 1861; which was read a first and second time.

The bill appropriates for the purpose designated the sum of $6,000,000, or as much thereof as may be necessary.

Mr. STEVENS. Mr. Speaker, I ask the House by unanimous consent to put this bill on its passage. It merely provides the money necessary to pay the soldiers the amount now due them. I understand that there is great suffering among them for the want of immediate payment of the few months' pay just due them. This is the only means by which that pay can be given to them. I know myself that some of the volunteers are suffering because they have not been paid.

Mr. VALLANDIGHAM. I presume that there is no objection to the bill at all.

Mr. BURNETT. I do not propose to object to it. I am fully satisfied that the House will pass this bill; yet in justice to myself I cannot refrain from announcing my opposition to the whole system and series of loan measures inaugurated by this Administration.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EXCUSED FROM A COMMITTEE.

Mr. CAMPBELL. Mr. Speaker, I ask that the House will unanimously excuse me from serving on the Committee of Elections, as well as from serving on the Committee on Expenditures in the Treasury Department. I do this in entire respect to the House, and for reasons personal to myself. I hope the House will unanimously excuse me.

There being no objection, Mr. CAMPBELL was accordingly excused from both committees.

DUTIES UPON IMPORTS.

Mr. WASHBURNE, from the Committee on Commerce, reported a bill further to provide for the collection of duties upon imports, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Commerce.

NATIONAL LOAN.

Mr. STEVENS. I now give notice that to-morrow, after the morning hour, I will call up the bill to authorize a national loan.

REMISSION OF FINES AND PENALTIES.

Mr. WASHBURNE, from the Committee on Commerce, also reported a bill authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases, regulating the compensation of certain surveyors of the customs, and for other purposes; together with a communication transmitted to the said committee from the Treasury Department.

The bill was read a first and second time, and recommitted to the Committee on Commerce, and, together with the communication, ordered to be printed.

CODE OF MARINE SIGNALS.

Mr. ELIOT, from the Committee on Commerce, reported a bill to provide for the introduction of a code of marine signals, adapted for secret service, and for the use of dispatch vessels, transports, military stations, and vessels sailing under convoy; which was read a first and second time, recommitted to the Committee on Commerce, and ordered to be printed.

FORFEITURE OF PIRATICAL VESSELS.

Mr. SHEFFIELD, from the Committee on Commerce, reported the following resolution:

Resolved, That the Committee on Commerce be, and they are hereby, instructed to inquire whether any, and if any, what, further legislation is necessary to secure the forfeiture and condemnation of piratical vessels seized under the authority of the United States; with leave to report by bill or otherwise.

Mr. BURNETT. Has that matter been referred to that committee by the action of this House?

The SPEAKER. That part of the President's message and accompanying documents which referred to that subject was referred to the Committee on Commerce.

The resolution was agreed to.

PRINTING THE MESSAGE.

Mr. WALTON, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the House twenty-five thousand copies of the message of the President of the United States and the accompanying documents.

The committees having been called through,

The SPEAKER proceeded, as the next business in order, to call the States for resolutions.

MILEAGE.

Mr. LOOMIS offered the following resolution:

Resolved, That the Committee on Mileage be, and they are hereby, instructed to ascertain the distance by the usual mail route from the post office of each Representative in Congress to the city of Washington, and report the same to the Sergeant-at-Arms, as the distance for which each member shall receive pay as mileage.

Mr. LOVEJOY. I rise to a point of order. That resolution is excluded by the resolution adopted yesterday.

The SPEAKER. The Chair sustains the point of order.

ST. DOMINGO—SPAIN.

Mr. COX introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States, if compatible with the public service, communicate to this House any correspondence which our Government has had with the Government of Spain in reference to the incorporation of the Dominican territory with the Spanish monarchy; and what protest, if any, our Government has made against the insolent and aggressive conduct of the Spanish Government.

DISTRIBUTION OF DOCUMENTS.

Mr. BLAKE offered the following resolution:

Resolved, That the standing Committee on the Library be instructed to inquire into the expediency of having all public documents of the Thirty-Sixth and Thirty-Seventh Congresses distributed to members of Congress from the loyal States, and report by bill or otherwise.

Mr. MALLORY. Are not all these resolutions out of order?

The SPEAKER. They are in order under the call of the States for resolutions.

Mr. MALLORY. Then I raise the point of order that this resolution is not in order, under the resolution adopted by the House yesterday, in reference to the business of the House.

The SPEAKER. The Chair sustains the point of order, and rules the resolution out.

THE HOUR RULE.

Mr. ASHLEY offered the following resolution:

Resolved, That rule 60 (known as the one hour rule) be hereby rescinded for the residue of the present session, and that no member be permitted to occupy more than five minutes in debate on any question before the House or in committee; out a member reporting a measure under consideration from a committee may open and close the debate.

Mr. COX. I raise the point of order that the resolution is not in order, under the resolution passed by the House yesterday.

The SPEAKER. The Chair thinks the point of order not well taken.

Mr. VALLANDIGHAM. I make the point of order that the resolution changes the rules of the House. The rules cannot be changed without one day's notice.

The SPEAKER. The Chair sustains the point of order.

Mr. ASHLEY. Then I give notice that to-morrow I shall introduce the resolution.

CAPTURE, ETC., OF FUGITIVE SLAVES.

Mr. LOVEJOY introduced the following resolution; and called the previous question upon the same:

Resolved, That, in the judgment of this House, it is no part of the duty of the soldiers of the United States to capture and return fugitive slaves.

Mr. MALLORY. I move to lay that resolution upon the table; and upon that motion I demand the yeas and nays.

Mr. DIVEN. I rise to a point of order. It is, that that question was passed upon yesterday.

The SPEAKER. The Chair overrules the point of order.

The yeas and nays were ordered.

Mr. NIXON. I rise to a point of order. It is, that the resolution is excluded by the resolution which was adopted yesterday.

Mr. CURTIS. The resolution of yesterday admits only bills and resolutions concerning the military and naval operations of the Government.

The SPEAKER. The Chair asks the consent of the House to have the rule which was adopted yesterday read.

The resolution was read, as follows:

"*Resolved*, That the House, during the present extraordinary session, will only consider bills and resolutions concerning the military and naval operations of the Government, and the financial affairs therewith connected, and general questions of a judicial character."

Mr. STRATTON. I submit that the resolution has nothing whatever to do with the military operations of the Government.

The SPEAKER. The Chair decides, according to his judgment, that the resolution adopted yesterday would not exclude this resolution; and he desires to call the attention of the House now to the difficulty in which the Chair is placed in construing everything which is offered in accordance with that resolution. It is a new rule; but the Chair overrules the point of order.

Mr. CARLILE. I desire to ask the gentleman from Kentucky [Mr. MALLORY] to withdraw his motion for a moment, in order that I may submit an amendment, which I will read for information.

The SPEAKER. The previous question has been demanded, and an amendment would not be in order.

Mr. STRATTON. I mean no disrespect to the Chair; but I am compelled to take an appeal from the decision of the Chair.

Mr. HUTCHINS. I move to lay the appeal on the table.

The motion was agreed to; and the appeal was laid on the table.

The question recurred on the motion to lay the resolution on the table, on which the yeas and nays had been ordered.

The question was put; and it was decided in the negative—yeas 66, nays 81; as follows:

YEAS—Messrs. Allen, Ancona, Appleton, Joseph Baily, Burnett, Calvert, Carlile, Cobb, Cooper, Cox, Cravens, Crisfield, Crittenden, Delano, Diven, Dunlap, Edwards, Ely, English, Fisher, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, William Kellogg, Killinger, Law, Lazear, Lehman, Logan, McClernand, McPherson, Mallory, Menzies, Morris, Nixon, Noble, Noell, Nugen, Odell, Patton, George H. Pendleton, Perry, Alexander H. Rice, Richardson, Robinson, Sheffield, Smith, John B. Steele, William G. Steele, Stratton, Francis Thomas, Upton, Vallandigham, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Wood, Woodruff, and Wright—66.

NAYS—Messrs. Aldrich, Arnold, Ashley, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Duell, Dunn, Edgerton, Eliot, Fessenden, Franchot, Gooch, Granger, Gurley, Hale, Hanchett, Harrison, Hickman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, Lansing, Loomis, Lovejoy, McKean, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Porter, Potter, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Benjamin F. Thomas, Thayer, Train, Trimble, Trowbridge, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, and Worcester—81.

So the House refused to lay the resolution on the table.

During the vote,

Mr. ALLEY stated that he should have voted in the negative had he been in his seat when his name was called.

Mr. CARLILE. I ask the gentleman from Illinois who introduced the resolution to withdraw his call for the previous question, in order that I may propose an amendment to his resolution. I will renew the call.

Mr. LOVEJOY. I must decline to do so.

The previous question was seconded.

Mr. CARLILE. I demand the yeas and nays upon ordering the main question. I want to see if this resolution is to be put through this House under the spur of the previous question.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 92, nays 55; as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Hale, Hickman, Hutchins, Julian, Kelley, Francis W. Kellogg, Killinger, Lansing, Loomis, Lovejoy, McKean, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Thayer, Train, Trimble, Trowbridge, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, and Worcester—92.

NAYS—Messrs. Allen, Ancona, Joseph Baily, Burnett, Calvert, Carlile, Cobb, Cooper, Cox, Cravens, Crisfield, Crittenden, Dunlap, English, Fenton, Fisher, Fouke, Grider, Haight, Harding, Holman, Horton, Jackson, Johnson, William Kellogg, Law, Lazear, Logan, McClernand, Mallory, Menzies, Morris, Nixon, Noble, Noell, Nugen, George H. Pendleton, Richardson, Robinson, Sheffield, Smith, John B. Steele, William G. Steele, Francis Thomas, Upton, Vallandigham, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Wood, Woodruff, and Wright—55.

So the main question was ordered to be put.

The question recurred upon agreeing to the resolution.

Mr. LOGAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 93, nays 55; as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Hale, Hickman, Hutchins, Julian, Kelley, Francis W. Kellogg, Killinger, Lansing, Loomis, Lovejoy, McKean, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Thayer, Train, Trimble, Trowbridge, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, and Worcester—93.

NAYS—Messrs. Allen, Ancona, Joseph Baily, Burnett, Calvert, Carlile, Cobb, Cooper, Cox, Cravens, Crisfield, Crittenden, Dunlap, English, Fisher, Fouke, Grider, Haight, Harding, Holman, Horton, Jackson, Johnson, William Kellogg, Law, Lazear, Logan, McClernand, Mallory, Menzies, Morris, Nixon, Noble, Noell, Nugen, Odell, George H. Pendleton, Richardson, Robinson, Sheffield, Smith, John B. Steele, William G. Steele, Francis Thomas, Upton, Vallandigham, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Wood, Woodruff, and Wright—55.

So the resolution was agreed to.

Mr. LOVEJOY moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

SERVICE ON COMMITTEES.

Mr. WASHBURNE. I rise to a privileged question. I move to reconsider the vote by which the House excused the gentleman from Iowa [Mr. CURTIS] from service on the Committee on Military Affairs, and the gentleman from Pennsylvania [Mr. HICKMAN] from service on the Judiciary Committee; and that they take the places on those committees to which they were appointed.

The motion to reconsider was agreed to.

The question then recurred on excusing the above named gentlemen, and the House refused to excuse them.

DEATH OF HON. STEPHEN A. DOUGLAS.

A message was received from the Senate, by Mr. HICKEY, its Acting Secretary, communicating to the House the resolutions passed by the Senate upon the announcement of the death of Hon. STEPHEN A. DOUGLAS, late a Senator from the State of Illinois.

The message from the Senate was read, as follows:

IN SENATE OF THE UNITED STATES,
July 9, 1861.

Resolved unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of Hon. STEPHEN A. DOUGLAS, deceased, late a Senator from the State of Illinois, will go into mourning by wearing crape on the left arm for thirty days.

Resolved unanimously, That as an additional mark of respect for the memory of Hon. STEPHEN A. DOUGLAS, deceased, the Senate do now adjourn.

Ordered, That the Secretary communicate these resolutions to the House of Representatives.

Attest: W. HICKEY,
Acting Secretary.

Mr. RICHARDSON. Mr. Speaker, the resolutions which have been read at your table are the official notice to this House of an event which was known to each of us, and mourned by the country.

STEPHEN A. DOUGLAS, late a Senator in Congress from the State of Illinois, died at Chicago, the city of his residence, on the 3d of June last, in the forty-ninth year of his age.

After suffering for several weeks from sickness, which baffled the skill of the most eminent physicians in the land, he passed away without pain. During his entire sickness, his fond and affectionate wife was present to cheer his hopes and sooth his suffering. Neither skill nor affection could stay the hand of death. The Great Author of our being had "appointed his bounds" that he could "not pass."

We have, in the time of our need, lost one of our greatest statesmen and purest patriots. In the midday of his manhood, in the midst of his usefulness, Mr. DOUGLAS has descended to the grave. His sun of life has set forever. It fell from its meridian splendor. No twilight obscured its setting.

As the sun of the physical world—the brightest and grandest of all the luminaries of the firmament—sinks to rest, tinging the clouds that stretch along the horizon with the golden glories of its declining rays, so DOUGLAS, the sun-intellect of the Senate and the nation, has gone to his repose, reflecting the light of his great deeds and acts in the legislation of the country, and tinging the dark clouds that now obscure our political horizon with the beauty and effulgence of that patriotism which illumined his descent to the tomb.

But a short time ago a nation's eyes were turned to him to point the way for his country to escape the dangers which threatened its destruction; and when he was prostrated by sickness a nation's prayers ascended to Heaven that he might be spared to his country.

Arriving at the age when ardor gives way to prudence, his friends, with cheerful hope, looked to his future with confidence that he would be useful to the nation and the age.

Of all the men that have gone to the tomb, none have realized in full their own wishes or fulfilled the expectations of their fellow-men. Judge DOUGLAS adds another to the general list.

It is difficult to realize that we are no more to hear his voice, either in the popular assemblies or in the Senate, with his clear statement and rigid logic, urging either the masses or enlightened Senators to adopt measures to preserve the Government and uphold the Constitution.

For eighteen years, upon all the questions that agitated the public mind and elicited debate, his voice has been heard—his influence felt. Whatever in his judgment would advance the public good, augment national renown, strengthen the bonds of the Union, secure the rights of all the people, give to future generations the blessings of the Constitution as formed by our fathers, received the support of his untiring will and great intellect.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. THURSDAY, JULY 11, 1861. NEW SERIES.....No. 3.

This is not the befitting time or appropriate presence to discuss or even allude to disputed political questions. The parts he has borne in them pass into history, and they are safe.

Mr. DOUGLAS was the architect of his own fame. Penniless, and yet a minor, he came to Illinois, and while teaching a country school he studied and was admitted to the practice of law. He commenced his professional life at Jacksonville, and though the bar at that place was a very able one, numbering among its members gentlemen of great ability and large experience, he soon attained the front rank in their midst.

At the session of the Legislature in 1834–35, he was elected attorney for the State. His competitor was the late Colonel John J. Hardin, who was distinguished alike for his ability in the councils of the nation, and for his courage on the battle-field. In 1836 Mr. DOUGLAS was elected to the Legislature. In 1837 he resigned his seat in the Legislature to accept the place of register of the land office at Springfield, to which he had been appointed by Mr. Van Buren. In 1838 he resigned the office of register, having been nominated for Congress. At the election of that year he was defeated by a very small majority against him in a vote of forty-odd thousand—then the largest ever cast in a single district in the United States.

His successful competitor, after serving four years in this House with great credit, voluntarily retired from public life. Although Mr. Stewart was one of our purest and most sagacious public men, he has resisted the importunities of friends again to enter the political arena.

In 1841 Mr. DOUGLAS was made secretary of State. After discharging, for a short time, the duties of that position, he resigned, and was elected in the same year a judge of the supreme court of the State of Illinois. In 1843 he resigned the judgeship, and was shortly afterwards elected a member of this House over the gentleman who is now his successor in the Senate. Mr. DOUGLAS was twice reëlected from the same district. At the session of the Legislature of 1846-47, he was elected to the United States Senate. He resigned his place in this House after serving four years. He was twice reëlected a member of the Senate.

In his last contest for the Senate, which was the most remarkable in the history of the country, his competitor was the present President of the United States. In the contest in Illinois the party in opposition to him presented their ablest man as his competitor.

In 1860 Judge DOUGLAS was a candidate for the first office in the gift of the American people. And although he received the second highest number of the popular vote, he was the lowest in the electoral college.

At the bar, in the popular assembly, in the Legislature, upon the bench, in this House, in the Senate of the United States, Mr. DOUGLAS had no superior and but few equals. In all the positions he has held he has been found equal to the duties attending them, and adequate to any emergency that arose. He had all the essential elements for the jurist, the statesman, or the general. His intellect was stupendous. His quick perception grasped, his strong memory retained, and his ready logic commanded, immense resources of useful knowledge, gathered from all branches of the arts and sciences, from the history of the past and the active realities of the present.

In debate he rejected all rhetorical ornament, all ostentation and show. Stating his premises concisely, his reasoning led to his conclusion as irresistibly as the current of a strong and deep river tends to the sea. But it was when surrounded by friends in the social circle that he most happily and undesignedly exhibited the peculiarities of his great intellect; it was there that the fund of varied information was most drawn upon, and there that his great versatility was most brilliantly displayed. In his contests with political adversaries his boldness and fierceness had no parallel. Never halting in the strife to count losses, when the conflict was over he was ever ready to forget resentments and forgive injuries.

In his support of measures here and at the other end of the Capitol, he looked only to great principles and cared nothing for details; he left them for others. If measures that he supported met the popular approval, he was contented to let others claim and enjoy the honors that resulted from them. If, however, measures which he had favored were distasteful or unpopular, he asked no man to share with him their responsibility. Whenever they were assailed he rushed to their defense, and endured whatever of obloquy attached to them. From his positions, when once assumed, no earthly power could drive him. In the defense of measures which met his approval, he was ready to meet an excited populace, a united Senate, an Administration with a nation's patronage at its bid, or any combination, no matter how formidable. No power could intimidate him, no patronage corrupt him. More than any man I ever knew, he permitted himself to be assailed by falsehood and slander, when he had the means to refute the one or silence the other. If the slander affected himself alone he was unmindful of it.

Dying at an age where the usefulness of statesmen usually begins, he leaves a fame that will outlive eulogies and survive monuments. Indissolubly connected with the great events of his time, his name will go down with our history to future generations.

Born in 1813, during the war between this country and England—a conflict between people speaking the same language and of a common origin, he died when the different sections of his own country were marshaling their armies in hostile array to engage in a fratricidal war. He saw his country advance to the highest elevation any had ever attained. He witnessed more of advancement, improvement, and progress, in all that is calculated to elevate mankind and nations, than has belonged to any one age of the world's history. He contemplated with patriotic pride the happiness of our people, and the grandeur and glory of our country.

I formed Mr. DOUGLAS's personal acquaintance during his first contest for office. We entered public life together. For more than a quarter of a century we were friends without the slightest interruption. That friendship survives one grave; it will close with two. He was a most faithful and generous friend.

But, Mr. Speaker, the language of eulogy fails to furnish a fitting tribute upon this occasion. One word relative to his last days and the family circle so rudely sundered.

I shall not trust myself with the delicate office of offering consolation within the sacred precincts of that home which is now desolate. God alone can heal the hearts there wounded. The words of "dying men enforce attention like deep harmony;" but never, among all the great men that have passed to the grave, have one's last words been more impressive, more grandly patriotic, than the last message of Mr. DOUGLAS to his children: "Tell them to support the Constitution and the laws." At the same time, while these eloquent words inculcate the duty of every citizen, they announce in a brief but grand epitome the labors and aspirations of a well-spent lifetime.

I offer, for the adoption of the House, the following resolutions:

Resolved, That the House of Representatives of the United States has received, with deepest sensibility, intelligence of the death of STEPHEN A. DOUGLAS.

Resolved, That the officers and members of the House of Representatives will wear the usual badge of mourning for thirty days, as a testimony of the profound respect this House entertains for the memory of the deceased.

Resolved, That the proceedings of this House, in relation to the death of STEPHEN A. DOUGLAS, be communicated to the family of the deceased by the Clerk.

Resolved, That, as a further mark of respect for the memory of the deceased, the House do now adjourn.

Mr. McCLERNAND. Mr. Speaker, I rise with a heavy heart to second the motion of my distinguished colleague. Duty to myself, as well as to my constituents, requires me to do so. Much that I would be pleased to say under other circumstances must be forborne now, in view of what has already been said so well by my colleague, and what will, probably, be said by others more able to do the subject justice than myself.

Addressing myself to the resolutions offered by my colleague, I feel that they have a deeper and more real significance than any mere ceremony or empty pageant. Their source and their language bespeak them to be a heartfelt effusion. As the official expression of a nation's grief, they are all worthy of the approbation of this House; and will they not receive it? Alas! a great woe broods over the land; a deep gloom vails the social and political sky! What is the cause of this melancholy change? Why these tokens of sadness and sorrow? Why these mourning cities and towns; these shrouded busts of one unmistakable man; these solemn knelling bells; these plaintive strains of martial music; these quick-pealing minute guns; this suspension of a nation's occupations and pursuits; this universal lamentation? Why all this? What great calamity has occasioned it? The answer comes up from all sides—as well from the shores of the Pacific as from those of the Atlantic and the Mississippi; from mountain and valley; from city and hamlet; from every inhabited spot within the broad limits of the Republic, the universal answer comes—"A great man has fallen; the American Tribune is no more; STEPHEN A. DOUGLAS, the orator and statesman, is dead." This is the explanation—the explanation of a nation's grief, of the tokens of sorrow which every where surround us; of the distress depicted upon the countenances of this assembly.

How fearfully and wonderfully are we made? Lately, my long-cherished friend, Mr. DOUGLAS, was a strong, robust man, capable of performing almost any amount of labor, and of enduring almost any amount of hardship. His physical and intellectual powers had just culminated in glorious maturity, and gave as much assurance of long life as almost any of us may justly claim; yet now he has passed away from the earth forever. The ruthless shaft of death, ever seeking a shining mark, has laid him low, and the brave, strong man is committed to the silent tomb. No more will we see his large, dark gray eye flash with the radiance of genius and glare with the intensity of fixed and unswerving purpose. No longer will his eloquent voice be heard in the Senate Chamber, or by admiring and captivated multitudes. No more will his strongly-marked Jove-like head, with its lion mane, shake defiance at beleaguering assailants. No more will his restless, fruitful brain invent and forge the terrible weapons with which he was wont to subdue his adversaries. Alas! the body of the great man has gone to decay; while his immortal spirit, as a spark first radiating from the Divine essence, has returned to its original source. Like the greatest of the Homeric heroes, whom Providence "doomed to early death," so, too, the younger DOUGLAS was cut off in the very vigor of manhood and the meridian of life. Indeed are the ways of Providence "unsearchable and past finding out." Man is here to-day and gone to-morrow; as the transient grass—"In the morning it springeth up and flourisheth; in the evening it is cut down and withereth."

But, sir, we must not confine ourselves entirely to expressions of grief, nor deal in general terms of eulogy, if we would do justice to Mr. DOUGLAS's character. To estimate his merits as one of the first statesmen of his time, we must not forget the many and formidable obstacles he had to overcome, particularly in his early life. Left an orphan, without fortune or influential friends, in his very infancy—like Jackson, Clay, and other self-made personages—he had to rely upon himself for success. Like Plato, he may have believed that a mechanical as well as a scholastic education was necessary to qualify a ruler of the people to wield political power widely and beneficently. At all events, after learning a mechanical trade, and obtaining, as far as his limited means would allow, an imperfect education, he resolved

to leap into the great battle of life, and, if possible, to win the laurel of the victor and hero.

In answer to the interrogatory: Whither he should direct his footsteps? he could not long hesitate. Such a man rarely hesitates. Looking towards the setting sun, he saw there nature displayed in boundless grandeur. He saw there the great valley of the Mississippi, described by the enthusiastic De Tocqueville as "the most magnificent region provided by God for man's abode." He saw there, too, as the most attractive portion of that valley, the "Great West," with her giant forests and verdant prairies; with her turbid rivers and glassy lakes; and grasping by intuition her hidden resources and prospective development, he determined to make it his home. Hence, soon we find him an actual resident of the charming village of Jacksonville, in Illinois. Besides the general attractions of the West, it may be supposed that a congenial affinity between genius and natural beauty attracted him to this spot; for we are informed that it was a vivid picture of it and the surrounding country delineated by an admiring Scotch tourist that first bent his footsteps thither.

Arriving at Jacksonville, in his twentieth year, he was a stranger in a strange land—a wanderer reduced to his last shilling, and with no other resource than his own energies to save him from impending destitution. What was the result? Did the pale, slight youth despair, or, yielding to tempting want, did he repress the noble aspirations of his soul, and divert his talents to some mean and dependent occupation? Was he content to ignore his destiny? Not so; but finding himself unable to acquit his unavoidable personal expenses at Jacksonville by anything that he could do, he immediately set out on foot for Winchester, a village some seventeen miles distant, and reached there the same day. Here his adverse fortunes ceased to persecute him, and, in anticipation of his rising fortune, men said of him

"This dawn
Will widen to a clear and boundless day;
And when it ripens to a sumptuous west,
With a great sunset 'twill be closed and crowned."

Here he found remunerative employment both as a lawyer and as a teacher. Henceforth, he becomes a man of mark and note. Henceforth, every obstacle to his advancement pales and vanishes before the glowing fire of his long-repressed genius, and as a dazzling orb he courses the political and professional firmaments, drawing after him the wondering gaze of admiring multitudes.

Filling every office in the gift of his adopted State, from that of district attorney to that of Senator in Congress, which he chose to ask or accept, he died her boasted and favorite son. Long will his memory be cherished by her as one of the brightest ornaments of her noble escutcheon. Reflecting honor upon him, so he, in turn, reflected honor upon her; and forever will the names of Illinois and DOUGLAS be linked together upon the page of history. DOUGLAS and Hardin, his heroic rival, of all her representative men, are the most endeared to her affection. To both she has given honored graves—to one as the champion of her rights in the councils of the nation, to the other as the champion of her loyalty upon the field of battle. To the fame of both she will proudly continue to point, as the mother of the Gracchi to her children, as her jewels—as the proofs of her wealth.

As the career of Mr. DOUGLAS as a statesmen forms a brilliant and familiar portion of the history of our country, it will be unnecessary to do more than to glance at it. As a public man, he was prompt, enterprising, and persistent. At the very outset of his legislative career, he identified his name with two of the most popular and useful public works in Illinois, by proposing, as a member of her Legislature, a series of resolutions recommending their early construction. I refer to the Illinois and Michigan canal, which opens up a communication between the waters flowing into the Gulf of Mexico and those flowing into the Gulf of St. Lawrence; and to the Illinois Central railroad, which furnishes an overland connection between the upper Mississippi and Lake Michigan, and the main Mississippi at Cairo. And afterwards he materially contributed to the completion of the latter improvement, by his influence as a Senator of the United States, in procuring the grant of land made by Congress for that purpose. This was a proud triumph of persevering statesmanship, and will long endure as a worthy monument to his fame. Its priceless benefits are to-day hailed by all Illinoisans as marking a new and joyous era in the history of their beloved State.

But, as I have already said, I have not time to dwell upon particulars. It will be enough to say that no man of his time took a more active or conspicuous part in public affairs than he did. His name stands prominently connected with every important question of public policy, whether of a domestic or of foreign character, which has arisen within the last eighteen years. He favored the annexation of Texas; he opposed the dismemberment of Oregon; he voted for the compromise measures of 1850, looking to the settlement of the slavery question; he advocated the repeal of the Missouri restriction and the uniform organization of all our territorial governments upon the principle of popular sovereignty; he opposed the admission of Kansas into the Union under the Lecompton constitution.

Again: he urged the compromise of the slavery question and our sectional differences, at the last session of Congress, as the alternative of civil war; and when armed rebellion arose against the Government, he appealed to the patriotism of the people to put it down by overwhelming force. Standing upon the "Monroe doctrine," he was ever jealous of monarchical influence upon the American continent; and hence always protested against any colonization of any portion of it by any European or other transmarine Power. In the mean time, not forgetting the material interests of his country, he zealously advocated all those measures of internal improvement, which he deemed of a national character and necessary to the welfare of the country.

The project of a railroad to the shores of the Pacific had no more ardent supporter than himself. He looked upon it as a bond necessary to consolidate the different and distant portions of the Republic as one homogeneous and harmonious social and commercial whole; and the popularity of the measure, at this time, is no doubt as much the result of his commendation as of that of any other man, not excepting even the lamented Benton.

As a debater, Mr. DOUGLAS was great, truly great, in the dexterous use of passing facts and familiar circumstances. In this he was probably greater than any of his illustrious cotemporaries. This was the type of his mind—it was his forte. Less eloquent than Clay, less logical than Webster, less versatile than Benton, he was the superior of them all in the readiness of his intellect and the distinctness and clearness of his statements, as a public speaker. More like Silas Wright, the great New York statesman, he was always unostentatious, copious, clear, and forcible. As an *extempore* speaker, his capabilities were transcendent and amazing, and unquestionably place him in the first rank of debaters of any age or country.

As an orator, his manner was peculiar to himself. Although possessing but little of the qualities of the rhetorician, and still less of the art of the theatrical declaimer, yet his action was far from ungraceful, while his voice was singularly full and sonorous. What he lacked as a rhetorical declaimer, he more than made up by the earnestness and vehemence of his delivery. Like Demosthenes, whose style he appears to have cultivated, he was always in earnest, ever on fire. His power over his hearers was often demonstrated by his success in swaying Senates and controlling the violence of the populace.

One of his first efforts as an orator is one of the best he ever made. I refer to his speech as a member of this House, in favor of the bill refunding the fine imposed by Judge Hall on General Jackson, at New Orleans, in 1815, for refusing to produce, in obedience to a writ of *habeas corpus*, Louallier, who had been arrested under martial law upon a charge of treason against the United States. The theme was a great one, and inspired the speaker with grand and noble thoughts, which he poured forth in rapid and resistless volume. He discussed and distinguished the rights of peace and the rights of war, the law of deliberation, volition, and choice, and the paramount law of necessity. All the fire and enthusiasm of his ardent nature were infused into his impetuous yet logical appeals, until the storm of his eloquence and the accumulated weight of his argument carried the House captive and thrilled the whole country with generous emotion.

The success of this effort may be judged by the grateful response that it elicited from General Jackson himself, when afterwards Mr. DOUGLAS, for the first time, met him at the Hermitage. Taking him by the hand, the venerable hero said:

"I am glad to see you, Mr. DOUGLAS. You comprehended my situation at New Orleans. Martial law was a necessity there, and I took the responsibility of declaring it. If I had shrunk from doing so, and harm had accrued to the country, I would have proved myself unequal to the emergency, and unworthy of the trust reposed in me. It was upon that ground—the necessity of the case—that you justified my conduct; and I thank you, sincerely thank you, for it."

Other instances, too, of his oratorical success might be adduced: as his defense of the compromise measures of 1850, at Chicago, amid the blazing effigies of his own person, and regardless of the threats of the enraged populace. Like Mark Antony, over the dead body of Cæsar, he melted the savage fury of the rabble into the softness of contrition and tears. Like the Tribune Rienzi, he appealed to the patriotism and sense of duty of the people through the images and examples of their departed benefactors, which he set before them with all the charms of eloquent and impassioned delineation; and they heard him and were convinced. Never was there a grander triumph of natural eloquence pleading the cause of truth and justice. Mr. Webster thanked him on behalf of the nation for this noble and heroic effort. I might also refer to the frequent discussions between him and President Lincoln as affording kindred examples of the celebrated contests of the fabled giants of antiquity. As the acknowledged champions of opposing parties, they often met in intellectual combat, while each, by his skill and prowess, won the applause of his admiring friends.

Defeating Mr. Lincoln in their memorable contest for the Senate, in 1858, yet the latter gained, from defeat by such a man, the distinction which afterwards assisted him to the Presidency.

Mr. DOUGLAS, as a Democrat of deep and earnest convictions, was not unfrequently an ardent and active partisan, yet he never found it impossible for him to subordinate his party feelings and purposes to the higher dictates of public duty. We have a noble instance of this in the fact that, although defeated by Mr. Lincoln for President, he voluntarily went forward and offered him the assistance of his counsels and coöperation in the interest of the Constitution and the Union. Noble conduct—all worthy of imitation! How unlike that of the brave but jealous Achilles, who withdrew from the service of his country rather than yield to a preferred rival!

Before this House or in this city, where all loved and admired him, it were needless to dwell on his remarkable colloquial powers, and his other innumerable social gifts and virtues; on his generosity unostentatiously displayed in acts of charity; his well-known generous and princely hospitality; the gravity and dignity of his manner, ever softened by cordial warmth and urbanity; the goodness of his heart; or his unwavering kindness as a husband, a father, and a friend. All know how fully the greatness of his mind was matched by the elevation of his character, and this knowledge adds immeasurably to the universal grief at the loss of one so endowed. Great intellects mark the epochs of the world. They frequently flourish as cotemporaries and follow each other in quick succession to the grave. As new and shining constellations, they suddenly appear in the moral firmament, and, burning with a dazzling light for a season, disappear, leaving a gloomy void, only to reappear at some remote and uncertain period. Calhoun, Webster, Clay, and Benton flourished together in the same land, and passed away at short intervals of time. DOUGLAS, the champion of American liberty, dies in the New World, and Count Cavour, the champion of Italian liberty, dies soon after in the Old.

The Romans had a generous maxim that nothing but good should be said of the dead. And what else may be truthfully said of the lamented Senator? Never in this or any other country was there a man whose eminent merits were recognized with more striking unanimity, or whose value in such an hour of need was more generally

appreciated. Glorious in life, he was also glorious in the extremity of death. Who but those who were present with him during his last days can tell how many sublime expressions fell from his emphatic lips as he lay upon his last bed? With what patience and resignation did he bear the torture of a protracted illness! With what calmness did he hear the warning of his approaching doom! With what solemnity, as he paused in the shadow of the coming gloom of the grave, did he murmur the awful words, "death! death! death!" With what simple sublimity of natural feeling did he ask to be raised on his pillow, that, like the German poet, he might for the last time admire the face of nature! What unutterable thoughts must have flashed across his prophetic mind as he thus surveyed the surrounding prospect!

Before him lay the great lake, solemn, silent, and calm—like that great ocean on which he must sail so soon, reflecting the sublime serenity of that Heaven on which his soul reposed in trembling hope. There lay the groves and prairies in all their floral beauty and variegated verdure. There, like a young queen viewing her charms in the smooth mirror of the lake, rose the city of Chicago, which he had honored as the place of his abode, and which, so young so full of promise and of hope, in that solemn moment, silently and gratefully acknowledged the dying patriot as her chief benefactor.

Who can read without emotion of his last legacy to his dear children, when, like the father of the infant Hannibal, leading him to the altar to swear eternal enmity to his country's foes, he said with his last breath: "Tell them to obey the laws, and defend the Constitution." Oh, what a commentary on his life of patriotic devotion! Love of country, the leading passion of his soul, triumphed even in the embrace of death. The last faint words of Napoleon, "*Tête d'Armée*," betokened a spirit still busy with the work of ambition; but the last words of DOUGLAS disclosed the exalted principles of the patriot and statesman.

May his countrymen ever remember his dying counsels, and so well maintain the Constitution which he loved, that, by the reunion of the divided members of our Republic, they who drew from his noble life so many political blessings, may receive a great benefit even from his lamented and untimely death!

Mr. CRITTENDEN. Mr. Speaker, I have only a few words to say. Another of the great men of our country has passed away. Since the last adjournment of Congress, a few months since, the honorable Senator DOUGLAS has fallen into the grave. I do not stand here, sir, in imagination by the side of that grave, to use the language of flattery. I do not rise, sir, for the purpose of lavishing praises to his memory. That will belong to the impartial history of his time. When the history of this country shall be written, recorded honors will cluster around his name. Mr. Speaker, the death of Mr. DOUGLAS struck a heavy blow on the American heart; and his memory is embalmed in the hearts of his countrymen. I have witnessed few occasions, in the course of my life, when there has been any greater exhibition of public sorrow.

Sir, I was well acquainted with Mr. DOUGLAS. We were kept apart for a long period of the time that we both served in the national councils, by our political differences. But for the last four or five years of Mr. DOUGLAS's life we were associated personally and politically, and I had an opportunity of becoming well acquainted with the man; and in all my intercourse of an intimate character with him, while we agreed in politics and acted together, I found him to be an honorable and patriotic man, disinterested and noble in his patriotism, and ready to sacrifice his personal interests for the good of his country. This I can testify from my knowledge of his character. Mr. DOUGLAS was an extraordinary and remarkable man. Not favored by fortune in the earlier periods of his life, belonging, as I understand, to the humble but worthy class of the mechanic, he raised himself by his own exertions to the high position which he occupied. It seemed to me that Mr. DOUGLAS's mind expanded with his increasing elevation; and I know of no man in this country now left who is better entitled to the denomination of statesman than was Mr. DOUGLAS at the time of his death. He was honest, generous, patriotic in all his actions and purposes. He was ambitious, but he sought to attain eminence by public services. There have been times when I thought less favorably of him. But my opportunities of knowing him better enabled me to correct my error in regard to his character; and I speak but what I truly believe when I bear this testimony to his worth. His mind expanded and improved step by step as he advanced in life; and his country sustained a great loss in his death, at a time like this, when it is surrounded by peril and disaster.

I know of no man who might have been more useful in this crisis. There are few who had so much of the confidence of his countrymen, and few who combined with it such a capacity for making that confidence serviceable to his country. His friends must derive a consolation from the fact, that though he died when he had scarcely passed the meridian of life, he died in the *maturity* of his *fame*. That fame will survive him; and may it live long, in these Halls of Congress, to elevate and enoble the patriotism of his successors in the great councils of the Republic. Such a death can hardly be regarded as a misfortune to the sufferers.

We cannot fail to remember, on this occasion, the bereaved wife of Mr. DOUGLAS; but her sorrows are sacred, and we dare not obtrude upon her our vain words of consolation. The good God, that "tempers the wind to the shorn lamb," will comfort and take care of the afflicted *widow*.

Mr. COX. Mr. Speaker, Ohio is not separated from Kentucky, either in the estimate of Judge DOUGLAS which has been so eloquently pronounced by the distinguished statesman [Mr. CRITTENDEN] who has just taken his seat, or in the grief which has been expressed for the premature closing of his illustrious career. That career closed with the opening of this eventful summer. It abounded in friendships, services, and ambitions. It ended while he was enjoying the tumult of universal acclaim, and when all felt the need of its continuance. Labor paused in its toil, bankers shut their offices and merchants their stores, lawyers and judges adjourned their courts, ministers added new fervor to prayer, partisans united in hushed regret, and soldiers draped the flag in crape, to bear their part in the great grief of the nation. He died in the midst of the people who had honored him for a generation; in the city whose growth had been fostered by his vigilance; in the State whose prairies were familiar to his eye from earliest manhood; and in that great Northwest, whose commercial, agricultural, physical, and imperial greatness was the pride of his heart and the type of his own character. There was in him a quick maturity of growth, a fertility of resource, and a sturdiness of energy, which made his life the microcosm of that great section with which he was so closely identified.

That mind which had few equals and that will which had no conqueror, save in the grave, were at last wrung from his iron frame. It is hard to believe that he lies pulseless in his sepulcher at Cottage Grove. It is sad to feel that the summer wind which waves the grass and flowers of his loved prairies has, in its low wail, an elegy to the departed statesman. Well might the waters of the lake, just before his death, as if premonitory of some great sacrifice, swell in mysterious emotion. These poor panegyrics, from manuscript and memory, fail to express the loss which those feel who knew him best. One would wish for the eloquence of Bossuet, or the muse of Spenser or Tennyson, to tell, in the poetry of sorrow, the infinite woe which would wreak itself upon expression.

For weeks the public have mourned him as a loss so grievous as to be irreparable in this trying time of the Republic. The lapse of time only adds to the weight of the bereavement. The tears which fell around his bedside and on his bier still

"Weep a loss forever new."

With every passing day we turn, but turn in vain, to catch his hopeful tone, his discriminating judgment, his philosophic foresight, and his courageous patriotism. They only come to us in memory and in mourning. His lips are sealed; his eye is dim; his brain is shrouded; his heart is still; and the nation stands with throbbing heart at his grave. "His virtue is treasured in our hearts; his death is our despair." It is no mere ceremonial, therefore, that the national Legislature, in whose counsels he has taken so prominent a part, should pause, even in extraordinary session, to bestow that homage which friendship, intellect, and patriotism, ever offer to the true man, the gifted soul, and the enlightened statesman.

Judge DOUGLAS struggled into greatness. He had no avenue to honor except that which was open to all. The power and patronage which aided him, he created; and the wealth which he made and spent so freely, came from no ancestral hand. Part teacher and part cabinet maker, he left the East for the ruder collisions of border life. There he grew up under the adversities which strengthened him into a vigorous and early maturity. His own manhood soon made itself felt. He became the political necessity of his State. He filled many of its most important offices before he became nationally known. The Democratic people of the Union were soon attracted to him. As early as 1848 they began to think of him as their candidate for President; while, in 1852, the Democratic Review hailed him as the coming man; a man who had no grandfather or other incident of biographical puffery; as one whose genealogical tree had been sawed up; as a graduate from the university of the lathe; as one with the materials, the mind, and the energy to shape, fashion, and make enduring, a platform of his own.

No notice of STEPHEN A. DOUGLAS is complete which does not remark upon the singular magnetism of his personal presence, the talismanic touch of his kindly hand, the gentle amenities of his domestic life, and the ineradicable clasp of his friendships. It may not be improper to refer to the fact that I was one among the many young men of the West who were bound to him by a tie of friendship and a spell of enthusiasm which death has no power to break. These are the pearls beneath the rough shell of his political life. There are many here who will understand me, when I recall the gentle tone and the cordial greeting with which he used to woo and win and hold the young partisans of his faith, and the warm promoters of his success. Ever ready with his counsel, his means, and his energies, he led them as much by the persuasiveness of his heart as the logic of his head. The same gentle demeanor which fondled his children and taught them a beauty of manners beyond all praise, the same pure respect and tenderness with which he treated his noble wife and companion, silvered the cords of attachment which bound his friends to him, and made his home at Washington and his sojourns elsewhere recollections as sweet as memory can embalm.

While others bear testimony to his moral heroism, intellectual prowess, fixedness of principle, and unstained patriotism, it seems that his spirit, if it hovers over this scene of his obsequies, would receive with purest delight these tributes of friendly affection. I recall in my own experience, which runs with unbroken association of friendship with him from the first year of my political life, many of his acts of unselfish devotion; many words outspoken to the public, which the mere designing politician would not have uttered; many tenders of aid and counsel, which were the more grateful because unsought, and the more serviceable because they came from him. It is one of the felicities of my life that I have been the recipient of his kindness and confidence; and that the people whom I represent were cherished by him, as he was by them, with the steadfastness of unalloyed devotion.

It was his pleasure very often to sojourn in the capital city of Ohio, where, regardless of party, the people paid him the respect due to his character and services. Among the last of the associations which he had with Ohio was his address, a few weeks before his death, to the people at its capital, on the invitation of the State Legislature. His stirring tones still thrill on the air, protesting for the right and might of the Great West to egress through our rivers and highways to the sea against all hostile obstruction, and for the maintenance of the Government, threatened by the great revolution which yet surrounds us.

His last utterance was the fit climax of a life devoted to the study of this Government, and of a patriotism which never swerved from its love for the Union. It was worth whole battalions of

armed men. A word from him made calm from tempest, and resolved doubt into duty. His thought swayed the tides of public opinion as vassals to his will. After his hot contests in the Senate, during the first session of the last Congress; after his Harper essay in development of his political theories; after his heroic campaign in the South, closing at Norfolk in his courageous reply to the questions of the disunionists; after his struggles of last winter, when he strung his energies to the utmost in pleading for peace and conciliation; after all had failed, and anarchy stalked with haughty head through the land, and even jeopardized this metropolis of the nation, it was the consummate glory of his life to have given his most emphatic utterance for the maintenance of the Government, even though its administration was committed to his old political antagonist, and although he knew that such expression imperiled the lives of a hundred thousand of his friends.

Scarcely with any of our public men can Douglas be compared. The people like to compare him to Jackson, for his energy and honesty. He was like the great triumvirate—Clay, Webster, and Calhoun—but "like in difference." Like them in his gift of political foresight, still he had a power over the masses possessed by neither. Like Clay, in his charm to make and hold friends and to lead his party; like Webster, in the massive substance of his thought, clothed in apt political words; like Calhoun, in the tenacity of his purpose and the subtilty of his dialectics; he yet surpassed them all in the homely sense, the sturdy strength, and indomitable persistence with which he wielded the masses and electrified the Senate.

In the onslaught of debate he was ever foremost; his crest high and his falchion keen. Whether his antagonists numbered two or ten, whether the whole of the Senate were against him, he could "take a raking fire at the whole group." Like the shrouded Junius, he dared Commons, Lords, and King, to the encounter; but unlike that terrible Shadow, he sought no craven covert, but fought in the open lists, with a muscular and mental might which defied the unreasoning cries of the mob and rolled back the thunders of the Executive anathema!

Douglas was no scholar, in the pedantic sense of the term. His reading was neither classical nor varied. Neither was he a sciolist. His researches were ever in the line of his duty, but therein they were thorough. His library was never clear from dust. His favorite volume was the book of human nature, which he consulted without much regard to the binding. He was skilled in the contests of the bar; but he was more than a lawyer—he easily separated the rubbish of the law from its essence. As a jurist, his decisions were not essays; they had in them something *decisive*, after the manner of the best English judges. As a legislator, his practicalness cut away the entanglements of theoretic learning and ancient precedent, and brought his mind into the presence of the thing to be done or undone. Hence he never criticised a wrong for which he did not provide a remedy. He never discussed a question that he did not propose a measure.

His style was of that plain and tough fiber which needed no ornament. He had a felicity in the use of political language never equaled by any public man. He had the right word for the right place. His interrogative method, and his ready and fit replies, gave dramatic vivacity to his debates. Hence the newspapers readily copied them and the people retentively remembered them. Gleams of humor were not infrequent in his speeches, as in his conversation. His logic had the reach of the rifled cannon, which annihilated while they silenced the batteries of his opponents.

Douglas was a partisan; but he never wore his party uniform when his country was in danger. His zeal, like all excess, may have had its defect; but to him who observes the symmetry and magnanimity of his life, it will appear that he always strove to make his party conservative of his country.

The tenacity with which he clung to his theory of territorial government, and the extension of suffrage, on local questions, from State to Territory, and the absolute non-intervention by Congress for the sake of peace and union, while it made him enemies, increased the admiration of his friends. His nature shines out with its loftiest grace and courage in his debates on these themes, so nearly connected as he thought them with the stability of the Republic.

If it be that every true man is himself a cause, a country, or an age; if the height of a nation is the altitude of its best men, then, indeed, are these enlarged liberalities, which are now fixed as American institutions, but the lengthened shadow of Stephen A. Douglas. This is the cause—self-government in State and Territory—with which he would love most to be identified in his country's history. He was ready to follow it to any logical conclusion, having faith in it as a principle of repose, justice, and union.

Placed at the head of the Territorial Committee, it was his hand which, on this basis, fashioned Territory after Territory, and led State after State into the Union. The latest constellation formed by California, Iowa, Oregon, Wisconsin, Minnesota, and I may add Kansas, received their charter to shine and revolve under his hand. These States, faithful to his fostering, will ever remain as monuments of his greatness!

His comprehensive forecast was exhibited in his speech on the Clayton and Bulwer treaty, on the 4th of March, 1853; wherein he enforced a continental policy suitable and honorable to the New World and its destiny, now so unhappily obscured. That speech was regarded by Judge Douglas as among the most valuable, as I think it the most finished and cogent speech of his life. His philippic against England, which to-day has its vindication in her selfish conduct towards us, will remind the scholar of Demosthenes, while his enlarged philosophy has the sweep and dignity of Edmund Burke. It was this speech which gave to Douglas the heart of Young America. He refused to prescribe limits to the area over which Democratic principles might safely spread. "I know not what our destiny may be." "But," he continued, "I try to keep up with the spirit of the age; to keep in view the history of the country; see what we have done, whither we are going, and with what velocity we are moving, in order to be prepared for those events which it is not in the power of man to thwart." He would not then see the limits of this giant Republic fettered by treaty; neither would he in 1861 see them curtailed by treachery. If he were alive to-day, he would repeat with new emphasis his warning against England and her unforgiving spite, wounded pride, and selfish policy. When, in 1847, he advocated the policy of terminating her joint occupation with us of Oregon, he was ready to back it by military force; and if war should result, "we might drive Great Britain and the last vestiges of royal authority from the continent of North America, and make the United States an ocean-bound Republic!"

With ready tact and good sense, he brought to the fiscal and commercial problems of the country views suitable to this age of free interchange and scientific advancement.

His position on the Foreign Affairs Committee of the Senate gave him a scope of view abroad, which was enriched by European travel and historic research, and which he ever used for the advancement of our flag and honor among the nations. His knowledge of our domestic troubles, with their hidden rocks and horrid breakers, and the measures he proposed to remove them, show that he was a statesman of the highest rank, fit for calm or storm.

Some have lamented his death now as untimely and unfortunate for his own fame, since it has happened just at the moment when the politician was lost in the patriot, and when he had a chance to atone for past error by new devotion.

Mr. Speaker, men do not change their natures so easily. The Douglas of 1861 was the Douglas of 1850, 1854, and 1858. The patriot who denounced this great rebellion was the patriot in every fold and lineament of his character. There is not a page of his history that we can afford to blot. The words which escaped him in the delirium of his last days—when he heard the "battle afar off, the thunder of the captains, and the shouting"—were the key note to a harmonious life.

Observant of the insidious processes North and South which have led us to this civil war, he ever strove, by adjustment, to avoid their disastrous effects. History will be false to her trust, if she does not write that Stephen A. Douglas was a patriot of matchless purity, and a statesman who, foreseeing and warning, tried his utmost to avert the dangers which are now so hard to repress. Nor will she permit those who now praise his last great effort for the Union to qualify it, by sinister reflections upon his former conduct; for thus they tarnish the luster of a life devoted, in peace and war, to the preservation of the Union. His fame never had eclipse. Its disk has been ever bright to the eye of history. It sank below the horizon, like the sun of the Morea, full-orbed, and in the full blaze of its splendor.

How much we shall miss him here! How can we, his associates, do without his counsel? No longer does the murmur go round that Douglas is speaking in the Senate; no longer does the House become quorumless to listen to his voice! His death is like the dissolution of a political organism. Indeed, we could better afford to lose a sphere of stars from our flag; for these might wander to return. But Douglas cannot be brought back to us. He who had such a defiant power, with the "thews of Anakim and the pulses of a Titan's heart," has gone upon a returnless journey. How much shall we miss him *now!* We have so long regarded the political, social, geographical, and commercial necessities to which our Government was adapted as rendering it eternal, that its present condition calls for new and rare elements of statesmanship. Are we equal to the time and the trust? Oh! for a Clay, a Webster, a Douglas, in this great ordeal of constitutional freedom! While the country is entangled by these serpents of revolution, we shall miss the giant—the Hercules of the West—whose limbs had grown sinewy in strangling the poisonous brood!

Who is left to take his place? Alas! he has no successor. His eclipse is painfully palpable, since it makes more obscure the path by which our alienated brethren may return. Many Union men, friends of Douglas in the South, heard of his demise as the death knell of their loyal hope. Who, who can take his place? The great men of 1850, who were his mates in the Senate, are gone, we trust, to that better Union above, where there are no distracting counsels—all, all gone! All? No! thank Heaven! Kentucky still spares to us one of kindred patriotism, fashioned in the better mold of an earlier day—the distinguished statesman who has just spoken, [Mr. Crittenden]—whose praise of Douglas living I loved to quote, and whose praise of Douglas dead, to which we have just listened, "*laudari a viro laudato*," is praise indeed; Crittenden still stands here, lifting on high his whitened head, like a Pharos in the sea, to guide our storm-tossed and storm-tattered vessel to its haven of rest. His feet tread closely upon the retreating steps of our statesman of the West. In the order of nature, we cannot have him long. Already his hand is outstretched into the other world to grasp the hand of Douglas! While we have him, let us heed his warning, learn from his lips the lessons of moderation and loyalty of the elder days, and do all and do it nobly for our beloved Republic!

In conclusion, sir, we can only worthily praise Stephen A. Douglas, by doing something to carry out the will which he left his children and his country:

"Love and uphold the Constitution of the United States."

I speak it all reverently when I say that this was his religion. He had faith in that

"creed of creeds,
The loveliness of perfect deeds."

I would not seek to disclose the future to which God has consigned him in the mysterious order of his providence; but such virtue as his cannot die. It begins to live most in death. Of it may be said, as the laureate of England sang, that transplanted human worth will bloom, to profit, otherwhere. The distinguished gentleman from Kentucky [Mr. Crittenden] has alluded to the fact that the mind of Douglas expanded with his public service. It has been my own humble observation that he was one among the few public men who grew in moral height with mental breadth. Year after year inspired him with more of reverence and charity; while his "psalm of life" found expression in daily duty done. He never shrank from the dust and heat of active life. He most desired to live when dangers were gathering thickest. He would not ask from us to-day tears and plaints, but words which bear the spirit

of great deeds—"tremendous and stupendous" efforts to save the Government he loved so well. We may toll the slow bell for his noble spirit; we may crape the arm in token of our woe; we may, while we think of the meannesses of our politics and the distractions of our country, congratulate him that he is wrapped in his shroud, forever safe in the memory of the just; but if we would worthily honor him, let us moderate the heats of party strife; enlarge our view of national affairs; emulate his clear-eyed patriotism, which saw in no section his country, but loved all sections alike; and hold up his life, so fruitful in wisdom beyond his years, for the admiration of the old; and picture him for the imitation of the young as that

"Divinely gifted man
Whose life in low estate began;
Who grasped the skirts of happy chance,
Breasted the blows of circumstance,
And made by force his merit known;
And lived to clutch the golden keys,
To mold a mighty State's decrees,
And shape the whisper of the throne;
And moving up from high to higher,
Becomes on fortune's crowning slope
The pillar of a people's hope,
The center of a world's desire!"

But, sir, no language, either in prose or verse, can portray the greatness of his loss. His fame is printed in the hearts of the people. From the Green Mountains of his native State to the white tops of the Pacific Sierras, while the heavens bend above our land to bless it, the rivers roll and the mountains stand to unite it, or the ceaseless interchange of traffic and thought goes on by sea and rail, by telegraph or post—the people of America, from whose midst, as a poor boy, by his own self-reliance, he sprung, will preserve in the Pantheon of their hearts, to an immortal memory, the name of STEPHEN ARNOLD DOUGLAS.

Mr. DIVEN. Mr. Speaker, I do not rise to pronounce a eulogy upon the distinguished subject of these resolutions. It would ill become me after what has been said to attempt it. But, sir, there was that in the career of Mr. DOUGLAS to which I desire to pay a passing tribute, and from which I believe this Congress can draw profitable instruction. Sir, it was not my privilege to be ranked among his acquaintances. It was my duty, as I thought, to differ with him on the political questions about which the country was divided. That difference, sir, was an honest difference with me, and I doubt not it was with him. There are questions about which the people of this Republic can and always will differ, and yet be loyal to their country. The trait in the character and life of Mr. DOUGLAS to which I wish to make particular allusion is this: that after he had gone through a heated contest for political honors; after he, on his part, had fought that contest with more than ordinary zeal; after he was defeated and his rival had secured the honors for which he had contended; when this country became distracted; when the steel of the conspirator was thrust at the very heart of our Republic—Mr. DOUGLAS was the patriot, and the man to sink all party and to call all who would listen to his warning voice around the standard of his country.

Mr. Speaker, let us imitate his example in that. Our country is assailed by enemies. Its very existence is threatened. Men who have differed politically have united in its defense. Mr. DOUGLAS did all his part towards rallying those of his political sentiments to its defense; to sink all party differences; and to-day, Democrats, Republicans, Americans, adopted citizens, are in the field, with their muskets shoulder to shoulder defending the institutions of our country. Let us, until this question of the supremacy of the Constitution be decided, in vindication of that Constitution and of law, like Mr. DOUGLAS, sink party; and let no voice in our national councils, until this question shall be settled, start any of the questions about which the country has been at variance, and about which we have differed. Not till we shall have vindicated the supremacy of our Constitution—not till the efforts of traitors shall be prostrated, and loyalty shall be restored—not till the desecration of our flag shall have been retrieved, and its folds shall again wave from every standard from the Gulf to the British possessions—let a single question of political difference ever be revived.

Mr. ARNOLD. Mr. Speaker, on behalf of the many thousands of citizens of Illinois, who differed in political sentiments from Senator DOUGLAS, I have been selected to express their hearty approbation and concurrence in all the honors which can be paid to his memory.

The people of Illinois, a State which had been the theater of his fiercest political contests, gathered with a common feeling of sorrow around his too early grave. Indeed, the sentiment of deep regret caused by his death pervades all classes and parties and divisions of our country, and finds an exception only among the *traitors* who are in arms against our flag.

On turning back a few pages of the nation's history, we find recorded the death of many of her distinguished statesmen. Many in this Hall will vividly remember the death of John Quincy Adams, of Henry Clay, of Thomas H. Benton, and Silas Wright. Yet I think the popular heart has responded with a feeling as profound, and as universal, at the death of DOUGLAS, as of either of these distinguished men.

He was a bold and self-relying man—a leader by nature; and has always been, from the commencement of his career, the prominent figure in Illinois politics. His death has removed from the political horizon a brilliant star from a singular constellation of prominent men.

About twenty years ago there practiced at the same bar, in the small town of Springfield, Illinois, a very remarkable combination of men. Among them Abraham Lincoln, President of the United States; STEPHEN A. DOUGLAS—not less distinguished; LYMAN TRUMBULL, the eminent colleague of DOUGLAS; James Shields, who won a high reputation on the battle-fields of Mexico, and in this Capitol; E. D. BAKER, Senator from Oregon; John J. Hardin, who fell upon the bloody field of Buena Vista; JAMES A. MCDOUGALL, Senator from California; O. H. BROWNING, the successor of Judge DOUGLAS. Besides these, there was the late Governor Bissell, whose eloquence, in vindication of the bravery of the Illinois volunteers against the aspersions of the traitor Davis, is still remembered in this House; and there was also Richard Yates, the present Governor of Illinois, and my distinguished friends and colleagues, Colonels RICHARDSON and MCCLERNAND. Lincoln, DOUGLAS, Shields, BAKER, Bissell, Hardin, TRUMBULL, BROWNING, MCDOUGALL, and others, all cotemporaries, form a combination not often seen around the pine table of a frontier courthouse. Among them are names which Illinois will ever cherish—names which will brighten her history. These men, however they may have differed in the past, will be found to-day—those of them who survive—rallying like a band of brothers to sustain their country in this its hour of peril.

Among the many incidents in the life of DOUGLAS, upon which the people will linger with pleasure, are the relations between him and the President of the United States. Those relations were, in my opinion, alike honorable to the departed Senator and the living President.

The country knows they had long been rivals, the acknowledged leaders of their respective parties. They passed through the senatorial contest of 1858, (a contest which was really a battle of giants,) with their personal relations cordial and friendly.

The great presidential contest of 1860, in which victory changed from DOUGLAS to Lincoln, left them still friends. You, Mr. Speaker, and most of the members of this House, were witnesses of the graceful courtesies extended by the distinguished Senator to the President elect on his arrival here in February last. The conduct and bearing of DOUGLAS were certainly in the highest degree graceful and magnanimous.

None who witnessed it can ever forget the scene on the eastern portico of this Capitol, when Mr. Lincoln, in the presence of the representatives of the people, assumed the sublime prerogatives of Government, and swore by the eternal God that he would faithfully support the Constitution and enforce the laws of his country. DOUGLAS, not by accident, stood by his side; and, in the midst of scowling traitors, whispered in the ear of the President that, come what might in the dark and cloudy future darkening before him, he would stand by the Government and strengthen its arm to crush treason and rebellion.

Nobly has the departed Senator redeemed that pledge. He returned to Illinois, and at Springfield and Chicago, in his own bold and direct language, declared that there could be but two parties now, the patriots who stood by their country and its flag, and the traitors who were seeking to destroy it.

And it was for this, and because he rose from party to patriotism, that all the people gathered around his grave, and to-day mingle their regrets utterly forgetful-of former party divisions.

Of the services he rendered to his country I forbear to speak. History will do him justice. But there are two institutions of my own State with which his name will be forever associated. I refer to the Illinois Central railroad and the Chicago University. As a Representative of Illinois, I desire to express her grateful recognition of his most important aid rendered to these great and beneficent institutions; they will remain monuments to his memory more enduring than marble or brass.

He loved Illinois, and was filled with a generous ambition to advance her interests. He had a clear and strong appreciation of the necessity of the Union to secure her future greatness. Living near the great portage which divides the waters which flow into the Atlantic from those which, flowing west and south, find their outlet in the Gulf, he saw that the millions of freemen of the great Northwest could never permit themselves to be cut off either from the East or the South.

He well knew that Illinois, the fourth State in rank in the Union, the empire State of the Northwest, the young State that looks back on old Virginia, with her black burden, lagging far behind her—the State that treads hard upon the heels of Ohio and Pennsylvania, and that in the future challenges New York to a generous and friendly rivalry for imperial position—he knew and felt and expressed her settled purpose never to permit a foreign nation to interfere between her and the mouth of the great river which washes her western boundary. For this Illinois will cherish his memory as long as Lake Michigan shall roll her blue waves upon the shore where sleep his remains.

DOUGLAS died at a moment when he had the ability and the disposition to have rendered the greatest services to his country. He died on the eve of this grapple between government and anarchy; between law and lawlessness; between liberty and slavery; between civilization and barbarism; the result of which is to shape the destiny of this continent.

Had he lived he would have led this grand, sublime, uprising of the people—this majestic popular movement now sweeping onward like the deep and resistless volume of waters of the great lakes over Niagara—he would have led it onward to crush and overwhelm this wicked rebellion.

Yes, Mr. Speaker, had he lived until this day, there would have been heard in these Halls no voice louder, clearer, more emphatic than his, demanding action, *action—prompt, vigorous, decisive action.*

Mr. WALTON, of Vermont. Mr. Speaker, while many States are to-day assembled, through their representatives in the Senate and this House, as mourners at the loss of one who has achieved far more than ordinary honors in the public service, and a measure of popular admiration and attachment accorded to but few statesmen of his years in any age or nation, there is one State distinguished from all others—I will not say by the sincerity of her grief, when all alike are sincerely grieved, but I may truly say for the singularity of her grief. A mother weeps for her son. His fame was national; Vermont remembers that hers is the parental share. His death, in the very crisis of a nation's fate, was a national calamity; but Vermont remembers that her loss is much more than the common share. Her son is dead. She clad herself in mourning on the announcement of what was, to human judgment, an untimely death; and all her children murmured the accents of sorrow. It is fit then, to-day, for Vermont to join in these funereal honors; and, by my colleagues, it has been deemed most fit that I, as the Representative of the district in which the deceased Senator was born, and of the people among whom he was bred, should at least offer a memorial tribute, however humble it may be.

STEPHEN ARNOLD DOUGLAS was born in Bran-

don, Rutland county, Vermont, on the 23d day of April, 1813. Then, more than now, that was a rural town; and though the father was a physician of good culture and in high repute, by his early death his son was left to those privileges only which the poorest can command, and he spent more than one third of his brief, but eventful life, attending the winter district school, and laboring steadily during the remainder of his time upon a farm and in a mechanic's shop. A single year of academical studies, being the eighteenth year of his life, and the year in which he received his bent and fixed his future professional career, completed the preparation given according to the then common usage of Vermont. It was no mean preparation; for, allowing all that may be due to the peculiar qualities of the man—to his keen and powerful intellect, his unyielding will, and that audacity of bravery which distinguished him in every conflict—it was in his case peculiarly true, that "the boy was father to the man;" that the bent acquired in his youth, from the institutions and influences which surrounded him, marked him for life.

The town in which he was born, like every other in Vermont, and indeed each of the many school districts in the town, was an independent corporation for its appropriate purposes, with what, in strict propriety, may be called legislative powers, such as taxation, and the regulation of various matters of importance to the town and district; and the legislature of each was not a representative body, but a pure democracy, in which all the citizens met on equal terms and with an equal right to free discussion and action. These are privileges which touch the interests of all, and therefore demand intelligence, and put to practical and constant use the intellectual and moral qualities of the people. The demand stimulates the best supply to be attained, and by books and newspapers, by public discussions and fireside consultations, that supply is had. The fruit is an independent, intelligent, and energetic community, thoughtful of public affairs and familiar with public duties; a community of which every man may tender what he will to the common weal, and he will be sure to be weighed in a just balance and counted for what he is worth. From such a school—the same in kind from which Vermont sends her sons and daughters throughout the land—STEPHEN A. DOUGLAS went out a Democrat, as every native-born and bred Vermonter is a Democrat. I say it in the strictest and purest sense of the word, not in a party sense, though in his case that was true; and I have sometimes fancied that even then that chord was strung which in later years sounded the rallying cry of his party—"the freedom of the people to regulate their domestic institutions in their own way." At least he went out with no doubt of his own rights; strong in the habit of self-reliance; with a taste for public affairs, and an aptitude for public service that was speedily and fortunately tested, and bent upon that intellectual culture which he had early learned to esteem as the best foundation for success. Having continued his classical studies until he had completed the usual college course, mingling with them the study of the law, at twenty years of age he found himself in Illinois, a schoolmaster; at twenty-one he was admitted to the bar of the supreme court of that State; at twenty-two he was elected State's attorney; at twenty-three he entered the Legislature as a member of the House; at twenty-four he first entered the service of the Federal Government, as register of a land office; in his twenty-seventh year he was appointed secretary of the State of Illinois, but was speedily elevated to the bench of the supreme court; in his thirtieth year he was elected to Congress, where he served until his thirty-third year, when he was transferred from the House to the Senate of the United States; and he was in his third term in that body when, in his forty-seventh year, he was nominated as the candidate of his party for the highest office within the gift of the nation, and stood second only in the choice of the people.

His career has been brilliant beyond all other examples in our political history. Swift and unbroken was his march from the obscurity of his old rural home to the post of championship in the Senate. Every step was triumphal; and every triumph gave new confidence, courage, and strength for a larger endeavor and a more brilliant victory. Never but once, and at the last, did he fail, as if in him was to be the proof of the all but divine insight of the greatest poet of our race:

"Checks and disasters
Grow in the veins of actions highest rear'd."

No! not at the last. I recall the words. The last trial was indeed his greatest victory. It has been the boast of his friends that he was preëminently a party man; and he himself undoubtedly had the fullest faith in both the invincibility and virtue of the party of which he had become the recognized head. More than others, then, he was the idol for party homage, and more than others the target to receive the shafts of party prejudice and malignity. If this be true, sir, his last conflict was with himself—his last victory the noblest for his fame. The patriot conquered the partisan. The last cry from his trumpet tongue announced the supremacy of patriotism over party, and summoned the legions of his loyal friends to the rescue of the country; and his dying message to his children enjoined perpetual fidelity to the Constitution and the Union. We mourn, then, not alone that a great man has fallen; we bring not here alone the cheap offerings of personal or party grief; we marshal not ourselves as friends and foes, bound in common decency to suspend the clash of conflict for the burial of the dead; but bearing the heavy burden of a common woe, we mingle our tears over a patriot's grave.

Mr. Speaker, it is for others, who have been personal friends of the deceased, to utter the eulogies and sorrows of friendship; for others, who have have been his associates in public life, to do justice to his public services; but for Vermont, let me say, that to-day there has been, and there can be, no measure of deserved praise that shall not touch her pride, and no wail of unfeigned sorrow that shall not reach her heart.

Mr. LAW. Mr. Speaker, since the last meeting of Congress, another great and good man, a patriot and statesman, has been gathered to his fathers. Year after year, as time rolls on, the country has been called on to mourn the loss of her most eminent men. In a little more than a decade, the Congress of the United States have paid funeral honors to Adams, to Clay, and to Webster—shining and bright lights in our political firmament; and now we are called to pay the last tribute to another scarcely, if any, less distinguished than those who have gone before him.

STEPHEN A. DOUGLAS, Senator from Illinois, departed this life at Chicago, on the 3d of June last. Born in Vermont, he emigrated to Illinois in 1833, before he had reached the age of manhood. Emigrating, as I did, a number of years before him, to the State of Indiana, locating on its western borders, at Vincennes, and practicing in my profession as a lawyer in the border counties of Illinois, I soon made his acquaintance. I have known him long, and known him well for a quarter of a century; and during the whole of that period we have sustained towards each other the most intimate and friendly relations. Connected with him personally and politically for many years, I think I have a knowledge of the man which enables me to speak of him "the words of truth and soberness."

In the great and exciting political canvass of 1840 we were together, and I think his friends from Illinois who have a recollection of that canvass will confirm me in saying that the zeal with which Mr. DOUGLAS entered into it, and the spirit and energy with which he carried it on, gave the vote of Illinois—and the only one given in all the northwestern States—to the Democratic candidate.

It is unnecessary for me to follow his career from that time up to his death; it forms a part, and a large part, of the history of the country. Suffice it to say that the poor and penniless lad who made his way, and for the most part on foot, from the workshop in Brandon, Vermont, to the small village of Winchester, in Illinois, where he kept school for a living, and read law in the intervals of teaching, up to the period of his decease has had and enjoyed a popularity with the masses of the people, not only in his own State, but throughout the Union, that no man, perhaps with one exception, ever possessed in this country. STEPHEN A. DOUGLAS was emphatically the "tribune of the people." Elected to the Legislature in 1835, presidential elector in 1840, judge of the supreme court of Illinois in 1841, member of Congress in 1843, Senator in 1847, reëlected in 1853, and again in 1859, no man, in this country or any other, without wealth or patronage, ever ran such a career of honor or preferment. What an example to the rising generation of young men? What a stimulus should it offer to the poor but talented and ambitious lad, in a Government like ours, that the path of fame and honor is as open to him as to his more fortunate companion, having all the advantages which wealth and position can bestow!

Sir, I cannot conclude what little I have to say on this occasion, this national loss, without expressing my deep regret that the providence of God has called him from the midst of us at this most eventful period of our national history. My firm belief and opinion is, that distracted and divided as we are, broken into separate confederacies, our Union endangered, engaged in a fratricidal war, citizen against citizen, brother against brother, that in the South as well as in the North, in the slave States as well as in the free, in every community where he was known—and where, from the Atlantic to the Pacific, from the Bay of Fundy to the Gulf of Mexico, was he not known and loved?—the death of STEPHEN A. DOUGLAS is mourned and regretted. Why, sir, the very men who are now the leaders in the unhappy contest waging against us—here, sir, in this very Hall, as well as in the other end of the Capitol—so long as they remained true to the Constitution and the Union, so long as they remained true and faithful to the obligations they took as Senators and Representatives of the United States, acknowledged the purity of the man, the geniality of his temper, the goodness of his heart, his high sense of honor, his talents, his eloquence, his entire freedom from sectionality, his patriotism, his love of country. Do you believe, sir, does any man believe, that treason and rebellion have so seared their hearts, so perverted their understanding and destroyed their feelings of gratitude, that they, even now, amid the clash of arms and the clang of battle, can forget the man who hazarded all, fame, fortune, political distinction, elevation to the first office in the gift of the Republic, loss of political friends, power, popularity, in boldly and manfully and nobly standing up for all the rights which the South could claim constitutionally or legally?

Sir, he hazarded all, he suffered all, because he believed he was right; and that he was right, all experience has proven. His doctrine of "non-intervention by Congress with slavery in the Territories" was the only safe solution of that exciting question; and I rejoice to know that he lived long enough to see the doctrine practically carried out by a Republican Congress, in the territorial admission of Nevada, Colorado, and Dacotah, at the last session of Congress, without any restrictive clause upon the subject of slavery in the act which admitted them. Sir, like the great patriot and statesman who preceded him, and with whom he might be more justly compared than with any other public man on this continent, STEPHEN A. DOUGLAS would "rather be right than be President."

Connected with the Democratic party of the Northwest from his very entrance into public life, he was the embodiment of that party, its very type and model. Some of his political friends there, who had been alarmed with the bold, striking, and original doctrines which he promulgated, abandoned him. Nothing daunted, never alarmed, trusting to his own robust strength, his native intellectual vigor, his fearlessness, his originality, he battered down the strongholds of his opponents, either subduing them with the strong power of his logic, or overcoming them with the force of his argument. Discomfited and powerless, they left him master of the field. One of the strongest illustrations of his power on such an occasion was his memorable speech at Chicago, on his return there from Washington, after the passage of the "compromise bill of 1850."

But, sir, above and beyond all his other great qualities, his patriotism, his love of country, his devotion to the Constitution, to the Union, to the glorious flag which is its emblem, were the most prominent traits of Senator DOUGLAS's character. In life—ay, even in death—this sentiment, this feeling, was uppermost in his mind; this idea the

most prominent even when death claimed him as his own. The last letter he indited for publication was the letter published about two weeks before his death in the National Intelligencer, addressed to the "chairman of the Democratic committee" in this city. I will read two short extracts, to show you what, at that short period before his death, *he* thought was the duty of every loyal American citizen in the present crisis. After stating the circumstances which led to the present deplorable state of public affairs, he says:

"In view of this state of facts, there is but one path of duty left to *all* patriotic men. It is not a party question, nor a question involving partisan policy; it is a question of Government or no Government; country or no country; and hence it becomes the duty of every Union man, every friend of constitutional liberty, to rally to the support of our common country, its Government, and its flag, as the only means of preserving the Union of the States."

Again, he says:

"I know of no mode by which a *loyal citizen* may so well demonstrate his devotion to his country as by sustaining the flag, the Constitution, and the Union, under all circumstances and under every Administration, (regardless of party politics,) against all assailants at home and abroad."

Fellow-Democrats of the House of Representatives! friends of DOUGLAS! these are the words of our great leader; the man whom we delighted to honor; whose banner we have borne aloft "in the battle and the breeze;" with whom we have abided in good and evil report; around whom we have rallied; for whom we have fought the good fight, even under circumstances well calculated to dampen the ardor of the bravest and most devoted. It is the language of one to whom we adhered even unto the end. They are his dying words to us—the last legacy to his friends; and shall we not demonstrate our devotion to him, as well as to our country, by sustaining the "Constitution, the Union, and its flag," regardless of all former differences of political opinions, of party politics? I hope so; I believe so. And if permitted to look down upon our deliberations here from "mansions on high," will he not feel that, in death as in life, he has never found us divided?

Mr. Speaker, I have said his devotion to the Union was strong even in death. Could there be a more solemn, a more touching, a more affecting scene, than when the angel of death was flapping his broad wing over the emaciated frame of this intellectual giant, when the grave was opening to receive him, and when, in a moment of apparent consciousness, his lovely and loving and devoted wife asked the dying statesman if he had any message to send to his two sons? When not hearing, or not understanding, the question, she knelt over him and whispered it once more in that ear so soon to be as deaf to sound as the clod that covers him. Rallying for a moment, his eye flashing, his whole frame dilated, "Tell them," said he, "to obey the laws, and support the Constitution of the United States."

Sir, he rests from his labors; his work on earth is ended; his ashes mingle, as they rightly should, with the dust of the prairie, in that great and noble State to which he owed so much, and with whose name the fame of this great statesman will be forever identified.

Mr. WICKLIFFE. Mr. Speaker. I had the honor of knowing Judge DOUGLAS. Our acquaintance commenced in 1843. He was a member of the House of Representatives, I a member of the executive department of this Government, and then received from him and witnessed acts of his disinterestedness and support. A friendship was then formed between us which lasted until his death, and I can and do cheerfully concur in all that has been said of him to-day. No eulogy of mine can add to his reputation as a statesman. The records of his country bear evidence to the world of his public services.

It was my fortune during a period of ten years service in the House of Representatives, in the exciting times of 1823 to 1833, when the nation was threatened with the evils of secession by South Carolina, to hear and witness the contests of the national men of that day. I have heard Mr. DOUGLAS, and can say, his power as a debater, and his devotion to the great principles upon which our Government is founded, were not surpassed by the greatest of the great men of that day.

No statesman of the present century, living or dead, has a more consistent record than that of DOUGLAS; consistent in principle, theory, and action.

I rose only, Mr. Speaker, to add my testimony that it be placed upon the record. I know I speak the sentiments of his friends in Kentucky. My colleague has more appropriately spoken the feelings of the whole State. We mourn his death as a national affliction. He emphatically was a national man. At this time more than any period of his life, does the nation need his services. His devotion to the Union and the Constitution was ardent and sincere; and such men the nation now wants, in this hour of her greatest trial.

Mr. FOUKE. Mr. Speaker, with the termination of my remarks will, I presume, close the solemn ceremonies of the present occasion. Our thoughts are sad, our hearts are full of mourning. "Death seeks a shining mark." A brilliant sun has gone down at noon. In the meridian of life, in the plentitude of his usefulness and readiness to serve his country in its present great need of the wisest counsels and ready coöperation of its greatest and truest statesman, has STEPHEN A. DOUGLAS, standing at the head of the column of the true patriots of our land, been struck down by death's inexorable fiat! The nation deeply mourns his demise in habiliments of sincere woe. The Congress of the United States will see and hear him no more, as it has hitherto for many years been accustomed to greet his cheerful presence, and dwell with profit and instruction upon his words of wisdom. He has passed from our midst, but he has left us a glorious legacy in his last dying words, enjoining upon his two sons, of tender years, and all the friends about his couch, to stand by the Union and the Constitution of their country, and help to maintain the laws.

Judge DOUGLAS died in the clear, full faith that the Union would be maintained and preserved, as he, as well as Washington, Jackson, Clay, and their compeers, before him, believed it ought to be, no matter who might be the constitutionally elected President.

He had previously, while in health, publicly declared, in view of the crisis which was seriously threatening the destruction of our Union, that he would give up the great party he had all his life clung to, and all hope of future exaltation to power by that, or any other party, to save the Union from destruction. It was a sentiment of patriotic fervor from the bottom of his great American heart. Like the noble sentiment once proclaimed by the immortal Clay, Judge DOUGLAS would "rather be right than be President."

The humble individual who, on this solemn occasion, offers up his mite of tribute to the worth and memory of the departed statesman we mourn, was for many years the personal and political friend and admirer of STEPHEN A. DOUGLAS. I saw him rise rapidly in the affections of the people of my native State, who knew him well—his genial nature, his generosity, his great energy of character, his integrity, and his wisdom and solid worth; and they soon showered profusely upon him all the honors in their gift—legislative, judicial, and congressional. They saw him among them from choice, the architect of his own fortunes; and with pride they saw him taking and holding a high stand in the councils of the nation—the peer of the mightiest magnates of the Republic. They were anxious to see him, as the true representative man of the people, elevated to the highest office within the gift of American freemen. His friends urged him for the exalted position of President of the United States at the national convention at Baltimore, in 1852. But he knew better than his admiring supporters that his nomination could not be made without strife. Hence he urged them to yield to a compromise upon Franklin Pierce, who was nominated and elected.

In 1856, at the Cincinnati convention, his friends urged him again for the nomination, and he received a large vote; but, ever disinterested and desirous of harmony in his party, he telegraphed his friends in the convention, by all means, as a sound Democratic rule, to vote for Mr. Buchanan as soon as he should receive a bare majority, and nominate him by a two-thirds vote, upon the principle that in party organizations the time had passed for a minority to hold out with a factious opposition to a majority. They did as he requested, and Mr. Buchanan was nominated and elected.

When he had made a successful campaign of Illinois in 1858, for a reelection to the Senate, and was returned for the third time, his name was again urged for the Presidency; all his intimate friends know full well that he resisted this appeal. Having just been elected for another term of six years to the Senate, he desired for the time being no more exalted position. He at last, however, reluctantly yielded his assent, but it was with the distinct understanding that, if nominated, it must be upon his doctrine of "popular sovereignty," as sanctioned by the Cincinnati convention of 1856.

Having thus yielded his assent, he laid before the public, through Harper's Magazine, a lucid, logical, convincing, and unanswerable paper, in illustration and advocacy of the right, fairness, and feasibility of his great measure, which secures to the people of the public Territories, as well as to those of each and all the States, the right to settle all their local and domestic questions in their own way, and to decide for themselves, as the majority in each Territory should determine, whether they should have, or not have, slavery in their midst. This great doctrine of the people's right to decide their own domestic affairs and polity, as the majority might clearly indicate, he held to and advocated to the day of his death. But he lived to realize the proud satisfaction of seeing his cherished principle ingrafted upon the legislation of the country by the *very party* that had struggled *most* to destroy it.

He was one of the people, and he labored all his life to promote their best interests. He believed, implicitly, in our free institutions, and ardently desired to have them spread all over this vast continent. Hence he advocated the annexation of Texas, of California, of Cuba, of closing up the Carribean sea against the further colonization of European Powers upon the western hemisphere.

To the genius, energy, ability, and irresistible influence of STEPHEN A. DOUGLAS in Congress, were the people of Illinois indebted for the great grant of public land within the borders of their State, for railroad purposes, which caused the building of the Illinois Central railroad, running seven hundred miles through that great State, and contributing immensely to the population and wealth of its inhabitants, who honor the great statesman's memory for his gigantic work in behalf of their Commonwealth.

For his great energy and success in carrying through Congress measures for the establishment of ocean steam mail lines between New York city and San Francisco, and the celebrated Collins line, between New York and Liverpool, the people of our whole country have been greatly indebted. He stood up for those lines, and was mainly instrumental in carrying them through Congress, against much formal and official opposition. They proved a brilliant success, and established the wisdom of his action for their creation.

On the questions which convulsed the nation in 1850 he stood a giant among a race of giants and patriots, and did yeoman's service in the work of restoring peace and tranquillity to a distracted country.

As a candidate for the Presidency in 1860, Judge DOUGLAS took an exalted position in favor of popular rights—a bold and fearless stand against disunion, and poured forth to the North and the South, without equivocation, his anathemas against the heresies of both sections. He received upwards of one million three hundred thousand votes for President; but was defeated. Murmurings and discontent arose in the land; and ere his successful competitor took the oath of office, the work of disintegration was rapidly progressing.

Judge DOUGLAS repaired to the Senate, and exerted his mighty powers of mind to restore peace and harmony; and never did his great intellect display more lofty statesmanship, or his noble heart more disinterested patriotism. It was his last senatorial battle. But the clash of intellect has given way to the clash of arms; the panorama of events predicted by him are passing rapidly before us. It is the broken sword, the war steed without his rider, falling columns and crumbling monuments, prostrate commerce and a bankrupt treasury, weeping widows and fatherless children. While the statesman, whose death we so profoundly mourn, believed that the Government would be maintained, yet his great soul was exceedingly sorrowful when he contemplated the horrors of

civil strife, which he believed to be inevitable; but he now quietly sleeps in that city peopled by the departed; his stormy voice is mute; his patriotic heart, which, when living, was moved by the noblest emotions of our nature, lies calm and motionless in the grave. DOUGLAS is dead!

The question was taken; and the resolutions were agreed to.

The House thereupon (at four o'clock, p. m.) adjourned.

IN SENATE.

WEDNESDAY, *July* 10, 1861.

Prayer by Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday was read and approved.

PETITIONS.

Mr. TEN EYCK. I ask leave to present the memorial of citizens of Camden, in the State of New Jersey, praying that, as an act of justice to the survivors of the war of 1812, all who survived in said war, or were ever actually engaged in war, the surviving widows of any who have died, or may hereafter die, may be placed on the pension rolls of the United States. As I hold the right of petition to be sacred in the people, I present the memorial, and ask that it may be referred to the Committee on Pensions, even at this special session.

The memorial was referred to the Committee on Pensions.

Mr. TRUMBULL. I ask leave to present the petition of a public meeting of the citizens of Mendotah, in the State of Illinois, asking for certain amendments to the Constitution of the United States; among which is, that it be so amended as to abolish slavery in all the States which have attempted to secede; another, to abolish slavery in the loyal States by purchase; another, that the President of the United States enter upon the discharge of his duties immediately after his election; and various other amendments, rendering incapable of holding office all persons engaged in the conspiracy against the Government. I ask that it be laid on the table.

The petition was ordered to lie on the table.

REPORT FROM A COMMITTEE.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 3) providing for the better organization of the military establishment, reported it with amendments.

BILLS INTRODUCED.

Mr. SAULSBURY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 8) to renew and continue the pension allowed to Olivia W. Cannon; which was read twice by its title, and referred to the Committee on Pensions.

RETIRED LIST.

Mr. GRIMES. I ask leave to introduce a bill with a view to reference, of which no previous notice has been given.

There being no objection, leave was granted; and the bill (S. No. 7) to promote the efficiency of the Army and Navy was read twice by its title.

Mr. GRIMES. Mr. President, I move that the bill be referred to the select committe of which the Senator from Massachusetts [Mr. WILSON] is chairman. I desire to say that, in drafting the bill, I have adopted, without any alteration, the first four sections of the bill introduced by the Senator from Massachusetts, which relate to the retirement of the Army officers. In the succeeding five sections, which relate to the retirement of Navy officers, an attempt has been made to assimilate the provision in relation to retiring Navy officers to the four preceding sections, which relate to the Army officers.

It is provided, in the first place, that any naval officer who has been in the service of the United States more than forty years may voluntarily retire upon his leave-of-absence pay. It, in the next place, provides that any officer who shall be disabled or rendered incompetent to discharge the duties that appertain to his station, by reason of any wound received in actual conflict with the enemy, shall be retired upon his sea pay. It then provides that "whenever, in the judgment of the President, an officer of the Navy shall be in any way incapacitated from performing his duty, he shall direct the Secretary of the Navy to refer the case to a board of not more than nine or less than five commissioned officers, superiors in rank, to examine into the fitness and the competency of the officer; which board shall preserve a record of their proceedings and the testimony submitted before them, and transmit the same to the Secretary of the Navy, to be laid before the President for his approval or disapproval. The board shall report whether, in its judgment, the incapacity resulted from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure, or from any other incident of service. If the disability arose from either of these causes, the officer shall be retired with leave-of-absence pay; if from other causes, he may be retired on furlough pay, or he may be wholly retired, and his name stricken from the Register." In the fourth place, it provides that retired officers shall be entitled to wear the uniform of their grade, to continue to be borne upon the Navy Register, subject to the rules of war, to trial by general court-martial, and to be assigned to such duty as the exigencies of the service may require, and the President may deem them capable of performing.

The bill was referred to the select committee appointed to consider the bill (S. No. 4) to promote the efficiency of the Army.

ARMY AND NAVY REGISTERS.

Mr. ANTHONY. I desire to offer a resolution, which goes to the Committee on Printing:

Resolved, That three thousand copies of the Army Register and fifteen hundred copies of the Navy Register be printed for the use of the Senate.

The resolution was referred to the Committee on Printing.

ELECTION OF CHAPLAIN.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate do now proceed to elect a Chaplain of the Senate for this present Congress.

The Senate proceeded to ballot for Chaplain; and the ballots having been collected and canvassed, the result was announced as follows:

Whole number of votes cast, 35; necessary to a choice, 18; of which—

Rev. Byron Sunderland received.....33
Rev. Mr. Norwood.....1
Rev. Goldsmith D. Carroll.....1

Rev. BYRON SUNDERLAND, having received a majority of the whole number of votes, was declared elected Chaplain of the Senate for the present Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 15) to provide for the payment of the militia and volunteers called into the service of the United States, by proclamation of the President, dated April, 1861, from the time they were called into service to the 30th day of June, 1861.

On motion of Mr. FESSENDEN, the bill was read twice by its title, and referred to the Committee on Finance.

The message further announced that the House had passed the joint resolution of the Senate, (No. 2) to remit the duties on certain arms imported into the United States.

EXPULSION OF SENATORS.

Mr. CLARK. I have a resolution to offer. I do not ask for its present consideration, but give notice that I will call it up to-morrow.

The resolution was read, as follows:

Whereas a conspiracy has been formed against the peace, union, and liberties of the people and Government of the United States; and in furtherance of such conspiracy a portion of the people of the States of Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Texas, have attempted to withdraw those States from the Union, and are now in arms against the Government; and whereas JAMES M. MASON and ROBERT M. T. HUNTER, Senators from Virginia; THOMAS L. CLINGMAN and THOMAS BRAGG, Senators from North Carolina; JAMES CHESNUT, Jr., a Senator from South Carolina; A. O. P. NICHOLSON, a Senator from Tennessee; WILLIAM K. SEBASTIAN and CHARLES B. MITCHEL, Senators from Arkansas; and JOHN HEMPHILL and LOUIS T. WIGFALL, Senators from Texas, have failed to appear in their seats in the Senate and to aid the Government in this important crisis; and it is apparent to the Senate that said Senators are engaged in said conspiracy for the destruction of the Union and Government, or with full knowledge of such conspiracy have failed to advise the Government of its progress or aid in its suppression: Therefore,

Resolved, That the said MASON, HUNTER, CLINGMAN, BRAGG, CHESNUT, NICHOLSON, SEBASTIAN, MITCHEL, HEMPHILL, and WIGFALL, be, and they hereby are, each and all of them, expelled from the Senate of the United States.

APPROVAL OF PRESIDENTIAL ACTS.

The VICE PRESIDENT. The joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion, is the first business on the Calendar, and it will now be considered.

The joint resolution was read, as follows:

Whereas, since the adjournment of Congress, on the 4th day of March last, a formidable insurrection in certain States of this Union has arrayed itself in armed hostility to the Government of the United States, constitutionally administered; and whereas the President of the United States did, under the extraordinary exigencies thus presented, exercise certain powers and adopt certain measures for the preservation of this Government—that is to say: First. He did, on the 15th day of April last, issue his proclamation calling upon the several States for seventy-five thousand men to suppress such insurrectionary combinations, and to cause the laws to be faithfully executed. Secondly. He did, on the 19th day of April last, issue a proclamation setting on foot a blockade of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. Thirdly. He did, on the 27th day of April last, issue a proclamation establishing a blockade of the ports within the States of Virginia and North Carolina. Fourthly. He did, by order of the 27th day of April last, addressed to the Commanding General of the Army of the United States, authorize that officer to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington. Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers, increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen. Sixthly. He did, on the 10th day of May last, issue a proclamation authorizing the commander of the forces of the United States on the coast of Florida to suspend the writ of *habeas corpus*, if necessary. All of which proclamations and orders have been submitted to this Congress. Now, therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the extraordinary acts, proclamations, and orders, hereinbefore mentioned, be, and the same are hereby, approved and declared to be in all respects legal and valid, to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

The VICE PRESIDENT. The joint resolution is now before the Senate as in Committee of the Whole, and open to amendment.

Mr. CLARK. I move to amend the resolution by striking out on the second page, from the word "increasing," to the word "seamen," inclusive.

The words proposed to be stricken out are:

"Increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen."

So that the clause will read:

Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers.

I make the motion because I understand that the increase of the Army and the increase of the Navy are to be provided for by another bill—not that I have any hostility to either of these measures, but they may be provided for there. I do not know that anything has been done towards increasing the Army or Navy, which must be necessarily made by law retroactive. If there has been anything of that kind done, Senators can inform us, so that we can see the necessity of the case.

Mr. WILSON. A plan has been arranged for the organization of eleven regiments for the Army. Officers have been appointed, commissioned with some qualifications, sent to certain points of the country, and money has been placed in their hands to fill up the ranks of the Army. In regard to filling up the Navy, I understand that of the eighteen thousand men ordered for the Navy several thousand have been enlisted, and are now in the employment of the Government. I do not think it wise to strike out this provision; I think it had better remain there. When we come to the bill for the organization of the Army, and when the Committee on Naval Affairs bring in a bill with regard to the Navy, we shall have full power to modify, direct, and control this whole question. I think we had better at present merely indorse and legalize what the Government has already done in the matter.

Mr. CLARK. The difficulty that I had about

the matter was, that in the resolution now before the Senate, it is provided that these acts shall be "legal and valid to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States." Now, what power have we over the increase of the Army and the increase of the Navy, if we do legalize the acts which the President has already done? He has called out so many men, and divided them into so many regiments. Can we say he shall not bring out those men, or have so many regiments? And so in regard to the Navy. It seems to me that if this resolution is adopted as it now is, there will be very little left for us to do. If, however, as I have no hostility to either of those measures, and shall probably vote for them, the Senate is ready to adopt them in this way, I am entirely content; only I want to call the attention of the Senate to the condition of things.

Mr. POLK. For one, sir, I prefer that this joint resolution should go over until another day. At some time or other—I am not ready to do so now—I may desire to express some views in opposition to it. The President tells us also, that we are to have an opinion from the Attorney General that will bear on the subject-matter of this resolution. I presume that there are other gentlemen, also, who wish to address the Senate on the subject. I do not see that there is any particular hurry for it, and I would prefer myself, for one, that the resolution should not be considered or passed to-day, but should go over until to-morrow, or some other day that will be agreeable to the Senate.

Mr. McDOUGALL. I think it of vast importance that all this business be done promptly. I came here to indorse the preliminary action of the Government. I hope that may be done, and that all our bills may pass without debate.

Mr. FESSENDEN. Mr. President, with the permission of the Senate I will say a word upon the idea thrown out by the Senator from Missouri. It is very evident to everybody that it is quite important that this session of Congress should be a short one, and that we should act promptly upon the measures that are brought before the Senate. Therefore, it cannot be expected that business will take the course that it has ordinarily taken with reference to the action upon bills. We have but three or four subjects to act upon. They are extraordinary; called for by an extraordinary occasion. Hence, while there certainly can be no objection to giving any time that is absolutely necessary for the gentleman to make what remarks he chooses to make on the subject, it is altogether beyond any reasonable expectation that business shall go on as it has done at ordinary sessions, and be protracted from day to day on the mere suggestion of Senators that on some future occasion they desire to make remarks upon it; because in that way the session of Congress might be protracted until the next regular session, and delays, which are not only dangerous but at this particular time positively injurious, would necessarily take place. For this reason, while I should certainly have no objection to deferring the consideration of this subject until to-morrow, if the Senator is not ready to-day, I shall oppose any further postponement after that.

Mr. POLK. I believe I only suggested a postponement until to-morrow. What I may have to say on the subject will probably not be very extended; but there are other Senators whose chairs I observe are now vacant, that may probably wish to give their views on the matters involved in this joint resolution. I agree with the Senator from Maine, that we ought to act with all proper celerity on the matters that are before us; and, as I have not at any former session of the Senate interposed useless delay in any way, I certainly shall not do so at the present session. I want to make it as short as the Senator from Maine does. Under the circumstances in which the country is, and especially the circumstances in which my own State is, I desire to get away from Washington as soon as possible. The suggestion I made was not for the purpose of delay at all. I think, therefore, that perhaps speed in the transaction of business may be secured by letting this matter go over at least until to-morrow. I hope it will be postponed.

Mr. WILSON. Mr. President, the Senate has been in session nearly one week, and we have done nothing as yet. Here is a resolution plain and simple to the comprehension of every man, and I hope the Senate will continue to consider this measure until it is ready to vote upon it, and that we shall continue to press our business as rapidly as possible. I suppose no one wishes to sit here during the hot days of summer for any great length of time. It seems to me we might as well adjourn a week from this time as not, without any trouble. I hope, therefore, that this measure will not be laid aside. If the Senator does not wish to speak to-day, there are other questions of the same kind upon which he can address the Senate. Here are half a dozen bills relating to the Army before the Senate. I hope, therefore, that the Senator will not ask us to lay this resolution aside at this time, and I hope the Senate will continue the consideration of it until it is ready to vote upon it.

Mr. SAULSBURY. Mr. President, although it is true that the Senate has been in session for nearly a week, it is equally true that this joint resolution has only been on the tables of Senators for about one day, having been placed there yesterday. It would therefore, I apprehend, be hurrying us somewhat in the indorsement of every act the Administration has done to require that we should now proceed to the discussion of the very grave questions of constitutional law involved in the consideration of this resolution. Whatever necessity there may be for pressing the consideration of other bills, there can be none for pressing the consideration of this resolution, for it proposes no act tending to the relief of the country. It is a simple indorsement of the acts which the President of the United States has seen proper to do. I am not here, on this motion to postpone, to say that any of those acts are wrong. I think the President of the United States has been justified in some of the acts that he has done; but there may be very serious questions arising whether every Senator on this side of the floor can be expected in this summary manner to indorse all his acts.

Mr. CLARK. I understand that this resolution has been before the Committee on Military Affairs, and that they are unanimous upon it. As I said, I am in favor of the measures indicated by this clause of the resolution; and lest I should be supposed to be delaying in any way the measures of the Administration, if I may be permitted to do so, I will withdraw the amendment I offered.

The VICE PRESIDENT. The Senator can withdraw his amendment. The amendment is withdrawn. If no further amendment be offered, the bill will be reported to the Senate.

Mr. POLK. I believe I moved to postpone the bill until to-morrow.

The VICE PRESIDENT. The Chair did not understand the Senator as making the motion. The question is on the motion to postpone.

Mr. DIXON. I hope that may not be done. It seems to me we may proceed to the consideration of this joint resolution for the reasons given by the Senator from Massachusetts. I trust it will not be postponed.

Mr. McDOUGALL. I wish simply to say, that I think this matter has been considered by every Senator, and counsel will be of little avail here among ourselves. There is no Senator on this floor who has not made up his mind about what he is going to do. I am prepared to act on it now, and I should like to see it disposed of at once.

The motion to postpone was not agreed to.

Mr. KING. Mr. President, I suppose there is no diversity of opinion about the propriety of ratifying all the action taken by our Government for the defense and protection of its authority against the insurrection that exists in the country. I propose, however, to offer an amendment to this joint resolution, without any extended remarks; it is a question that needs no extended debate; but inasmuch as, in my opinion, it is not desirable on an emergency of this kind to increase permanently the standing Army, I propose the following proviso, to be inserted at the end of the resolution, as a guard against any such construction that might be given to it. I offer it to this resolution, although, perhaps, it would come more properly on some subsequent bill:

Provided, That within six months after the constitutional authority of the United States Government shall be reestablished, and organized resistance to such authority shall no longer exist, the standing Army shall be reduced in its organization to the footing, in rank and numbers, authorized by law on the 1st day of July, 1861.

It will be perceived that this is a simple proposition, which does not go into detail or propose how it shall be done; but it is like the ratification of acts of the President, which requires subsequent bills to carry it out.

Mr. LATHAM. I desire to make a simple statement in relation to my own course upon this joint resolution. During my absence from the Senate, I understand the Senator from New Hampshire [Mr. CLARK] stated that the Committee on Military Affairs were unanimous in reporting it. Such was not the case. I believe all the committee present agreed to all its provisions except myself. I agree to all the propositions indorsed by this joint resolution, with two exceptions; and I am not prepared to indorse the action of the President in relation to these two unless further information is given to this body than that which is now before it. I have as yet seen no necessity, nor have I heard a good reason given—and I have made some inquiries in relation to it—why the regular Army was permanently increased prior to the assembling of Congress. So far as the exigencies of the country were concerned, making it necessary to order out the military, I believed that the volunteer force of the country would have been sufficient and ample for such exigencies. I know that the Committee on Military Affairs, and I think Congress itself, will find great embarrassment growing out of this increase of the regular Army of the country.

So far as the proclamation suspending the writ of *habeas corpus* between the city of Philadelphia and Washington city is concerned, I have as yet heard no reason for that extraordinary measure. I am not prepared to indorse blindfold everything the Government may do. While I am perfectly willing to give my sanction to all acts of the Government which may have been deemed requisite to sustain its dignity and its honor, and to enforce obedience to its laws, beyond that I am not willing to go; and therefore, without additional light, I shall feel it my duty to vote against the fourth and fifth propositions in the preamble named by this joint resolution.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from New York.

Mr. HALE. I move to amend the amendment of the Senator from New York, by adding immediately after the word "Army," the words "and Navy."

Mr. KING. I have no objection to that.

The VICE PRESIDENT. Does the Senator accept it as part of his own?

Mr. KING. Yes, sir.

The VICE PRESIDENT. The question will be on the amendment offered by the Senator from New York, as modified.

Mr. HALE. I hope the amendment will be adopted. While I am willing to sanction everything that the President has done, so far as I know in this matter, I think we have need of abundant caution, that we are not at this time run into measures that look to a permanent increase either of the Navy or the Army. There is no single feature of the great movement that has taken place in the loyal States that has given me greater and more unalloyed satisfaction than the generous rallying of the people, with blood and treasure, at a moment's call; demonstrating the great truth upon which every republican Government must rest now and forever, that there is no great necessity for standing armies here. You do not want standing armies. This movement has shown that the whole of the free States are a great standing army. When the telegraphic dispatch came from the Secretary of War to the Governor of the Commonwealth of Massachusetts, he had a regiment gathered from the various towns in the Commonwealth, under way marching to the seat of Government, in less time than a regiment of the regular Army ordinarily moves out of barracks after they have been ordered to move. [Applause in the galleries.]

My friend from Maine [Mr. FESSENDEN] asks me how it was in New Hampshire? I will tell him how it was. We had entirely lost all military organization in New Hampshire. When the order arrived there, it was sent to the towns,

and the men rallied instantly. I do not know any word that can express it better. In my own town the recruiting officer got his orders to open the enlistment about six o'clock in the evening, and before he went to bed that night he had enlisted seventy-five men. As we had no organization, the Secretary of War named a day when he would want the troops. He did not call upon them, as in Massachusetts, instantly. When the day arrived, the Secretary was notified that they were ready; and they were ready, and came into the field, I think, as well prepared, inside and out, with all the equipments, as any regiment that ever went to the field. I do not know why the question was asked, for I certainly was not aware that we had been lagging.

Mr. FESSENDEN. I will explain to the Senator, for fear of being misunderstood. In the free States—the loyal States—everywhere the people were ready instantly. My question was designed to call out just the fact that in nearly all the States the military organization had been so entirely abandoned that it took very considerable time to create an organization and bring them into the field. Fortunately, such was not the case in Rhode Island and Massachusetts.

Mr. HALE. That is a fact, sir; and that fact goes to show the necessity, which I think all these States have acknowledged, of having a military organization in the States. It will be found that that is abundant for every emergency; and it has demonstrated, beyond controversy and beyond denial, that we do not want a standing army. I wish the Senator from New York had put it smaller than it was; but, at all events, let us keep it there. I want to guard against that evil. It will be a great thing, demonstrating to the world what we have practically declared, that standing armies are not necessary.

While I am up, as I intend to talk but very little, I want to say another thing. There is another set of men that I desire to make war upon worse than upon the secessionists, the rebels, and traitors—the harpies that hang around your Departments, who want to grow fat upon the public misfortune; who want to enrich themselves upon the hard earnings of the people, which are so generously tendered to this Government. I want to guard, if it may be possible, the public treasure in all its administration, as well from being stolen by rebels as being filched by false friends; and I hope, sir, that we shall effect both these things.

Mr. KENNEDY. Mr. President, I desire to say one word before the vote is taken upon this extraordinary measure. I did not come here with any expectation on my part to interpose any factious opposition to the course of legislation; but, sir, like my friend behind me, [Mr. LATHAM,] I think there are very grave considerations involved in this resolution, that I am not prepared to indorse. While I am prepared to sustain the Administration in all just and constitutional measures for the maintenance of the Union and for the restoration of peace, I cannot go quite so far as to indorse all the propositions laid down in this joint resolution. I think that one or two of the propositions in it are calculated to establish a precedent that may result very disastrously, and seriously affect the future interests of the country. To say the least of it, they are establishing a precedent that may be seized upon hereafter, under the plea of necessity, for gross and palpable aggressions upon the Constitution of the country itself.

I am not now disposed to go into a discussion of the subject further than to enter my protest against the adoption of these propositions. I allude especially to the fourth proposition in regard to the suspension of the writ of *habeas corpus* in the State of Maryland. As one of the Representatives of that State, I desire to say in all sincerity to the Senate that, to-day, I am not informed of the reasons upon which this writ has been suspended in any particular case in the State of Maryland. In my judgment, there was no immediate necessity for it. The State of Maryland is to-day, and was before the military occupation of that State, entirely within the control of the civil authorities of the State. We are here to-day with a representation in Congress for the maintenance of the Union and the preservation of peace, elected by a larger majority than has ever been given heretofore in that State. Six Representatives in the other House have been elected by a vote very nearly approaching to twenty thousand majority out of seventy thousand votes cast. The Executive of that State, holding the power of the State entirely in his hands, was fully able at all times to suppress any insurrectionary movement without the aid of the military power of the Government; and yet all this was done without his ever being called upon. I now say to the Senate and the country, in entering my protest against the action of the Executive of the nation in that particular point, that I conceive it to have been without any necessity whatever, and without the warrant of law itself.

In regard to the increase of the standing Army, I have yet, in my humble comprehension, to find anywhere the authority that has been given to the President to exercise a power which, to say the least of it, is so dangerous in its results. I am not prepared, therefore, to vote for this resolution in all its parts. I am free to say, again, that I am prepared to support the Administration in all legal and constitutional measures for the reconstruction of the Union. I desire to say again that no Senator on this floor more justly appreciates the value of this Union than I do; none will go further to maintain it; but we must look at one naked fact, that the Government is already dissolved; and, without going back to the causes that have produced this state of things, we must look to some means by which a republican representative free Goverment may either be maintained or reconstructed upon the basis of the Constitution of the United States. Therefore, sir, holding these opinions; opposed as I was at the last Congress to all coercive measures; regarding the doctrine of coercion as tending more effectually to the disunion of this great Confederacy than any other that was brought before it, I cannot now carry out all these excessive measures of force upon the plea of necessity or the extraordinary exigencies of the times. If we are to maintain the Government intact; if we are to maintain the principles of the Government which has carried us so far on the highway of greatness and of national renown, we must take care not to violate the Constitution when we claim to maintain the Constitution and to enforce the laws. In enforcing the laws we must have a scrupulous regard to the maintenance of the Constitution in all its parts. Therefore, sir, acting upon that principle, I, for one, cannot consent to indorse all the acts of the President, and especially the fourth and fifth propositions contained in this joint resolution. I trust it may lie over until to-morrow.

Mr. WILSON. I hope the Senator from New York will consent to withdraw the amendment he has proposed, and I certainly hope that the Senator from New Hampshire, who is chairman of the Committee on Naval Affairs, will, in his own bill regulating naval affairs, settle this matter for himself. Here, sir, is a recital of the public proclamations of the President of the United States, stating the day on which the proclamations were issued, and the subjects of the proclamations; and here is a resolution affirming and legalizing his acts. Why cannot the Senator from New York, on the bill to increase the Army, make his proposition? Why cannot the Senator from New Hampshire make his on the bill that will be reported in regard to the Navy? Why should we put these amendments upon a simple proposition to legalize the acts of the President of the United States, performed under the circumstances in which these acts were performed? I hope that the Senator from New York will withdraw his amendment, and that he will move it upon the bill to increase the Army. That is the fitting and proper place for it, and on that he can have the the full expression of the views of the Senate. Everybody knows that these acts of the Administration were forced upon it by the condition of the country. The Administration felt that it must exercise all the powers within the Constitution to save the Union. The legislation of the country had not provided the necessary means, and the President took the responsibility, and in doing it he was then sustained by the voice of the loyal portion of the country; and I am sorry now, when those acts have saved this capital and this Government, that there should be any doubt or any hesitation in legalizing by our votes the action of the Government of the country, extorted from it in an emergency.

Again, sir, I ask that the Senator from New York will withdraw his amendment, that the Senator from New Hampshire will consent also to withdraw his, and that the vote shall be taken on merely legalizing the action of the past; and that, in the bills to increase the military and naval force of the country, they will move their amendments, and test the judgment of the Senate upon them.

Mr. KING. My friend from Massachusetts does not act with his usual fairness in presenting this question in the manner in which he has done it. There has been a condition of things in this country which none of us one year ago expected ever to see. I yield neither to him nor to any other man in the country in my hearty and thorough approval of every act of this Administration which has been calculated to meet and suppress this insurrection by force. If there has been any unnecessary delay, that is another question; but I do not come here in the slightest manner to criticise. I am happy in being able to say that I heartily concur in and approve of the measures which have been taken for the defense and protection of the Government, and for the suppression and extinction and destruction of the insurrection; and I am willing to vote any amount of men and of money, and do any other act, as I believe the people of this country are ready to come forward and see that the Government of the United States is maintained, and that but one flag, and that the star-spangled banner, shall fly in the air of this country any where within its boundaries. [Applause in the galleries.]

Mr. BAKER. Mr. President, allow me to say here, that at the last session of Congress I generally opposed interference with the galleries in a hearty expression of applause for a free and noble sentiment. In my judgment, however, the case is now very different. We are legislating in the midst of a great camp, and I trust that it will be proper to seize this early opportunity to say that I shall deem it my duty to move that the galleries be cleared upon any manifestation of expression of either applause or disapprobation in relation to anything that may be said or done here. We must preserve the most entire decorum and the most perfect independence of action, free from any appearance of interference by bodies of men, either armed or otherwise.

Mr. HALE. As a great many of the audience are strangers, and probably were never in the city before, they may not be aware of the stringent nature of our rules, and I suggest to the consideration of the Chair that it may be well enough to have the rule read and the audience informed that any such manifestations are decidedly contrary to the rules of this body.

The VICE PRESIDENT. There is, it is believed, no express rule covering the case, but it comes under the general rule which makes it the duty of the Presiding Officer to preserve order in the body; and one of his duties is to preserve order in the galleries; and the Chair will feel compelled, on the repetition of demonstrations of the character which have been witnessed, to order the galleries to be cleared and the doors to be closed.

Mr. KENNEDY. I would suggest that, in order to carry out the views of the Senate, the Sergeant-at-Arms be directed to post on the doors of the galleries the rules of the Senate in regard to violations of order.

Mr. BRIGHT. I am very glad to hear the Chair make the announcement it has made. I, for one Senator, make my acknowledgments for the declaration that the Chair will take upon itself the responsibility of enforcing the rules of this body without requiring Senators to rise and make the motion. Our rules are plain and positive; and we are all entitled to the protection of the rules. Some of us may, before we adjourn, utter sentiments not in accordance with what is the sentiment of the galleries. It is highly improper that they should express their approbation or disapprobation; and I am glad to hear the Chair announce thus early, in advance, that the Chair itself will enforce the rules.

Mr. KING. Mr. President, I concur entirely with the sentiments expressed by several Senators here, that the most strict order should be observed in this body. I have never approved of any exhibition of opinion, either in the way of applause or condemnation, from the galleries. This is a deliberative body, representing the sen-

timents of various States of the Confederacy, and it should be here to act according to the convictions of its members. I thoroughly approve of that, and hope the Chair will act upon the suggestion it has made of preserving entire order.

I said the Senator from Massachusetts did not act with his usual fairness when, instead of leaving this proposition to be voted upon by the Senate on its merits, he suggested that it was an obstruction to the expression of the Senate upon the measures of the Administration. As I said, I have been, am now, and shall continue while I breathe, to be as hearty as any man in favor of vigorous measures to support the constituted authorities of this country anywhere, and at all times. I did not suggest to the Senator from Massachusetts that there was a desire in him, or in anybody, and I do not believe there is, under the present emergency which requires of us extraordinary measures, to procure the adoption of measures which shall be of a permanent character, and extend far beyond the difficulties that now exist.

Mr. President, I have never doubted that this insurrection, let it be as large as it may be in this country, would be thoroughly put down. I have entire faith in the perpetuity of this Republic and in the preservation of the Union of all the States. I do not believe that an inch of the territory within our national boundaries is ever to be lost to this country, certainly not under any difficulties of this kind; and I would prosecute the course which has been begun as vigorously as I could. My opinion has constantly been, that everywhere, as fast as insurrection assembled, it should be reached, and dispersed as rapidly as it could be; and that the idea of conciliation to men in arms against the country should be entertained with great care and deliberation. If there was on any side of a straight line a doubt in reference to what was wisest and best, I would concede and it is clearly my opinion that forbearance would be the side to err upon; for, bad as these men are behaving, they are our countrymen. I would therefore prefer to forbear more than I should to be severe; but my judgment is, that mercy to them, as well as to the whole country, will be best promoted by vigorous and efficient measures against them.

I offered this proposition without any intention to delay the Senate five minutes. It is a simple proposition, whether under this emergency it is desirable that we shall increase, by more than double, the standing Army of the country. My opinion is, that it is not wise or best to do it. There is nothing in my proposition which will prohibit, when we reach the termination of these difficulties, the action of Congress in increasing the standing Army, if the condition of things existing at that time requires it; but I would not do it now. I would do all and everything for this emergency; but I would not take this occasion to make permanent laws in relation to these establishments for the country. However, I will not continue this debate so as to protract the time; I prefer voting.

Mr. LANE, of Indiana. Mr. President, being a member of the Committee on Military Affairs, and having voted to report this joint resolution, the Senate will pardon me but a moment for giving my reasons for that vote, and for the vote which I shall give in this body.

The proclamation of the President of the United States for the organization of eleven additional regiments to the regular Army contemplates a permanent addition to the regular Army. The amendment of the honorable Senator from New York, as I understand it, contemplates simply a temporary addition to the regular Army during the war. I believe that, from the manner in which these eleven regiments have been constituted, it will be impracticable to make any such reduction at the close of the war. They are already officered and organized as regiments. The officers are commissioned in the regular Army precisely as every other regular Army officer is commissioned. One half of the officers of the eleven regiments are taken from the old Army, transferred from their former position and rank and command, and assigned a new rank and command in the eleven regiments. If the eleven regiments shall be reduced at the close of the war, the tendency is, and, as it seems to me, the result must inevitably be, to throw out of the Army the very picked corps of officers upon whom we must rely in any emergency.

But I have a reason stronger than that; and it is this: I believe the contemplated increase does not make the regular Army too large for a peace establishment, nor do I believe it makes it quite large enough. It is known to every military gentleman that regular force in the same numbers may be employed at vastly less expense than the volunteer corps, and that for many purposes they are more efficient. No man in this body is prouder of the volunteer corps than I am. I have had many occasions to be proud of my native land, but I am prouder to-day of the position assumed by the Republic than I have ever been before. I have witnessed that universal and overpowering enthusiasm which has swept over all the loyal States of the Union, calling into existence, in sixty days, almost three hundred thousand volunteers. I am proud of this; and I rest with perfect confidence in the belief that, under ordinary circumstances, a volunteer force will be sufficient for the enforcement of the laws and for the maintenance of the Government under which we live. But when the proclamation was issued some six weeks ago by the President, upon full consultation with the Cabinet, and under the advice of the most distinguished military men in the country, what were our circumstances? The red right hand of armed rebellion was raised to strike down the Government under which we live—the freest, happiest, grandest Government upon earth; and the President was suddenly called upon to put down this armed rebellion. Every effort which he has made to that purpose meets my most hearty and cordial coöperation and support. I believe that this increase of the regular Army is necessary. I believe if we had had a standing Army of forty thousand true men last January, the present disastrous condition which has overtaken the country never would have befallen it. I think, from the manner in which these new regiments are officered and the increase to the regular Army is proposed to be made, that hereafter we shall have no defection in the regular Army, and may rely with confidence upon it.

One remark fell from the honorable Senator from Maryland, to which I must at this moment enter my dissent; and that was, if I understood him correctly, that he believed that coercion was the means most calculated to bring about a destruction of the Union and the Government. I believe it is the only means by which the Union and the Government can be supported and maintained. I would use all the power of the regular Army and the volunteer force until this rebellion was crushed out. I would contemplate no peace which involved the loss of one single acre of the national territories, or would change the map of the United States. I will sanction no peace which does not imply death to the armed traitors who are leading this rebellion, and not simply a death under the steel of the soldier, but the felon's death with the halter is the fate I would reserve for every single leader in this conspiracy; and I would march your troops freely wheresoever it is necessary to march them in putting down this rebellion.

These are my opinions, and I cannot suffer this occasion to pass without giving utterance to them. So far as compromise and conciliation are concerned, I have only this to say: that there is no compromise necessary. If these gentlemen abandon their position of armed rebellion and return to their allegiance, there is an end of the matter. The Constitution of the Republic is the wisest compromise of conflicting opinions and sentiments that has ever been made or ever can be made. Upon all the compromises of that Constitution I stand, and rest my hope for the perpetuity of the Government.

Mr. KENNEDY. I did allude, Mr. President, to my distaste of the doctrine of coercion; and, notwithstanding the lofty panegyric that the honorable Senator has paid to the glory, the greatness, and the grandeur of this country—all of which I indorse—I am more persuaded now than I have ever been before that force applied by armies of hundreds of thousands upon either side is not the way to secure and to maintain the Union of these States. I have held that opinion since the very beginning of our troubles. I coincided with able and distinguished Senators upon this floor, who, at the last session of Congress, raised their voices against the adoption of a measure and policy of that sort. I am as persuaded now as I am of anything on the face of the earth, that you may fight for twenty years and you cannot restore this country to the position in which it was before the rebellion, as you call it, broke out. I call it a revolution. Whether it is right or wrong, I do not now mean to discuss; but it is my solemn conviction that you will never reconstruct the Union by the sword. There was a time, I admit, when peace could have been restored to the country without a compromise of honor upon the part of the majority portion of this Senate. I think now that things have gone so far that little is left to the country to hope for from this course of coercion which is now being pursued. I should be glad, to-day, to accept any measure of conciliation. I am willing to make any concession to bring this country back to the point where we stood one year ago; but I do not believe we shall ever get back to it by the force of arms.

I did not, however, sir, intend to discuss this branch of the subject. I am not now prepared to go into the general discussion of the questions involved in this issue; but there was one remark made by the honorable chairman of the Committee on Military Affairs, who reported this joint resolution, that makes it necessary for me to ask him a question. The honorable Senator said that he could not conceive how any Senator upon this floor could not fully indorse every proposition laid down in this resolution. May I ask the honorable Senator if he is apprised of any necessity for, or of any reasons that require or justify the suspension of the writ of *habeas corpus* in the State of Maryland? If so, I should like to know them.

Mr. WILSON. If the Senator wishes an answer, I will say that I think the existence of a band of conspirators in the city of Baltimore, men who organized murder and shot down in the streets of that city brave men who were rallying at the call of their country to defend the capital of the nation and uphold the cause of the Republic, is a full, complete justification of the President in authorizing General Scott to suspend the writ of *habeas corpus* in and about that city. There is no spot on this continent, none whatever, where there have been blacker traitors than in and about the city of Baltimore—men ready for murder, for any crime—men who were organizing rebellion in that city, secreting arms that have since been discovered and taken from the men who have been arrested. If there ever was in any portion of the Republic any spot of earth, or any time, where and when the writ of *habeas corpus* ought to be suspended, the city of Baltimore was the spot, and the last few weeks the time, for its suspension.

Mr. KENNEDY. I am glad that the Senator has given me an opportunity to make a statement in reference to the unfortunate occurrence of the 19th of April, in Baltimore. I fully concur with him that there have existed in Baltimore many dangerous secret organizations. No man laments more sincerely and truly than I do the deplorable occurrence of the 19th of April; but it is due to truth to say here, that the police and the city government of Baltimore resisted and put down that mob, and gave protection to the regiment from the State of the honorable chairman of the Committee on Military Affairs. No body of men were ever more zealous to perform their duty, and did it more daringly and openly, than the mayor, city authorities, and police of Baltimore, on that day. It is true, a mob did suddenly spring up. No one knew anything of it. It was unorganized, not led, whatever may have been the impressions regarding its organization throughout the country. I, a resident of that city, upon my honor state here, that I had never heard of any such organization before. It was one of those sudden outbreaks that have been of frequent occurrence, not only in Baltimore, but in all the large cities of this country. It was without head apparently; and no one did more to suppress that mob, and to protect the troops from Massachusetts marching through, than one of the persons now suffering under this very suspension of the writ of *habeas corpus*—I allude to Marshal Kane. I am perfectly aware that Marshal Kane's opinions and sentiments were favorable to southern views. I do not have, and never have had, political affiliation or coöperation with the secession party in Maryland. To the formation of that police I was originally opposed. I opposed the

manner in which it was created. I belong to a party opposed to that which inaugurated it. I hold no political affinity with those gentlemen, and have never received favors from them; but it is due to truth to say—and I would appeal to the Massachusetts regiment itself to say whether this very man, Marshal Kane, did not interpose his life between them and the mob, fighting gallantly to conduct the troops through the city? The mayor of the city himself went in front of the troops, in the face of the most deadly assault, amidst a shower of stones and missiles of all kinds.

Notwithstanding the firing of guns, and every attack that could be made on them, the mayor and the marshal placed themselves at the head of the troops with their police, and marched them through the city, and got them out of it at the earliest possible moment, at the imminent risk of their own lives, which were endangered at every point. Now, the marshal of police, because he has entertained certain opinions, on a mere suspicion that he has been aiding and abetting secret organizations, has been taken out of the hands of the civil authority and incarcerated in a fortress, without the means of vindicating himself from these charges before the country. But, sir, notwithstanding he and I have ever been politically opposed, I will do him the justice to say, that no police force in this country ever exerted itself more nobly and more daringly than did the police force of Baltimore on the 19th of April, to maintain and enforce the dignity of the laws. That is the truth, sir; and let me here say to Senators, that there has been much of misrepresentation about Baltimore. I will say further, that I believe information has been imparted to the Government for the purpose of misleading the Administration, and creating a military authority in that city for local political purposes, solely and wholly, and for nothing else.

Now, Mr. President and Senators, I am not here to vindicate the secession wing of the State of Maryland. They regard me as in utter opposition to their leading principles. My views do not coincide at all with theirs; but I have the honor of my State to vindicate, and I should be recreant to my trust if I did not stand here and endeavor to vindicate the State from so foul and general a calumny as public rumor seems to have fastened upon her. I am glad that the Senator has alluded to the mob of the 19th of April; a mob that was suppressed; a mob that could have been held at any time afterwards by the city authorities, without any foreign intervention, as the only pretext for the action to which I have called attention.

Before I take my seat, let me say a word in regard to the secretion of arms in the city of Baltimore, about which we have heard so much. Let me tell the Senator and the Senate, that the whole aggregate of the arms discovered has been three hundred and twenty-one. Sixty-five of these were pistols that were taken from a mob in former days in a contest between the Governor of Maryland and Mayor Swann of the city of Baltimore. Many of these old guns were taken from the armories on the requisition of Governor Ligon, when he sought to take the authority of the city out of the hands of the mayor. Many of the troops reported to the mayor instead of the Governor, and their arms were taken from the armories, and secreted in all sorts of hiding places, wherever they could be put. The whole story of eight thousand arms is a fabrication. The official return which I now read from the Clipper, a paper more fully sustaining the Administration than any other in Baltimore, shows that the whole number is three hundred and twenty-one. In the list are to be found worthless arms of all sorts and kinds. There was a very considerable amount of powder, of cartridges, of other munitions of war that had been lying secreted in these places for one or two years past. The following is the official inventory of the war material seized:

2 six-pounder iron guns; 2 four-pounder iron guns; ½ ton assorted shot; ½ keg shot for steam-gun; 120 flint muskets; 2 Hall's carbines; 46 rifles; 3 double-barreled shot guns; 8 single-barreled shot guns; 9 horse pistols; 65 small pistols; 112 bullet moulds; 4 cwt. balls; 8 dirk knives; 5 swords; 8 kettle drums; 1 lot screw-drivers; 1 box musket cartridges; 33 gum coats; 44 copper flasks; 20 small flasks; 18 muskets; 117 canisters; 1 lot flannel bags; 12 old muskets; 25 Minié muskets; 47 Hall's carbines; 1 lot of slow matches; 48,000 percussion caps; 2 kegs ball cartridges; 1,000 rifle ball cartridges; 735 Hall's rifle cartridges; 3,162 round ball cartridges; 6,520 long ball Minié cartridges; 8 canister shot; 1 ball, 12-pounder, labeled "from Fort Sumter to Col. Kane."

I observe by the Baltimore papers of to-day, that a late discovery at the western police station, of which so much has been heard, turns out to be a portion of some ammunition sent to a gentleman in Virginia during the John Brown affair at Harper's Ferry. The party to whom it was directed not claiming it, it was sent by the officer of the railroad who held it to the western police station for safe-keeping, in order that it might not be exposed or get into improper hands. A part of it was powder, which was stored away in a loft in the station-house, where it has been for some considerable time past.

Mr. President, I am bound in frankness to make these statements in vindication of my city. I have no doubt that extreme political partisans will deny these statements, and seek to asperse my motives. I have no ambition to gratify or motives to subserve beyond the duty I owe as a faithful and fearless representative; and whether distasteful or not to parties whose interest it is to keep up factious issues and violent partisan excitement for local political advantages, yet I dare, in the discharge of a conscientious duty, to state to the Senate what I believe to be the true history of all the sedition and unlawful movements that has caused the military occupation of Baltimore.

This is the whole story of the terrible secret organization in the city of Baltimore, of which so much has been heard. I am free to say here, sir, that I do not believe to-day the armed secession fighting force of Maryland is five thousand men. Out of a vote of seventy-five thousand at the recent election in the State of Maryland, the Union majority approximated to nearly twenty thousand, and of the remaining twenty thousand, there were certainly ten thousand men who were for peaceable separation, who would not to-day take up arms against the Government of the United States. Yet, on account of the clamor that has been made about the dangers of a secret association—a terrible combination that was to hurl Maryland out of the Union—there has been an exercise of arbitrary power over the State of Maryland, as we say and think, without the slightest necessity, and, indeed, without the authority of law. Mr. President, I will take another occasion to present my views more fully to the Senate.

Mr. BAKER. Mr. President, as a member of the Military Committee, agreeing heartily in the report of its chairman of the bills now upon your table, I deem it proper to seize this early opportunity to state the principles by which I propose to be governed during what I hope will be this very short session of the Senate.

I approve, as a personal and political friend of the President, of every measure of his administration in relation to the rebellion at present raging in this country. I propose to ratify whatever needs ratification. I propose to render my clear and distinct approval not only of the measure, but of the motive which prompted it. I propose to lend the whole power of the country, arms, men, money, and place them in his hands, with authority almost unlimited, until the conclusion of this struggle. He has asked for $400,000,000. We propose to give him $500,000,000. He has asked for four hundred thousand men. We propose to give him half a million; and for my part, if, as I do not apprehend, the emergency should be still greater, I will cheerfully add a cipher to either of these figures.

But, sir, while I do that, I desire, by my word and my vote, to have it clearly understood that I do that as a measure of war. As I had occasion to say, in a very early discussion of this question, I want sudden, bold, forward, determined war; and I do not think anybody can conduct war of that kind as well as a dictator. But, as a Senator, I deem it my duty to look forward to returning peace. I do not believe it will be longer than next February

> "Till danger's troubled night is o'er,
> And the star of peace returns."

Whether that peace shall be conquered at Richmond, or Montgomery, or New Orleans, or in the wilds of Texas, I do not presume to say; but I do know, if I may use so bold a word, that the determined aggregated power of the whole people of this country—all its treasure, all its arms, all its blood, all its enthusiasm, kindled, concentrated, poured out in one mass of living valor upon any foe—will conquer.

Here, as a Senator, looking beyond the immediate contingency, I still desire to show by my conduct and my vote that I venerate the principles of the Constitution of the United States. I believe that a standing army is always dangerous to liberty; and I believe that the ambition of men, and the interests of men, and the tendency of power to the lust of power, always seeks and finds excuses for the increase and continuance of standing armies in all public emergencies. No standing army ever was raised even in a despotic Government, except under some pretense of maintaining good order or putting down resistance to good government. Therefore, while I cheerfully add to the standing Army, though I confess that would not have been the policy I should have preferred, while I cheerfully yield my acquiescence in the measures of the Administration, which asks a large increase of the standing Army for purposes of war, I propose to limit it to the time when that war exists. Upon consultation with my very distinguished friend from New York, I was happy to find that we agreed. Six months after the termination of this controversy, I desire to see the Army reduced to the peace establishment.

Now, sir, what is said in reply to that? My distinguished friend before me, [Mr. LANE of Indiana,] himself a military man, says that you cannot reduce the Army because of the peculiar construction of the eleven new regiments proposed to be organized. Why, sir, if you cannot reduce the Army merely because you organize it, it is very dangerous to organize it at all. He says, and says truly, as I believe, that you pick out from the old Army very many excellent officers, and put them at the head of the new regiments. What then? The power that places them there can remove them, can restore them to their old rank in the Army, or (what in my judgment is far better still) can do this: Congress, perhaps by the very proviso suggested by the Senator from New York, can put it in the power of the President, nay more, make it his duty, to reduce the Army, both men and officers, to the old standard, selecting the good and rejecting the bad. I am not anxious that the eleven new regiments should go out as a body. I am very willing that all men who prove themselves able and valiant in the war shall remain within the numbers we propose. I do not desire to reject at the end of the war any particular regiment or body of men. I very much prefer that the President shall say: "Gentlemen, I have fifty thousand valiant men who have well approved themselves in the face of the foe. A just regard to constitutional liberty and the advice of Congress requires me to reduce your numbers to twenty thousand. I select from you as I best can those who are the boldest and the wisest and the bravest." The point is not the manner of effecting the reduction, but shall the reduction itself be effected.

Now, sir, what are the reasons for it? In the first place, to give vigor and efficiency to this war we want money. To get money we must have credit. We must assure the world—not only our own nation, but the world—that we are going to provide sacredly for the payment of the interest upon the public debt which we are so rapidly creating. What can do so much to establish and secure that confidence, as to show a stern determination in advance to limit all the public expenditures? And, sir, I have no difficulty in doing it in this very matter. Men are made lieutenants, captains, majors, colonels, generals, by the score; and we all have friends and kinsmen who are made so. They may say, "we have done bravely or are going to do bravely; it is hard to turn us out." If we do not begin with a declaration beforehand that we are going to do it, it will be impossible to accomplish it. Men will come here scarred; men will come here bearing on their person the marks of their devotion to the country; the history of that country will be full of illustrations of their valor, and it will be very hard to do it; but if you tell them now, "Gentlemen, we call you out from the country—colonels, majors, captains, lieutenants—for a special purpose, not for a life office; we call on you now to come out and serve the country, and give you fair notice that the country is too poor and it will be too peaceful to require your services longer," nobody can complain then.

Now as to the expense. We have an Army of nearly twenty thousand men—eighteen thousand in strict numbers, perhaps. We propose, by bills on your table, in accordance with the proclamation of the President, to increase it by regiments, amounting to at least twenty-four thousand additional men——

Mr. GRIMES. By law it is now seventeen thousand, but only nine thousand in fact.

Mr. BAKER. My honorable friend from Iowa says that we have only nine thousand in service. I do not stop to discuss that. We may have the number I stated; because the point is, what is the maximum by law? It is eighteen thousand. It can be filled, and will be filled; and I believe, with great deference to his opinion as to the fact, that there are more than fifteen thousand now enlisted under the present law. However that may be, the eleven regiments which we are organizing, and no doubt will authorize by law before we adjourn, when filled, will amount to twenty-four thousand men. They are regiments upon a new organization—really brigades. They are composed of three or four battalions—I believe three battalions of eight hundred men each—and the increase of officers is at least as large as the increase of men.

You are to remember again, sir, that we pay our Army more than any army ever was paid from the beginning of the world. I have no doubt we have a better Army, but we pay them more than soldiers ever were paid. The common soldier, I think, we hardly pay enough. I will not say we pay the officer too much, but I say we pay him more than we can afford. The Army of the United States costs between eight hundred and a thousand dollars a year per man. It approaches, upon the passage of these bills, fifty thousand men, and the expense may be safely estimated at $40,000,000. Unless you introduce the substance of the proviso of the honorable Senator from New York, in some shape or other, before this Senate adjourns you will have fixed an establishment upon this country to last longer than your life, Mr. President, costing, for the item of armies alone, the Navy excluded, $40,000,000 annually. In the same relation to the public service, the Navy will cost $30,000,000 more. There will be $70,000,000 for armies and navies alone. No free Government can stand it. Now is the time to stop it; stop it ere it begins.

Again: the very plausible argument is often used, that we want to terminate this war gloriously, and to put an end forever to secession. So do I. My honored friend from Maine [Mr. FESSENDEN] will bear me witness that I was perhaps the last man in the Senate to give up the hope that something might be done by conciliation and compromise—words I never propose to use again. I hoped, I sympathized, I struggled to the last. Now I hope to be among the last of all men willing to lay down arms at all. I will never vote to do it till, without treaty, the flag of the United States waves over every portion of its territory, and over a population either enthusiastically rallying beneath its shadow, or else abjectly subject to its sway. Till then, give the President a million men; till then, give him, not only the whole revenue of the Government, but the whole property of the people; do not refuse a single regiment; do not furl a single sail; do not abate a single jot of all your embattled vigor, till that hour shall come; but when peace returns, resume the condition and the arts of peace. Do not make peace until the glory of the American flag shall be its own defense. Why, sir, I have heard it said, that there was a time in Ireland—I believe it is a myth, but it is said there was a time in Ireland—when a virgin, alone, unguarded, could go through all its length and breadth, with a crown upon her head and a golden vase in her hand, and no man disturbed her chastity or robbed her of her treasure. I desire, before I make peace, to see the time when a drummer-boy—and a volunteer drummer-boy at that—shall be able to carry the flag of the United States in every city and in every wilderness wherever it has once floated, amid the enthusiasm, the submission, and profound reverence of every man, woman, and child, who gazes upon its stars. When that hour shall come, we want no Army. A few men to keep our fortresses in repair, a few West Point cadets and officers, a nucleus around which this splendid volunteer organization may regather, if—which may God forbid!—the occasion should ever call them forth again, will be all we need. When the war shall cease, we shall have less occasion than we ever did have for an army for the protection of our Indian frontier. Twenty thousand men are more than ample for all the military purposes of this Government in time of peace.

Therefore it is, sir, that I say, make war upon a scale as vast as the emergency that calls it forth; let it be sharp, sudden, bold, determined, forward. When the war ceases, let all the measures of the war cease too.

I believe with most gentlemen that the Union sentiment will yet prevail in the southern States. Bayonets are sharp remedies, but they are very powerful. I am one of those who believe that there may be reverses. I am not quite confident that we shall overrun the southern States, as we shall have to overrun them, without severe trials of our courage and our patience. I believe they are a brave, determined people, filled with their enthusiasm, false in its purposes, as I think, but still one which animates almost all classes of their population. But, however that may be, it may be that instead of finding, within a year, loyal States sending members to Congress, and replacing their Senators upon this floor, we may have to reduce them to the condition of Territories, and send from Massachusetts or from Illinois Governors to control them. It may be; and, sir, if need come, I am one of those who would be willing to do it. I would do that. I would risk even the stigma of being despotic and oppressive, rather than risk the perpetuity of the Union of these States. I repeat, and with that repetition I close: fight the war through; accomplish a peace; make it so perfect and so permanent that a boy may preserve it; and when you have done that, you have no more need for a standing Army. Patch up a peace; if you make it before you are ready; if you imagine them conquered before they really submit; if you treat with rebels and confederate States, you may need a standing Army forever; but if you really conquer a peace; if your bayonets gleam in every city in this Union; if you hold them by the strong hand of power; if you tell them, "Gentlemen, you have been regardless of the great blessings of free government under which you lived and rejoiced for over seventy years; now as you have sought the despotism of arms, we will show you what arms are:" when you really do that, and break their spirit, when Toombs and Davis are wandering in exile, despised and almost forgotten among men, except by the enormity of their crime, then, sir, you want no standing Army.

Actuated by these views, I shall vote most cheerfully for the proviso of the Senator from New York. I will give the President all the money, all the men, all the arms, all the power that he wants; I will obey his wishes, and adjourn the moment we pass these bills. When peace comes, I will hold him and every member of his Cabinet to a strict accountability for the exercise of that power; and I will lend, in my poor way, all my energies to promote the arts of peace, that I now would give to wield the thunderbolts of war.

Mr. FESSENDEN. Mr. President, it strikes me, upon examination of this joint resolution, that it is open to the objection that, of itself, it increases, without any limitation, the Army, as a matter of law. I thought at first that it did not; but on examination I am satisfied that it does. The provision is:

"Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers, increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen."

And then the resolution declares "all of the extraordinary acts, proclamations, and orders hereinbefore mentioned," "in all respects, legal and valid." My own opinion is, that by passing that precisely in the shape in which it stands, we have increased the regular Army, without any limitation, to that amount and extent; and that afterwards, if we are disposed to change it, it must be by after legislation. Now, sir, while I am unwilling to do that without consideration, I think this is not exactly the place for deliberation upon that question. My present impression is very strongly with the Senator from New York and the Senator from Oregon, that there ought to be a limitation. I am not prepared, at any rate, to say, at the present time, that I will agree to a permanent increase of the Army to that extent. All, however, that I think it necessary to do here, is simply to negative that conclusion, for this is only a resolution; and the discussion of the proposition whether we will increase the Army permanently, whether we will limit it, and to what extent we will limit it, will come up properly on the bill that is already before us for that purpose, and therefore it should more appropriately be deferred to that time. Still I am in favor of negativing here the conclusion that would be drawn by passing this resolution precisely in its present terms. I would suggest, therefore, to my friend from New York—it is merely a suggestion for him to consider—whether it would not be sufficient for his purpose to add simply the words, "provided, that nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy beyond their present force," and leave the question of detail to be discussed on other bills?

Mr. KING. I have had some conversation with the Senator from Oregon and with others, and the difficulty which the Senator from Maine suggests as to the uncertainty of the effect of this resolution was one of the causes which induced me to offer this amendment now. Any legislation upon this subject, of course, properly belongs to the bill which raises the Army, and it was supposed by some that this resolution did not authorize the increase of the Army. I thought it did. It was at least uncertain. Now, as the Senator from Maine says, upon a strict examination, he thinks it does that. In my judgment, when we legislate, we should legislate so that there can be no mistake as to what the law is that we pass. All I want is the expression of the Senate now upon this proposition. I do not ask that it shall, in this resolution, decide the question against the permanent increase; but I ask that it shall not, by this resolution, pass a proposition which does increase the standing Army; and I think the proviso suggested by the Senator from Maine will accomplish that purpose, and I am therefore content with that. I should be better satisfied with it if he would add:

That this increase shall not continue six months beyond the reëstablishment of the governmental authority.

Mr. FESSENDEN. This excludes any permanent increase.

Mr. KING. I am content with it as it is. My object was to produce a notice to the Army and to all that this is not a permanent increase. The details will have to be fixed in the other bill.

Mr. SIMMONS. Does it apply to the Navy too?

Mr. KING. The Navy bill will bring that in.

Mr. FESSENDEN. It does apply to both:

Provided, That nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy beyond their present force.

That leaves the whole matter to discussion on the other bills.

Mr. KING. I am content to take that, and I am very happy to find the sentiment such as it is, indicating a purpose to limit the continuance of the increase of the Army.

Mr. WILSON. I will accept this proposition, so far as I am concerned. I said to the Senator from New York, I said to other Senators who proposed to make restrictions, that on the bill for the increase of the Army, which made all the provisions for raising these regiments and organizing them, they might put any restrictions they pleased. My only objection was to putting upon this resolution, legalizing the action of the Government in increasing the Army and the Navy, any limitation of this kind.

Mr. FESSENDEN. Will the Senator allow me to say one word? It is perfectly obvious that this is not at all inconsistent with his great object; because the President could not, in calling out these troops, say for this time, or that time, or the other, but "I call them out as an increase of the force;" and then Congress legislates as it thinks proper.

Mr. WILSON. I think the proviso, as proposed by the Senator from Maine, is one that we can all accept, and I most cheerfully accept it. The reason why I resisted the original amendment was, that I thought we had better put it upon the bill for the increase of the Army. I am not in favor of a large standing Army, although I

am not one of those who can be alarmed, in a country of thirty million people and three million square miles, at an army of thirty or forty thousand men. Still, I do not desire a permanent increase of the standing Army if it can be avoided, and I am willing to adopt this amendment. I am willing that, in the bill increasing the Army, the Senator from New York shall put just such restrictions as he pleases; and I hope that will satisfy the Senator from New York. Or I am willing to leave it, and to trust the settlement of the question to those who come after us when we have achieved the victories that Senators have spoken of to-day; and, although some of us may not be here then, I take it there will be here men instructed by what they will see during the next two or three years, who will be as well able to legislate upon this subject as we are. But, sir, I accept cheerfully the proposition of the Senator from Maine.

Mr. KING. I am very happy to have the concurrence of the Senator from Massachusetts in this proposition. All I desired was the expression of the Senate on the question, whether this increase of the standing Army should be permanent or not. I expect the details will be determined by the bill providing for the increase of the standing Army, and I am happy now to understand the Senator from Massachusetts to say that he will go with me for limiting the duration of this Army to the emergency that calls it out.

The VICE PRESIDENT. The Secretary will read the amendment as modified.

The Acting Secretary read it, as follows:

Provided, That nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy beyond their present force.

Mr. TRUMBULL. Mr. President, I do not exactly see the effect of that amendment. If I understand this resolution, it declares that the Army and Navy were increased at a certain time; and now an amendment is offered in the shape of a proviso, declaring that this resolution shall not be construed to authorize their increase beyond what they at present are. They have already been increased. What, then, does this proviso amount to?

Mr. SUMNER. "Permanent increase," the proviso says.

Mr. TRUMBULL. The word "permanent" is in.

Mr. FESSENDEN. I thought I explained my own views on the subject. I will do it again if the Senator asks me the question.

Mr. TRUMBULL. I do not see that the proviso amounts to anything at all. It seems to me it has no meaning whatever, and does not change the joint resolution from what it was before the amendment was offered. The proviso, if I understand it, is, that nothing herein contained shall authorize an increase beyond "the present force." The "present force" is the increased force. You have already had added to your Army twenty-two thousand seven hundred and fourteen men, and to the Navy eighteen thousand seamen. The recital is, that the President "did; on the 3d day of May last, issue a proclamation calling into the service" these persons; and then the resolution ratifies that, and says that the calling these men into the service was legal. The Army is, therefore, already increased by that act and by this resolution up to forty-odd thousand men, and the Navy is already increased; and then you put on a proviso, providing it shall not be increased beyond what it is? It is already increased as you have recited; and it seems to me, really, that proviso means nothing at all. It is true, the word "permanent" is there—that it shall not be permanently increased. What does that mean? It is permanent until the law repeals it. Every law is permanent (unless there be a clause that it is to expire at a certain time, and there is no such clause here) until another law repeals it. It seems to me that, if there is any object in putting this limitation upon the resolution, it is not accomplished by the amendment offered by the Senator from Maine.

Mr. FESSENDEN. My object was simply to convey an idea. This is nothing but a resolution. The resolution says the President has issued his proclamation increasing the Army, and we make that valid and legal. That is what the resolution does. Now, certain gentlemen object that if we pass that, it is by law a permanent increase of the Army; and therefore they want a limit. My answer to that is, I am for the limit too; but at present I am not advised how far that limitation should go, and how far even the increase should go, and that will come up properly for discussion upon a bill which has been introduced for that purpose; but in order to exclude the conclusion that by this resolution we mean to make this a permanent increase, I propose to say so in so many words. The proviso means that while we indorse and sustain to the fullest extent all that the President has done, and recognize those that he has brought into service as belonging to the Army, not by law, but by virtue of his proclamation, yet we do not recognize by our act that it is to remain so; necessarily thus calling for other legislation on the subject. That was my simple view. Now, sir, my friend from Illinois has made a long verbal criticism upon it. He is a master of words, keen, sagacious, and knows just what every adjective and every adverb means; and if he will only put the language into the right shape to convey that idea, I shall be much obliged to him. That is what it means to my mind; and if it does not to his, I hope he will make it better.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The question is on the amendment offered by the Senator from New York, as modified on the suggestion of the Senator from Maine.

Mr. KING. Does the Senator from Illinois desire to modify it?

Mr. TRUMBULL. I think it means nothing as it is.

Mr. FESSENDEN. I wish the Senator would make something out of it.

Mr. TRUMBULL. It is very difficult to make something out of that which meaneth nothing, although I think my friend from Maine has succeeded admirably in annexing a proviso here which really has no meaning at all. If it be the intention by this proviso simply to sanction what has been done, and to say that in doing this we do not mean to increase the Army or Navy, it would be pretty difficult to do that. I do not know how you can sanction an increase of the Army and Navy, and at the same time say you do not mean to sanction an increase of the Army and Navy. If the proviso had read; "provided, that nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy beyond what it was when this proclamation issued;" then it would mean something; but now it is "beyond the force now established by law." Will you say that the force now established by law is this increase, legal and valid? If it is intended to carry out the idea I have suggested, I think it would be accomplished by reading in this way; "provided, that nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy beyond what they were on the 3d day of May last," because they have already been increased.

Mr. KING. I trust the Senator from Maine will be content with that. I am.

Mr. FESSENDEN. I am content with anything; but I wish my very astute friend from Illinois to explain what the difference is between "shall not be construed to authorize an increase of the force beyond that now established by law," and "beyond what it was on the 3d day of May last?" That was the time of the increase. If he can show me the difference, I shall be much obliged to him.

Mr. KING. If the Senator will allow me, if there is any difference, I will take the last version of the Senator from Illinois to satisfy him, so that it will read:

Provided, That nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy beyond what they were on the 3d day of May last.

I wish simply to state that it was because there was a difference of opinion as to the construction and effect of the proclamation for the increase of the Army, that I desired to offer this amendment to the joint resolution. As I understood it, it rendered valid and legal the requisitions of these proclamations. I had not examined them as carefully and particularly as I might do. While I approved of the whole spirit and movement of the Administration to call out troops, in every shape and form, in order to suppress this rebellion, I desired to know exactly the effect of the law I was to vote for. I was unwilling to increase the standing Army, and I am glad to find that here, by a pretty general agreement, it is understood that the standing Army will not be permanently increased beyond what it was before the emergency called for additional forces.

Mr. FESSENDEN. I will withdraw the proposition I offered, and let gentlemen put it in a shape to suit themselves. My own apprehension is, that the effect of it might be to negative what we are before passing. I therefore withdraw it.

Mr. WILSON. The Senator from Maine has withdrawn his proposition, which, it seems, he could not frame to suit the Senator from Illinois. I hope the Senator from New York will not renew it in any form; because this controversy between these distinguised lawyers and statesmen here in in the matter of framing this provision, I think, shows that it never ought to be moved at all. I hope we shall have no more amendments moved to this joint resolution; and then, when we take up the bill for the increase of the Army, providing for all the details on that subject, the Senator from New York can offer an amendment that will reach all the purposes he desires; and I promise him here and now my vote for such a proposition.

Mr. KING. Mr. President, I understand the opinion of the Senator from Maine—for whose opinion I have great respect—and that of the Senator on his left, [Mr. COLLAMER,] to be that this joint resolution does increase the amount of the standing Army without limitation; that is to say, it makes the present increase of the Army as permanent as the old establishment. I desire, as this act has been done, and this additional army created, that there shall be a notice given by our legislation that it is to be hereafter reduced; and I therefore prefer, notwithstanding the suggestions of my friend from Massachusetts, to have the resolution amended. I am not for any technical language; I am not particular what the language may be; but I will suggest that the words of the proposition of the Senator from Maine be taken:

Provided, That nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy.

Leaving out the other words. I am willing that the Senate should do what it pleases afterwards, when it comes to vote on the detail of the plan. This joint resolution is a general declaration of Congress ratifying the action of the President. I am disposed to limit it on this subject of the standing Army, and anything that does that in good faith I am satisfied will be carried out by subsequent legislation. I will ask the Secretary to read the words of the proposition of the Senator from Maine, which I have indicated, which I think will accomplish all the purpose in view.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The Chair will state the present condition of the question before the Senate. There seems to be a little misapprehension on the part of some Senators.

Mr. KING. If the Chair pleases, as I understand it, I offered a proviso as an amendment, to which the Senator from New Hampshire offered an amendment, and afterwards the Senator from Maine suggested a substitute. He then, after a conversation on the subject, withdrew it. I accepted the amendment of the Senator from New Hampshire as part of my own. My proposition, therefore, is now before the Senate, and I take the words of the amendment offered by the Senator from Maine, up to the word "beyond," as my proposition. Let the Clerk read the proviso.

The PRESIDING OFFICER. The position of the question, then, is this. The Senator from New York offers an amendment in the form of a proviso to the joint resolution. The Senator from Maine suggests a substitute for that, which forms a different proviso, which the Senator from New York accepts as a modification of his own.

Mr. KING. Yes, sir.

The PRESIDING OFFICER. It then becomes the proposition of the Senator from New York, and is subject to his control. He only can withdraw it. The Senator from Maine proposes to withdraw the proposition, but he cannot do it, it being accepted by the mover of the original amendment as a modification of his own.

Mr. KING. I am content with the proposition precisely as the Senator from Maine offered it.

The PRESIDING OFFICER. The proposition will be read, as modified and accepted by the Senator from New York.

The Secretary read it, as follows:

Provided, That nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy.

The PRESIDING OFFICER. That is the proposed amendment now before the Senate. Unless the Senator from New York withdraws it, the question will be on agreeing to that amendment

Mr. FESSENDEN. There is one suggestion I wish to make in regard to my own proposition, which I wish gentlemen to consider. It did not occur to me when I offered it; but I suggest it to the Senator from New York. My object I explained. The object, however, of the resolution, is to decidedly approve and legalize what the President has done. Now, having done that, if we put in a proviso of this sort that it shall not be construed as authorizing a permanent increase of the Army and Navy, although the word "permanent" is in it the question presents itself to my mind whether it would not nullify the resolution itself. If the Senate is satisfied on that point, they may add this proviso. I confess that I am myself a little afraid of my own proposition.

Mr. KING. I desire precisely the effect which the Senator from Maine suggests; but I am unwilling to vote to establish permanently this great increase of the standing Army, and rely upon the future action of Congress to reduce it. It is because I am unwilling to do that, while I desire to ratify and approve the action of the President, that I want this proviso inserted; for I do not understand that the President recommends this permanent increase of the Army. If he does, let us understand it. I do not understand that he does; and I do not understand, therefore, that I am coming in conflict with anything he has done, or any recommendation he has made, when I say here in advance, in the beginning, before it has been complicated by any action of the Senate, that I am unwilling that this increase of the standing Army should be permanent. I think the Senator from Maine, if he will look at it, will see that all this business is to be done by subsequent bills. The organization and distribution of officers and all matters of detail are to be done by a subsequent bill; and in that bill we propose to determine the time for which this increase of the standing Army shall continue. I think, therefore, we had better agree to the amendment I have offered.

Mr. FESSENDEN. I am satisfied if the Senator is.

Mr. KING. The Senator from Maine is satisfied. I think we had better agree to it.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. LATHAM. As indicative of my own views—not that I presume it will carry—I move to strike out the fourth proposition in the preamble of the resolution, in the following words:

"Fourthly. He did, by an order of the 27th day of April last, addressed to the Commanding General of the Army of the United States, authorize that officer to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington."

The amendment was rejected.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is on the passage of the joint resolution.

Mr. POLK. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POLK. Mr. President, I cannot consent to the object and provisions of this joint resolution. As I cannot consent to them, and as I oppose them, I feel that it is my duty to state the grounds of my opposition.

It has been said by Senators on the other side, during the short discussion that has taken place on this joint resolution, that the country is engaged in a war. That is true, sir: the country is engaged in a war—a war in its character unparalleled in the history of this country. It is a sectional war; it is a civil and a fratricidal war. It is a war also enormous in its magnitude. There are more troops under arms probably to-day than there ever were before in this country during all its previous history. The equipments and preparations and armament correspond with the amount of troops; and let me also add that the expenditures are in full ratio to the number of men under arms.

This has all been brought about since the adjournment of the last Congress—since the 4th of March; indeed, since the 15th of April. Congress has declared no war. The Constitution of the United States says that Congress shall be authorized to declare war; and yet, sir, though Congress has declared no war, we are in the midst of a war monstrous in its character, and hugely monstrous in its proportions. That war has been brought on by the President of the United States since the 4th of March, of his own motion and of his own wrong; and under what circumstances? Before the close of the last Congress, as early as the month of January, secession was an accomplished fact. Before the close of the last Congress as many States had seceded from the Union, or had claimed to secede, as had on the 15th of April; and yet the last Congress made no declaration of war; the last Congress passed no legislation calculated to carry on a war; the last Congress refused to pass bills having this direction, or having any purpose of coercion. Now, sir, how has this war been brought on? I have said that, in my judgment, it has been brought on by the President of the United States; and a portion of the procedure which has resulted in it is named in the preamble of this joint resolution, which it is proposed that we shall approve and legalize.

Mr. President, the Constitution of the country was the great achievement of the Revolution. If that great struggle, heroic and sublime as it was, had not resulted in a Constitution which should have the effect of consolidating the liberties of the people, of establishing constitutional governments, and affording a basis for the tranquillity and prosperity of the country, it would have failed to accomplish the great end that those who waged it fondly anticipated would result from it. That Constitution has been framed by our fathers; and strictly construed, faithfully observed, and scrupulously obeyed by all those in authority under it, from the Executive himself down to the man who holds the lowest post of magistracy, what unexampled results of prosperity and glory might not have resulted from it! Administered as it has been, imperfectly perhaps in some respects, but still having the affection of the people, loved and revered by them, obeyed by them cheerfully, it has already produced results in the way of material prosperity, in the way of advancement, in the way of a progression in everything that can ennoble and exalt a nation, that are without a parallel in the history of the world. Under such circumstances, Mr. President, how carefully ought we to examine any proposition that proposes to approve or legalize anything that may be an infringement upon the plain provisions of that Constitution.

I wish, Mr. President, to call the attention of the Senate to a few words from Vattel on this subject of obeying the Constitution and observing the laws as they exist, and especially on the high duty that devolves upon those who administer the Government to see that they in no instance infringe upon that Constitution, or the laws that are made under it.

"But while these laws exist"—

Says Mr. Vattel—

"the sovereign ought religiously to maintain and observe them."

He is not speaking of a President of the United States, but he is speaking of a sovereign, where there is no written constitution that defines the authority and power that he is permitted to exercise in the Government.

"They are the foundation of the public tranquillity, and the firmest support of the sovereign authority. Everything is uncertain, violent, and subject to revolutions, in those unhappy States where arbitrary power has placed her throne. It is, therefore, the true interest of the prince, as well as his duty, to maintain and respect the laws; he ought to submit to them himself. We find this truth established in a piece published by order of Louis XIV, one of the most absolute princes that ever reigned in Europe: 'Let it not be said that the sovereign is not subject to the laws of his State, since the contrary proposition is one of the truths of the law of nations, which flattery has sometimes attacked, and which good princes have always defended, as a tutelar divinity of their States.'"

Again:

"The constitution and laws of a State are the basis of the public tranquillity, the firmest support of political authority, and a security for the liberty of the citizens. But this constitution is a vain phantom, and the best laws are useless, if they be not religiously observed; the nation ought then to watch very attentively, in order to render them equally respected by those who govern, and by the people destined to obey. To attack the constitution of the State, and to violate its laws, is a capital crime against society; and if those guilty of it are invested with authority, they add to this crime a perfidious abuse of the power with which they are intrusted. The nation ought constantly to repress them with its utmost vigor and vigilance, as the importance of the case requires."

Sir, I indorse those sentiments in their fullest extent, and to the extremest point to which they may be applied. Now, sir, when we are examining the acts of the President on a joint resolution, which proposes to legalize what he has done, I say that, for one, I cannot give my consent to vote for any approbation or legalization of those acts, if they, in the least degree, infringe the Constitution under which the President acts, and which he is sworn to "preserve, protect, and defend." I am one of those who believe that there is no necessity in peace or war that justifies a violation of the Constitution of the land. I believe that this Constitution was made for war as well as for peace. It provides in itself for a declaration of war. It provides how that declaration shall be made. It provides for waging a war. It provides for the repelling of invasion and the suppression of insurrection, and it was intended, as I believe, by the wise framers who made it, men who themselves, most of them, had just passed through the war of the Revolution, to provide for any emergency, warlike or peaceful, that might ever occur in the history of the Government. And yet, sir, "somehow or somehow else," since the adjournment of Congress, this war has been brought upon the country. The Congress of the United States, as early as 1795, for the purpose of carrying out a plain provision of the Constitution, passed the act of that day. That act I have here, and I wish to refer to it for a moment, however familiar it may be supposed to be to each Senator in the Chamber:

"SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

"SEC. 3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peacefully to their respective abodes, within a limited time."

I call attention to that third section now, inasmuch as it may bear on a portion of what I shall say hereafter. The President then, proceeding under this law, issues a proclamation on the 15th of April calling out seventy-five thousand men. Now, I ask in what one of the seven seceded States the President ever attempted the execution of the laws of the country? In what one of them, after the President attempted to execute the laws, when and where in any one of them was there such opposition or obstruction, such resistance to the execution of the laws, as could not be overcome by the ordinary judicial proceedings? Has any one been pointed out by the President? Has any one been pointed out by any Senator on this floor? And yet, under this act, which can be resorted to only where there is obstruction or opposition to the execution of the law by combinations of men which cannot be overcome by the ordinary judicial process—under this law it is that the first step has been taken which, as I think, has inaugurated this war which Congress refused to inaugurate.

But, Mr. President, I think that no such case as that contemplated by this act existed on or previous to the 15th of April. The case contemplated by this act clearly is one where there is resistance to some law of the United States in some one of the States, in some particular locality of a State, by the citizens of the State who combine together for the purpose of making effectual resistance. The law was intended to operate upon the individual citizen and to overcome resistance that might be made by the individual citizen or those that might combine with him under such circumstances as I have just indicated. It does not

contemplate the case of a State, or of seven States, assuming, in their corporate capacity, to withdraw themselves from the Union, and to say that the Constitution and the laws of the Union as a whole shall not operate over them. When a State assumes that attitude, and the attempt is made to enforce the laws under such circumstances, it is in effect and in fact a coercion of the State; and that proposition is the very proposition which was intended to be ignored and discarded by the framers of the Constitution, for it was presented and voted down repeatedly, in the different shapes in which it was offered, in the convention that adopted the Constitution. Sir, the wisdom of our fathers is shown in the fact that on the very first occasion in which this coercion of a State is attempted, the nation is involved in a war—a war of gigantic proportions, as has been well said on the other side.

Furthermore, sir, it is clear to me that this war is brought on under an act that contemplates no such a case as has existed since the 4th of March last, but an act that contemplates resistance or obstruction to the execution of the laws by individuals in a given State, and of a particular locality. The first step in bringing war on the country has been taken, therefore, it seems to me, (and I am sorry to say it,) under false pretenses.

I think, Mr. President, there is another point that ought to be noticed in regard to this proclamation of the President—the opening wedge to the difficulty and strife in which the country is now thrown—and that is this: it is said that, upon the legality of calling out the militia, the President, by his proclamation, determines the whole question; that his proclamation is conclusive upon it. On the contrary, it is my opinion, that the President, by his proclamation, is not authorized to determine the *case* upon which, by the act, he may call out the militia of the several States; in other words, he cannot, by his proclamation, create an insurrection or a resistance to the laws. But, when the *case* exists, that is to say, when there is an insurrection, the President can determine whether the exigency is such that the militia ought to be ordered out to suppress it.

What next, sir? On the 15th of April, the President of the United States, claiming that the States of South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas, are still a part of the Union, proceeds to blockade the ports of those States throughout the whole line of their coast; and, on the 27th of April, after North Carolina and Virginia had shown a determination not to submit to what they supposed to be the high-handed course of coercion which the President had resolved upon and had commenced, the President also blockaded the ports of Virginia and North Carolina. The Constitution of the United States says that no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over another State; and yet the President of the United States goes far beyond giving a preference, and actually shuts up the ports, and that in a case in which this power of regulating commerce is confined to the Congress of the United States exclusively, and in which the President has no authority whatever. He can make no regulation of commerce that shall either close a port, or shall give preference to one port over another. Indeed, he has no power over the subject at all.

Still further, on the 3d of May the President of the United States issued a proclamation calling for an increase of the Army and the Navy to the amount of about eighty-three thousand men—some sixty-five thousand of the Army, and eighteen thousand of the Navy. There is no law for it. None is pretended. The very proclamation of the President on the face of it admits the fact that there is no law for the call. He says he will submit the question to Congress for its approbation; and yet this resolution proposes that that act also shall be approved and legalized.

Again, the Constitution of the United States gives the President no power to raise and support armies. On the contrary, the Constitution gives that power exclusively to the Congress; and yet, by this proclamation, the President proposes to raise an army of sixty-five thousand men, to be enlisted for a space of not less than three years; in other words, he proposes to increase the regular Army about sixty-five thousand men, and that in the teeth of a constitutional provision which says that Congress shall have authority to raise and support armies.

The President, also, has no power to provide for or maintain a navy. That belongs exclusively to Congress; and yet, by this proclamation, the President assumes upon himself to add permanently to the Navy, for at least a term of three years, eighteen thousand men.

This resolution under consideration, also, in its preamble, admits that the President of the United States has authorized the suspension of the privilege of the writ of *habeas corpus* between the city of Philadelphia and the city of Washington. It also admits that the President has authorized the commander on the Florida coast to suspend the writ of *habeas corpus* there; and by an order from the War Department, that same authority was extended to the commandant of the military division which embraces my own State of Missouri; and we know in the case at Baltimore of Merryman, in addition to the other cases referred to by the Senator from Maryland, that the privilege of the writ of *habeas corpus* has been actually suspended.

Mr. President, the King of England, monarch though he be, has no right to suspend the writ of *habeas corpus*. That power belongs exclusively to the Parliament; and our fathers have limited and restricted the right of suspending this privilege, in the very grant of it, to the Congress of the United States. It has been given to Congress only in the way of an exception:

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

It is given in the way of an exception to Congress itself; and when thus given, it is given under restrictions that confine it to a case where the public safety requires it, and to cases of rebellion and invasion only.

I know that the President of the United States, in his message lately read on this floor, has indulged in an argument to show that the power given, by way of exception, to suspend the writ of *habeas corpus*, may be exercised by the President of the United States. Sir, the Constitution has not made him the judge of whether he is justified in the exercise of such a power as that. The Constitution has not invested him with the power of determining the legality of his own acts. It has erected another tribunal to determine questions of this sort, and that tribunal has determined that the power belongs to the legislative department of the Government alone to suspend the writ of *habeas corpus*. That has been solemnly determined by the Supreme Court of the United States, in a case in 7 Cranch; and in this very case of Merryman, the Chief Justice decided that neither the President, nor any subaltern of his, was authorized to suspend the writ of *habeas corpus*.

Now, Mr. President, I am one of those who look upon the action of the President of the United States in this matter as of a character so grave, and, I will add, so perilous, that I cannot, by my vote on this resolution or on any bill or resolution that may be offered, consent to say that he has done right in suspending the writ of *habeas corpus*, or authorizing it to be suspended, or that that writ ought to be suspended, or can properly be suspended, under any state of circumstances that can exist in the country. As far as I know, Merryman is still incarcerated in Fort McHenry. If he has been released I have never known it. The Senator from Maryland [Mr. KENNEDY] says he has not been released. If he has been I have never known it. The liberties of that man, as I believe, are trodden down in violation of the Constitution of the United States.

I am sorry to see, sir, that there has been no small degree of outcry against the Chief Justice, who decided in that case that Merryman was entitled to the privilege of the writ of *habeas corpus*, and that the President of the United States had no right to suspend it either in his own person or by the action of any subaltern of his. I honor him for the brave and courageous discharge of his duty under the circumstances in which he was placed. He was in the midst of civil tumult; he was surrounded by soldiers, and by arms. While I honor him for his profound learning, and his great knowledge; while I honor him for his sage wisdom and his long experience; I honor him also, and above all, for the simple and sublime courage that he manifested in applying the plain principles of the Constitution, under the circumstances in which he was placed. He is a worthy head of the conservative branch of the Government.

I know, sir, that this conduct of the President is justified on the score of necessity. I have already said that I do not believe any such necessity has an existence. None has been pointed out. Has any person undertaken to show that it was in any way necessary for the public safety that Merryman should be arrested and incarcerated in Fort McHenry in the way that he was? No such case has been made out; no such case can be made out. This plea of necessity is the tyrant's plea the world over, and has been in all ages the tyrant's plea for the prostration of civil liberty, and it will continue to be so. When Cæsar marched his victorious Gallic legions across the Rubicon, he did it because it was "necessary" for the preservation of his country, as he alleged. But, sir, no such necessity, as far as I know, has ever existed in this country, and I do not believe that any such necessity ever can exist, whether the country is in a foreign or a civil war. I am not aware that the writ of *habeas corpus* was suspended for a single moment, or on a single occasion, during the whole course of the revolutionary war. If it was, I am not advised of the fact. I do know that, at one of the gloomiest periods of the history of Virginia, when it was supposed to be necessary to resort to extraordinary measures in order to preserve the public safety, it was proposed in the Virginia House of Delegates to confer dictatorial powers upon Patrick Henry. His patriotism had never been questioned; his jealousy of authority had extended as far as that of any other man during the revolutionary struggle, and he was not behind any one of the patriots who stood in resistance to the encroachment of British power. He was one of those who, in the Virginia convention, resisted the adoption of the Federal Constitution itself, because he supposed it infringed upon the rights of the States, and because he supposed that the liberties of the people of his State would not be safe after the adoption of that Constitution. It was proposed to give dictatorial power to him; but when a member of that House of Delegates, a bosom friend of Patrick Henry's, but still a greater friend to civil liberty, heard that proposition, he arose and said that, if he could not prevent it in any other way, he would prevent it by the point of his dagger. That House of Delegates never ventured upon so dangerous a proposition. Such power was never given. Martial law was not proclaimed; the writ of *habeas corpus* was not suspended.

Here, Mr. President, I take occasion to remark that the President has gone beyond the mere suspension of the privilege of the writ of *habeas corpus*. The privilege of the writ of *habeas corpus* may be suspended, and yet municipal law in all other respects be allowed to have its free course; but, during the period that has elapsed since the 15th of April, the municipal law, in some cases, has been entirely swept by the board; martial law has been proclaimed in some places, and authorized to be proclaimed in others. It has been authorized in my own State of Missouri; so that we have cases in which not merely has the privilege of the writ of *habeas corpus* been suspended, but we have had a step taken far in advance of that, in the proclamation of martial law. The words "martial law" are not known in our Constitution. They do not occur there. Martial law is foreign to our system of government, as well as in direct antagonism to the spirit of civil liberty. A British Lord Chancelor, Lord Loughborough, said, in 1792, that for a century past martial law had not been known in the realm of England, and it has not been known there since, and I apprehend no person has known it in that kingdom since the revolution of 1688. And yet, sir, during the short period that has elapsed since the 15th of April, we have had martial law descanted upon and spoken about as flippantly as if it was the most harmless thing in the world; whereas, if you look to the ablest jurists to define it, there is not one of them that has ever been able to do it. About the sum and total of the best definitions you can get is that it is the will of the military commandant who does the act. His will becomes the law, and displaces the municipal law and every other kind of law. I believe it was said once by a distin-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. FRIDAY, JULY 12, 1861. NEW SERIES.....No. 4.

guished gentleman in the other end of the Capitol, who had also once been President of the United States, that martial law not only displaced municipal law and the law of nations, but destroyed the right of property; that is, the man who could proclaim it could confiscate that which by the Constitution of the United States is recognized as property, and protected and guarantied as such.

This Constitution, Mr. President, was adopted without a bill of rights. It was supposed probably by the convention of wise and patriotic men and heroes who adopted it, that no such thing was necessary, because, by the Constitution, there was no authority vested in the Government that it created, except that which was expressly delegated. But so jealous were the constituencies of those wise and patriotic men on this point that they were not willing that the Constitution should be adopted or become the permanent basis of Government without recommending amendments, which should constitute a bill of rights; and I call the attention of the Senate and the country to the fourth of these amendments:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

"The right of the people to be secure in their persons." I have called attention to the case of Merryman. We have only to look at that case, as it is stated by the Chief Justice in delivering his opinion, to see that this guarantee of the right of the security of the person of that man was trodden down without any authority of law. On the mere intimation of a military general, I believe up in Pennsylvania, he is seized, without any warrant, in the night time, and taken from his family, and put in prison in Fort McHenry; and that in the teeth of a constitutional provision which says that the right of the people to be secure in their persons shall not be violated. Sir, I undertake to say that in the history of England, in the times of the Tudors and the Plantagenets, a case more flagrant than this cannot be found; and this is not a single case. It has occurred here in Maryland repeatedly. It has occurred in other places. It has occurred in my own State of Missouri, and, if newspapers are to be believed, it has very recently occurred in the case of my former colleague, (Mr. Green.)

"The right of the people to be secure in their houses"—that has been violated also in the case of Merryman; it has been violated in cases in my own State. The sanctity of the home has been violated by the force of the bayonet, and the occupant taken from the midst of his family and hurried beyond the reach of the writ of *habeas corpus*. Said a British orator on this subject, "a man's cabin might be so humble and so frail that the winds of heaven could whistle through it"—I am not using, I fear, the eloquent language in which he clothed the idea—"but the British King had no right to put his foot in it." Sir, these things have transpired under this provision of the Constitution that guaranties to the people the right of security in their houses as well as in their persons.

So, also, Mr. President, this other guarantee for papers and effects has been disregarded. I think I am not wrong when I say—if I am wrong, I have been misled by the public prints on the subject—that under orders from the President of the United States, telegraphic dispatches have been seized in different parts of the country. Now, those dispatches were the private property either of the offices or the authors; and yet they have been seized, when the Constitution says that the people shall be safe in their papers and effects against unreasonable searches and seizures. The seizure has been made without any warrant of law whatever. I have known an instance in my own State in which a search-warrant was prostituted to the purpose of gathering up evidence to be used in a prosecution for treason on a charge that had been previously presented. So far as I know, or have heard, the seizure of these telegraphic dispatches has only compromised one person, and he a gentleman who has been sent by the Administration to represent the Government of the United States in a foreign country.

The fifth amendment to this Constitution provides that no person shall be "deprived of his life, liberty, or property, without due process of law." This constitutional guarantee has also been trampled upon in the cases which I have referred to. In those cases both the fourth and fifth amendments of the Constitution have been violated. They are twofold violations of this sacred charter of the liberties of the citizen.

Now, Mr. President, has the President any right to regulate commerce between the States or with foreign countries? Clearly not. And yet the commerce of the United States has been regulated since the 15th of April; and, in some instances, restricted so that it has been well nigh destroyed between the States of the Union. Claiming that the whole of the States are still in the Union, yet this power of regulating commerce has been exerted by the President for the purpose of crippling, restraining, and almost destroying commerce between the States that were unquestionably loyal and those that claim to have seceded. Now, sir, the claim that they have seceded does not mitigate the crime of the President; because he has done these acts, and at the same time has said that these States are still in the Union. If they have seceded legally, then they are foreign States, and by the same clause of the Constitution to which I have just now referred, the President has no right to regulate commerce between the United States and foreign Governments. If their secession be illegal, then the Constitution is still violated.

I say, then, Mr. President, while the Constitution of the United States provides that "the Congress shall have power" "to regulate commerce with foreign nations, and among the several States," and has given that power to Congress only, the President, notwithstanding this constitutional provision, has undertaken to regulate commerce between the States.

The Constitution of the United States again says that Congress shall have power to declare war. The President of the United States has involved the country in a war, notwithstanding this provision of the Constitution. The Constitution says that Congress shall have the power "to raise and support armies." The President of the United States has raised armies. The Constitution says that Congress shall have the power "to provide and maintain a navy." The President of the United States has attempted to provide a navy. It also says that "the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it," and that not even by the Congress of the United States. Yet the President has suspended the writ of *habeas corpus*. It says that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." The President has by his own act, and without any regulation of Congress, blockaded ports, and not merely given a preference to some ports over others, but has actually suspended the commerce of certain ports entirely. The President of the United States has rendered "the right of the people to be secure in their persons, houses, papers, and effects," a nullity, by infringing those rights without the warrant of law; and citizens have been deprived of liberty and property without due process of law.

These are instances of violation of the Constitution in which the President has assumed power to himself. The Constitution intended to limit the power of the President. It has put strict and stringent limitations upon that power, but these acts have had a tendency to increase that power. It is the nature of power, and especially executive power, to aggrandize itself; and the framers of this instrument intended that there should be limitations put upon the Chief Executive, by which that tendency should not be permitted to be carried out in practice.

More than that; while these acts have increased the power of the President on the one hand, they have taken away powers that belonged and were appropriated by the Constitution to the legislative and to the judicial departments of the Government, so that there has been a usurpation of powers that belonged to the legislative and executive branches of the Government.

Thus the balance of powers intended to be secured by the Constitution has been broken up. By the action of the President of the United States in holding Merryman in confinement against the decision of the Chief Justice of the United States, this has extended to a usurpation of the judicial power of the Government; and as that citizen stands still in confinement, unreleased and undischarged, one branch of the Government is brought into conflict with another branch of the Government. Thus it seems to me, with great respect to the President of the United States, that he has usurped the war power of the Government; he has usurped the power which belonged only to the Legislature, of raising and supporting armies, and of providing and maintaining navies; he has usurped the commercial power of the Government; and he has usurped the power to dispense with the writ of *habeas corpus*.

This joint resolution, Mr. President, proposes to approve and legalize these acts. I cannot, as an American Senator, give my consent to approve and legalize them. I cannot do it especially under the circumstances in which these acts have been done. I am one of those who believe that there was no occasion for them; and I still further believe that the occasion in which any extraordinary power may be exercised by the Executive is specially marked out by the Constitution; and as I would support and defend the Constitution, I cannot vote to legalize anything that in my judgment is in violation of it, in any respect whatever.

Mr. President, there are some other remarks that I designed to make. As I said at an earlier hour of the session, I did not desire to discuss this joint resolution to-day. I would prefer now to say what I have to say to-morrow; but if it is the purpose of the Senate to continue in session, I will still go on as well as I may.

Mr. POWELL. At the suggestion of the Senator that he prefers to conclude his argument to-morrow, I move that the Senate do now adjourn.

The motion was not agreed to.

Mr. POLK. I wish, Mr. President, to call the attention of the Senate, for a short time, to some of the acts of the Administration in my own State since the 15th of April. The Legislature of the State of Missouri, during the progress of the last winter, provided for the assembling of a convention in that State on the 28th of February, at Jefferson City, the capital of that State. They provided in that act, that that convention should proceed to consider "the then existing relations between the Government of the United States, the people and governments of the different States, and the government and people of the State of Missouri; and adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded." That convention met, proceeded to the discharge of the duties that were devolved on them by this act of the Legislature, and at a subsequent period they adopted these resolutions:

"*Resolved*, That at present there is no adequate cause to impel Missouri to dissolve her connection with the Federal Union; but, on the contrary, she will labor for such an adjustment of existing troubles as will secure the peace, as well as the rights and equality of all the States.

"*Resolved*, That the people of this State are devotedly attached to the institutions of our country, and earnestly desire that by a fair and amicable adjustment all the causes of disagreement that at present unfortunately distract us as a people may be removed, to the end that our Union may be preserved and perpetuated, and peace and harmony be restored between the North and the South.

"*Resolved*, That the people of this State deem the amendments to the Constitution of the United States proposed by the Hon. JOHN J. CRITTENDEN, of Kentucky, with the extension of the same to the territory hereafter to be acquired by treaty or otherwise, a basis of adjustment which

will successfully remove the causes of difference forever from the arena of national politics.

"*Resolved*, That the people of Missouri believe that the peace and quiet of the country will be promoted by a convention to propose amendments to the Constitution of the United States, and this convention therefore urges the Legislature of this State to take the proper steps for calling such a convention, in pursuance of the fifth article of the Constitution, and for providing by law for an election of one delegate to such convention from each electoral district in this State.

"*Resolved*, That, in the opinion of this convention, the employment of military force by the Federal Government to coerce the submission of the seceding States, or the employment of military force by the seceding States to assail the Government of the United States, will inevitably plunge this country into civil war, and thereby entirely extinguish all hope of an amicable settlement of the fearful issues now pending before the country; we therefore earnestly entreat as well the Federal Government as the seceding States to withhold and stay the arm of military power, and on no pretense whatever bring upon the nation the horrors of civil war."

WITHDRAWAL OF PAPERS.

Mr. KENNEDY. With the consent of the honorable Senator from Missouri, I ask leave to make a motion to withdraw some papers from the files of the Senate.

Mr. POLK. Certainly.

Mr. KENNEDY. I move that Davidge Ridgely have leave to withdraw his petition and papers.

The motion was agreed to.

Mr. BINGHAM. If the Senator from Missouri will allow me, I desire to make a motion to withdraw certain papers in a pension case from the files of the Senate, in order that they may be presented in the House of Representatives.

Mr. POLK. I will cheerfully allow the Senator to make his motion, though I do not think that the customary courtesy which the Senate has been in the habit of extending on similar occasions has been extended to me. I yield to the Senator with great pleasure.

On motion of Mr. BINGHAM, it was

Ordered, That Richard L. Gorton have leave to withdraw his petition and papers.

ORDER OF BUSINESS.

Mr. POLK resumed the floor.

Mr. WILSON. Will the Senator allow me to interrupt him a moment?

Mr. POLK. Always.

Mr. WILSON. On consultation with one or two Senators, I have thought that I would make a proposition to the Senator, as he seems to be very anxious to take until to-morrow to conclude his speech. I propose to let this resolution go over until to-morrow morning, with the understanding that we shall now take up the volunteer bill, go on with it, and finish it to-night, and let the Senator finish his speech on the joint resolution to-morrow.

Mr. POLK. I will accede to that proposition.

Mr. WILSON. Then I move to postpone this resolution until to-morrow, so that we may now take up the volunteer bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 16) further to provide for the collection of duties on imports, and for other purposes; in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (S. No. 6) to refund and remit the duties on arms imported by the States; which thereupon received the signature of the Vice President.

THE VOLUNTEER BILL.

The VICE PRESIDENT. The next bill in order is the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, which is before the Senate as in Committee of the Whole.

The bill was reported by the Committee on Military Affairs and Militia with amendments; which were, in the first section, after the word "numbers," in line five, to insert "not exceeding five hundred thousand men," and in line eight to strike out "four" and insert "five;" so as to make the section read:

That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand men, as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property; and that the sum of $500,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, &c.

Mr. SHERMAN. I see that the amendment proposes to appropriate money. I suggest to the chairman of the Military Committee that that is not proper, but that it is better to confine the bill to the purpose announced in the title, and to leave the appropriation to originate in the House of Representatives. In addition to this objection, a general appropriation of $500,000,000 would be a great embarrassment to the Treasury Department. The appropriation ought to be in details, and will no doubt come to us in due form in proper bills from the other House. I therefore move to amend the amendment, if it be in order to do so, by omitting the appropriation entirely. Let that be provided for by bills to come from the other House.

Mr. WILSON. Do I understand the Senator from Ohio to move to strike out? I think the motion is a proper one, and I shall consent to it very cheerfully, as I suppose we shall have the appropriations from the House of Representatives in bills which will fix the details.

The VICE PRESIDENT. The first question is on adopting the amendments reported by the Committee on Military Affairs. After that, the motion of the Senator from Ohio will be in order. The question now is on the amendment, to insert "not exceeding five hundred thousand men," after the word "numbers," in line five of section one.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment is, to strike out "four" and insert "five," in the eighth line of the first section; so as to make it read, "and that the sum of $500,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated."

Mr. HALE. Now the Senator from Ohio can make his motion.

The VICE PRESIDENT. The amendments of the committee must first be disposed of.

The amendment was agreed to.

The next amendment was to add to the tenth section the following clause:

And when vacancies occur in any of the companies of volunteers, an election shall be called by the colonel of the regiment to fill such vacancies, and the men of each company shall vote for all officers as high as captain; and vacancies above captain shall be supplied by the votes of the officers above that rank; and the officers so elected shall be commissioned by the respective Governors of the States.

Mr. COLLAMER. It seems to me, the words "in their respective companies" should be inserted.

The amendment to the amendment was agreed to; and the amendment, as amended, was adopted.

The section, as amended, reads as follows:

SEC. 10. *And be it further enacted*, That the general commanding a separate department, or a detached army, is hereby authorized to appoint a military board or commission of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct, and efficiency of any commissioned officer of volunteers, within his department or army, who may be reported to the board or commission; and upon such report, if adverse to such officer, and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, that no officer shall be eligible to sit on such board or commission whose rank or promotion would in any way be affected by its proceedings; and two members at least, if practicable, shall be of equal rank of the officer being examined; and when vacancies occur in any of the companies of volunteers, an election shall be called by the colonel of the regiment to fill such vacancies, and the men of each company shall vote for all officers in their respective companies as high as captain; and vacancies above captain shall be supplied by the votes of the officers above that rank; and the officers so elected shall be commissioned by the respective Governors of the States.

The next amendment of the committee was to insert "and chaplain," in the fourth line of the eleventh section; so as to make it read:

SEC. 11. *And be it further enacted*, That whenever a regiment of volunteers shall be mustered into the service of the United States, the colonel, lieutenant colonel, major, adjutant, quartermaster, and chaplain thereof, shall each have the privilege of franking any letter from any person belonging, in any capacity, to such regiment, not weighing over two ounces: *Provided*, That each letter, in addition to the proper direction to the person to whom it is addressed, shall bear on the envelope the name and rank of the writer, whether of the line or staff or of the company, and designating, in each case, the letter of the company, the number of the regiment, and the State to which it belongs: *And provided*, That the provisions of this section shall apply to all regiments of volunteers now in the service of the United States, and shall also apply to separate companies or corps, not having regimental organization, letters from any member of which may be franked by the commanding officer of such company or corps, under the regulations above specified: *And provided further*, That any person found guilty of any abuse or violation of the privileges of this section shall forfeit and pay a fine of twenty dollars for the first offense, and for a second offense he shall be liable to be tried by a court-martial, and subject to be cashiered or dismissed from the service by the judgment thereof.

The amendment was agreed to.

Mr. LANE, of Kansas. I am directed by the Committee on Military Affairs to offer this amendment, to be added at the end of section five:

Provided, That such of the companies of cavalry herein provided for, as may require it, may be furnished with horses and horse equipments in the same manner as in the United States Army.

The amendment was agreed to.

The section, as amended, reads:

SEC. 5. *And be it further enacted*, That the officers, non-commissioned officers, and privates, organized as above set forth, will, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular Army: *Provided*, That their allowance for clothing shall be $3 50 per month, and that each company officer, non-commissioned officer, private, musician, and artificer of cavalry, shall furnish his own horse and horse equipments, and shall receive forty cents a day for their use and risk, except that, in case the horse shall become disabled, or shall die, the allowance shall cease until the disability be removed or another horse be supplied. Each cavalry volunteer who shall not keep himself supplied with a serviceable horse shall serve on foot. Every volunteer non-commissioned officer, private, musician, and artificer, who enters the service of the United States under this act, shall be paid at the rate of fifty cents in lieu of subsistence, and if a cavalry volunteer, twenty-five cents additional in lieu of forage, for every twenty miles of travel from his place of enrollment to the place of muster—the distance to be measured by the shortest usually traveled route; and when honorably discharged, an allowance at the same rate, from the place of his discharge to his place of enrollment, and, in addition thereto, the sum of $100: *Provided*, That such of the companies of cavalry herein provided for as may require it may be furnished with horses and horse equipments in the same manner as in the United States Army.

Mr. SHERMAN. I move to strike out all of the first section that appropriates money.

The Acting Secretary read the words proposed to be stricken out, as follows:

"And that the sum of $500,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry this act into effect."

Mr. SHERMAN. To avoid misapprehension, I will say that I do not doubt the power of the Senate to appropriate this money; but all appropriations ought to be made in specific sums for specific purposes; and no large appropriation of this kind ought ever to be made, in my judgment. No doubt bills will be framed on the estimates of the Secretary of the Treasury, in detail; and they will be sent to us, and when sent, passed; but no general appropriation of this kind ought ever to be made; there should be details.

The amendment was agreed to.

Mr. RICE. I wish to call the attention of the chairman of the Military Committee to this clause in section five:

"*Provided*, That their allowance for clothing shall be $3 50 per month."

I wish to ask him if that does not include the officers? Was it the intention to allow a commutation for clothing for officers in the Army? It never has been done. I presume the language has been drawn in this way by some inadvertence.

Mr. WILSON. That is a point that has not, to my knowledge, been considered by the committee; certainly I have not considered it. This portion of the bill was drawn up from the proclamation of the President calling some of those men into the field. The Senator may make any amendment he desires.

Mr. RICE. I propose, then, that it shall read:

"The allowance for non-commissioned officers and privates, for clothing, shall be $3 50 per month."

Mr. LANE, of Kansas. It seems to me that that leaves the bill without any provision for placing these volunteer officers on the same footing with the regular officers as to pay. This section does not allow clothing to the officers. The section reads thus:

"That the officers, non-commissioned officers, and privates, organized as above set forth, will, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular Army."

There is no allowance for clothing to commissioned officers of the regular Army. If the sec-

tion be amended as the Senator from Minnesota suggests, it will leave the volunteer officers without any provision in the bill placing them on the same footing as to pay with the officers of the regular Army.

Mr. RICE. The Senator is mistaken. This is a mere provision for commutation of clothing. That is all.

The VICE PRESIDENT. The Secretary will report the amendment.

The acting Secretary read the amendment as follows:

In section five, line five, after the word "that," insert the word "the;" and after "allowance," insert "of non-commissioned officers and privates;" so that the proviso will read:

Provided, That the allowance of non-commissioned officers and privates, for clothing, shall be $3 50 per month.

The amendment was agreed to.

Mr. RICE. In section nine, line eight, after the word "of," I move to strike out "a captain of cavalry" and insert "those now serving in the regular Army;" so that the clause will read:

The chaplain so appointed must be a regularly ordained minister of a Christian denomination, and shall receive the pay and allowances of those now serving in the regular Army.

Mr. WILSON. I do not intend to oppose that amendment. I am certainly willing that it shall be adopted. I wish simply to say, however, that a great pressure has been made upon me by persons deeply interested in the welfare of the volunteers to secure the allowance to the chaplains of the pay of a major of cavalry, instead of a captain of cavalry, as the bill provides. The argument is, that in the regular Army your chaplains have a fixed salary; that they are there permanently; whereas these chaplains brought into the volunteers come in irregularly; they do not know how long they will stay; they are put to some inconvenience; and therefore their pay ought to be larger. Many of them are not satisfied with the compensation provided for by the bill—the pay and allowances of a captain of cavalry. They want to get the pay and allowances of a major of cavalry. The Senator now proposes to place them on the same footing with chaplains of the regular Army, which will, I think, be some two or three hundred dollars less than the amount proposed in the bill.

Mr. FOSTER. How much will the whole salary be a year?

Mr. WILSON. Ten or eleven hundred dollars a year.

Mr. HALE. Are there not some perquisites?

Mr. WILSON. Perquisites and all amount to about eleven hundred dollars.

Mr. RICE. I think the pressure the honorable Senator has mentioned is the very reason why we should vote for the amendment. I do not see the necessity for chaplains being allowed forage and rations. They have very little duty to perform, comparatively with the regular officers of the Army; and, from the very nature of their calling, they are treated with the greatest kindness, not only by the officers, but by the privates; and every provision is always made for them. If this amendment should not be adopted, we shall have to increase the pay of the chaplains now in the service.

The amendment was agreed to.

Mr. RICE. I have one more amendment. I know it may seem ungracious to offer it, but a sense of duty compels me to do so. I move to strike out the eleventh section, which confers the franking privilege on these volunteers. It must be obvious that with an army of four or five hundred thousand men in the field, it would take a very large appropriation to defray the expenses of carrying their mail matter. The privilege would be abused to a very great extent necessarily. I would have no objection to voting an allowance of money for each regiment to defray the expenses of postage; but when you allow them to frank packages of not more than two ounces, it will be seen that everything that could be divided into such packages would be sent by mail free.

Mr. WILSON. I hope the Senate will not strike out the eleventh section. I do not believe that it will add greatly to the aggregate expense. That these volunteers will write letters, I have no doubt. I have had abundant evidence of that, for I have been called upon to frank many thousands of their letters; and I have done it very freely, and I will do it again, if necessary. But, sir, I think their correspondence, if permitted, will bring back to them many letters that will be paid for, and, on the whole, the expense will not be greatly increased, while it may be of immense advantage to the men to have the colonel, lieutenant colonel, major, adjutant, quartermaster, or chaplain, frank their letters. I do not believe the expense will be very great, and I know it will be a great accommodation to them. I certainly hope it will be retained.

Mr. COLLAMER. I have a word to say, concurring, as I do, in opinion with the Senator from Massachusetts. The fact is, that while the Army is situated in this vicinity, or in the neighborhood of any of our principal places, the expense of carrying the additional letters amounts to a mere nothing. I do not think it is adding to the expenses of the Post Office Department at all. The mail goes by railroad; we have contracts with the railroad companies. They give you a car, and it is immaterial to them whether you put in one ton or ten tons; they do not care anything about it. The contracts are made to carry the whole mail all over the country; and to put in more or less letters just now on account of the war, will not cost the Department anything. The expense amounts to nothing. If the Army shall move off into that part of the United States where the post offices are discontinued, I do not know how they will get their franked letters into the mail. There will be no post-office to put them into, and no mail to take them; and I do not know how the franked letters will burden the mail, when there is no way to get them into the mail; but as long as they stay within striking distance of a post office there will be more mail matter, but no more expense.

Mr. RICE. I will go as far as any one towards granting the soldiers every facility which may be requisite. The honorable Senator from Massachusetts speaks of their having called on him for his frank, and he says that he has given it cheerfully. They have also called on me for mine, but I must say to him that I had doubts as to my right to give the franks, and I consequently purchased envelopes with postage stamps upon them and distributed these to those who called upon me. I do not wish to be captious about this matter; perhaps I am wrong in pressing the amendment, and therefore, with the consent of the Senate, I will withdraw it.

Mr. SAULSBURY. I move, if it be in order, to strike out, in the fifth line of the first section, the words "five hundred thousand," and insert "two hundred thousand."

The VICE PRESIDENT. The Chair will state to the Senator that the entire appropriation is stricken out.

Mr. SAULSBURY. I do not refer to the appropriation of money, but to the number of men.

The VICE PRESIDENT. The Senator can make his motion after the bill shall have been reported to the Senate. The clause to which he refers has been agreed to in this form in committee, and it cannot be reached until the bill goes to the Senate.

Mr. TEN EYCK. I move to amend the bill, by striking out in section three, line six, the word "four," and inserting in its place the word "three;" so that the clause will read:

Each brigade shall be composed of three or more regiments.

I will state frankly, without attempting to make use of any comparisons, because I consider that every State has done nobly and well, that my desire is, that the State which I have the honor in part to represent, may have a brigade. I understand that by the organization of the regular Army, each brigade may be composed of two or more regiments. In this bill we have a very material alteration, requiring that brigades shall be composed of four or more regiments. New Jersey has seven regiments in the field now, raised in a short time, and she can soon have more, but by reason of existing circumstances she cannot get any more accepted. Though she is anxious to furnish more, she can obtain no assurance whatever that additional regiments will be received. I state frankly and openly, as I desire no concealment, and there is no disguise about it, that my object is, under existing circumstances, that my State, prompt and ready as she has been to enter the field, may have the opportunity of having her own brigade, and perhaps a brigadier general to command.

Mr. WILSON. I understand the reason why the Senator from New Jersey makes the motion; but I think if he will give the subject a moment's reflection he will see that it is not necessary to do it. If this were applied to the ninety-day men, to the militia first called out, whose general officers were furnished by the States, I think it would be very well, and I should not object to it; but here we are organizing the three-years force. The brigades now authorized are to be composed of four or more regiments; and the object of making the brigades larger than they usually have been is to avoid the necessity of appointing so many brigadier generals. Here the President asks us to call out four hundred thousand men; and on the plan proposed, he might appoint one hundred brigadier generals—each brigade consisting of four regiments. We do not propose that the President shall have authority to appoint more than eighteen brigadier generals for that whole force. We propose that a brigade shall certainly have four regiments, and perhaps more. They have organized the brigades over the river consisting of four regiments. It is unnecessary that a brigade shall be from one State. I beg leave to say to my friend that they do not allow that to be so; they mix them up; they take the men from several States. The men are not brigaded according to the States from which they come; it is not the object; it is not the policy. It is not a good policy, and it ought to be discouraged. If the Senator's proposition applied to the ninety-day volunteers, where the general officer was furnished by the State, his argument would be good; but this bill does not apply to those men. The Federal Government appoints the general officers under this bill, and the State cannot appoint those officers; so I think the Senator will see that his amendment is unnecessary. I hope, certainly, he will not press it. It will not affect his State in the slightest degree. If he has one, two, or three good men in his State, of military talent and experience, and will go to the President, I think he can get them appointed. Now, I hope he will not press the amendment.

Mr. TEN EYCK. I will not press it merely with the idea which the gentleman seems to indicate, but he will pardon me for insisting that it be put to a vote. I am a very poor soldier, and of course not familiar with military affairs; but this thing struck me as being manifestly patent, so far as the people of my State are concerned, and I desired to submit my view to the Senate on the subject.

I have been informed that this matter of organizing regiments is very much under the control of the general of the division. In the regular Army the brigades are made up of two, three, four, or six regiments, according to the order of the general of the division. Now I do not want to preclude by law the general of a division from ordering a brigade to be made up of three regiments, if he sees fit, especially as he has the right now to compose a brigade of two regiments. We are departing now from the organization of the regular Army very materially. The raising of a brigade to four regiments would be a matter of no consequence to us, if that were all that was necessary. We would gladly raise four, or six, or ten, but "there's the rub." We cannot get the fourth regiment accepted, or the fifth or the sixth. It may not be an advantage to have these regiments all collected together. It may be found by experience to be beneficial that they should be divided and cut up and absorbed in other commands; yet still I feel it to be my duty, knowing the feeling of the people of the State I represent, to bring this matter before the American Senate, and to ask of them, if we have any modest claim whatever, that they will pay some attention to our wishes.

Mr. WILSON. I will say to the Senator that my State has been called upon for sixteen regiments, and will have in a few days in the field sixteen thousand three-years men. We have no brigadier general, and I do not suppose we are to have any. I have no doubt that we have regiments enough to make four brigades, without having a brigadier general.

Mr. COLLAMER. Did you not have Brigadier General Pierce?

Mr. WILSON. Brigadier General Pierce was one of the ninety-days men—one of those men ap-

pointed by the Governor. The Governor sent the ninety-days men into the field, and sent their officers and generals with them. General Patterson and General Cadwalader belong to the force furnished by the States. The State of New Jersey has a general with her troops, but his time will be out at the expiration of the ninety days. This bill has no relation to the ninety-days men. This is the organization of the volunteers for three years or for the war. The President of the United States appoints the brigadiers and major generals. The bill provides that there shall be six major generals and eighteen brigadier generals for this enormous force. Now, instead of cutting up the brigades, the minimum of four regiments had better be put up to eight or ten. I assure the Senator it cannot in any way, directly or indirectly, affect anything that his State may do in regard to the matter. If his State sends three regiments or ten regiments into the field, they will be brigaded where the officers choose to brigade them, and his State may have a brigadier general or it may not. If they have got a good man, and they ask for his appointment, I suppose they will get him. I presume we all admit that we have not an overplus of military men in the country, and I think if anybody, in any State, will bring out a man of preëminent fitness, there will be no difficulty in getting a commission for him.

The amendment was rejected.

Mr. NESMITH. I offer this amendment, to be added to the fourth section of the bill:

Provided, That the President may select the major generals and brigadier generals provided for in this act from the line or staff of the present regular Army; and the officers so selected shall be permitted to retain their rank therein.

I offer the amendment with great deference, considering the ability of the committee from which this bill has emanated; but in view of the circumstances which surround us, I conceive it to be my duty to offer some proposition of the kind. We must admit, that if it is necessary to prosecute this war, it should be done not only with vigor, but with ability. The experience which we have already had during the war, shows that we have been deficient in the matter of ability of general officers. The affair at Big Bethel, and that at Vienna, both demonstrate this point; and as the chairman of the Committee on Military Affairs has suggested that the officer who commanded at Big Bethel, General Pierce, was only in for ninety days altogether, I would propose that he be let off whatever portion of his time remains unexpired. [Laughter.] I think he has done quite enough.

In my judgment, it is highly important that the troops—the brave men who volunteer to go forth to battle for the country—should be led by men of experience and ability. The profession of the soldier is not one in which a man can arrive at at perfection in a day. It requires education; not only the education of the school, but the peculiar education which is obtained in camp, by active service. The amendment which I propose does not compel the President to select these officers from the line of the Army; it leaves it in his discretion. As the law now stands, as I understand, the President has not this power; or, at any rate, if general officers are appointed from the line of the Army, they cannot retain rank there; and when the present service of the volunteers is dispensed with, those men of course will go out of service with the rest.

Inasmuch as there are a great many old officers who have served in the Army for years, and have experience, I think it is well that the country should avail itself of that experience, and place them in positions where it will be made available, and where the great military blunders which have already been perpetrated will not be likely to occur again. We do know that those blunders have occurred; we do know that the affairs at Big Bethel and Vienna both occurred from the ignorance, to say the least, of the officers in command—brigadier generals who had never set a battalion in the field, and who knew nothing of the profession they had adopted. They, doubtless, are good and able men in the spheres which they before occupied; I have nothing to say against them in that particular; but I do say that they are unfit to command troops in the field. Sir, I know men to-day sweating under the epaulets of brigadiers and major generals, who could not pass a board of any intelligent Army officers in the world, if they were applicants for the position of first lieutenant. This is an abuse which should be rectified. We not only owe it to ourselves and to the country, but we owe it to the brave men whom they are to lead into action. To place thousands of brave men under incompetent, inexperienced generals, to lead them into action and sacrifice their lives, is murder of the most cold-blooded and relentless character. The man who does it should be indicted and tried for murder. Incompetent men may be selected for other positions in life. For instance, they may come into the Senate or House of Representatives, or may occupy the executive chair. Their blunders there are not apparent, and are not fraught with such consequences as they are in the Army, where men are to be led into action; where a single action may decide the fate of the country; where it decides the lives of thousands; and where everything perhaps may turn on a hair; where everything hangs on the intelligence of the officer who commands the column.

There are plenty of men who have been educated at West Point that have had great experience and would make excellent and competent generals, and who might, under the provision I have offered, be selected to command. It is not necessary that men should be old in order to command. The best campaign, I believe, that Napoleon made—his campaign in Italy—was made when he was not over twenty-five years old. We may have undeveloped talent of that kind in our Army. We have had very bad success heretofore in developing it from civil life. I know it is an ungenerous task to say anything detracting from the merits of our gallant volunteers, or the men who have been selected to command them; but yet I deem it to be my duty, a duty which I owe to the country, to endeavor to provide some precaution in this matter that may prevent the disasters which are likely to result from armies being led by mere politicians, lawyers, preachers, or doctors.

The policy of selecting citizens to high military command, particularly of volunteers, seems to be predicated on the idea, in our Government, that it is more congenial to the tastes of the men who serve under them that their own neighbors and friends should be selected from civil life to command them. That, I apprehend, is a fallacy; I apprehend that it is a popular error, and one that will be dissipated as soon as the men are led into battle. I say that, however much men may be attached to a man in civil life, if he is selected as their commander, and he does not show the ability and competency to lead them in action, their respect for him will cease; and however much they may detest a man who is a military tyrant, for whom they have no affection or sympathy in social, civil, or political life, when that man evinces capacity to command an army, every soldier will fasten to him; every soldier will respect him; and every soldier will follow him with love and devotion.

Under these circumstances, and in view of the facts before us, a necessity exists for placing men in command who are competent. Under the present arrangement of appointing citizens to high military command, a man who never saw a day's service may be selected for the position of major general. He, as a matter of course, ranks all the brigadier generals who are in the field under him, no matter how much experience these brigadier generals may have had in the late war with Mexico, or in the last war with Great Britain; no matter if they have served fifty years. They may be all Napoleons or Cæsars; they may have all the perfection it is possible to attain in military life; and yet some lawyer or other professional man may be selected as major general and placed over them to command them, and to lead them and the Army to destruction and disgrace.

Mr. WILSON. I shall vote most cheerfully for the proposition made by the Senator from Oregon. I think it a wise one, and I beg leave to say that it is in perfect harmony with the policy I have advocated since the commencement of this war. I thought, in the beginning, that it would be better to allow officers of the Army to accept commissions in volunteer regiments, and I so advised the Secretary of War and the Adjutant General. Efforts were made in many States to secure the services of officers of the regular Army, and I think that more than a hundred applications have been made at the War Office for Army officers to serve as field officers in the volunteers; but the answer was, that owing to the resignations in the Army, and the proposed increase of the force, there were but few experienced officers left, for the number of men, and that the officers could not be spared. The argument, perhaps, is a good one—at any rate, for those in the interest of our little Army; but the proposition of the Senator from Oregon does not apply to regimental field officers; it applies to major and brigadier generals, and therefore the number will be limited. I think the Army can spare the few men that may be taken under the proposition he has moved; and there are several officers in the Army of great distinction who would make excellent major and brigadier generals. I think, and have thought, that those men ought to be selected in preference to civilians, however eminent they may be in talent or character. I shall therefore vote for this amendment; and I think that if it be sustained, it will enable the President of the United States to appoint some major and brigadier generals from officers in the regular Army, reserving to them the places they now hold in the Army at the end of the contest, and that the country will be benefited by such a selection. I shall vote most cheerfully for the proposition.

Mr. SHERMAN. I simply desire to point out an inaccuracy, that probably the Senator from Oregon would like to correct. The amendment as it stands would exclude all the officers of the new regiments. Some of the finest officers of the regular Army are in the new regiments. The amendment, as now framed, would exclude all those officers.

Mr. FESSENDEN. The word is "may," not "shall."

Mr. SHERMAN. The same privilege ought to be extended to officers of the new regiments.

Mr. FESSENDEN. They will become a part of the regular Army.

Mr. SHERMAN. But this does not extend to the future increase of the regular Army.

Mr. FESSENDEN. Read it once more.

The Acting Secretary again read the amendment.

Mr. SHERMAN. "Present regular Army." I move to strike out the word "present."

Mr. NESMITH. I accept that amendment.

The VICE PRESIDENT. The question, then, is on the amendment of the Senator from Oregon, as modified.

The amendment was agreed to.

Mr. CLARK. I move further to amend the bill in section five, line twenty-three, by inserting after the word "thereto" the words "if he shall have served for a period of two years, or during the war, if sooner ended," so that the clause will read:

And when honorably discharged an allowance, at the same rate, from the place of his discharge to his place of enrollment; and in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of $100.

I propose the amendment because I see that there is a little indistinctness in the bill in regard to the three-months men. I have fixed the period of two years, because I understand that some of the volunteers are for two years, so as not to exclude them. I would suggest that the bill may need some further amendment if it is designed to include those who shall be sick or honorably discharged before that time; but the provision, as it stands, would encourage the volunteers to enlist, without serving for two years, or during the war, for the purpose of getting the $100.

The amendment was agreed to.

Mr. POWELL. I move to amend the bill by striking out the eleventh section, and inserting the following in lieu of it:

That all laws, or parts of laws, granting or extending the franking privilege to any person or persons whomsoever, be, and the same are hereby, repealed: *Provided*, That the provision of this section shall not extend to persons to whom the franking privilege has been granted by name: *And provided further*, That nothing herein contained shall prevent the exchange of newspapers and periodicals free of postage as now provided by law.

I desire the section as it stands to be stricken out, not that I wish to impose on the soldiers who may be serving in the Army the expense of postage. I am perfectly willing and ready to vote a section in the bill requiring the Postmaster General to furnish each regiment with postage stamps

or paid envelopes for that purpose. I desire to have the section stricken out for the reason that I am confident that very great abuses and corruptions will exist under this franking privilege, and I do not wish to see it extended. We can reach the object of the section as well by amending the bill so as to require postage stamps to be furnished to the regiments for the use of the soldiers. That, I think, would be right and proper. I desire the clause I have read inserted for the reason that, from a very elaborate investigation of the subject of the franking privilege two years ago, I came to the conclusion, and I think demonstrated clearly to the Senate, that its abolition would be a saving of at least $4,000,000 to the Treasury. At this time, when we are about to resort to extraordinary modes of raising revenue to support the expenses of the Government; when in the report of the Secretary of the Treasury we are asked to resort to almost every means of raising money known to the Constitution, I think it eminently proper that we should retrench wherever we can do so; and I do not think that there is a better time than this to commence this retrenchment by cutting off a privilege which, in my judgment, has led to incalculable abuses by members of Congress and officers of this Government. I hope the section may be stricken out, and the clause which I propose inserted; and then, if some other gentleman does not, I will myself move an amendment that postage stamps or paid envelopes shall be furnished by the Postmaster General to the various regiments for the purpose of paying their postage.

The amendment was rejected.

Mr. HOWE. I offer, as an amendment to the fifth section, to add these words:

And provided further, That all assistant surgeons to be commissioned under this act shall receive the salary of assistant surgeons in the regular Army of ten years' standing.

Mr. WILSON. I should like an explanation of that amendment before it is adopted.

Mr. HOWE. This bill provides now, as it stands, for the appointment of one surgeon and one assistant surgeon to each regiment. These officers are to be taken from the list of practitioners. If you get good ones, you must take them from the number of those who are now in good practice. They serve but a short time; they are then dismissed from the service, and they are out of business and have to set themselves up anew. Under the bill as it stands, if I comprehend it aright, they are to receive only the pay of assistant surgeons in the Army of less than five years' standing—the lowest grade.

Mr. ANTHONY. How much is that?

Mr. HOWE. One hundred and twenty dollars a month, including everything; whereas the surgeons provided for here get $187 dollars a month, I think. This will bring the assistant surgeons up to somewhere in the neighborhood of the surgeons as they are to be paid under this bill.

The amendment was rejected—ayes 12, noes not counted.

Mr. DOOLITTLE. I desire to offer an amendment, as an additional section:

And be it further enacted, That the Commanding General may detail any second lieutenant from the regular Army, who is a graduate of the Military Academy at West Point, to any such regiment, to act as aid to the colonel or commanding officer, for such time as he shall think proper, without any prejudice to his right of promotion.

It may be that the Commanding General has power now to detach an officer from the regular Army to aid the colonels of volunteer regiments in instruction in battalion drill; but I have some doubts on that subject, and I desire to give the Commanding General the authority expressly. I presume there is no objection to the amendment.

Mr. LANE, of Kansas. It should be "adjutant" instead of "aid."

Mr. DOOLITTLE. I do not understand the amendment proposed by the Senator from Kansas.

Mr. LANE, of Kansas. You propose that the Commanding General shall have power to detail an "aid" to the colonel. There is no such officer: you mean an "adjutant."

Mr. DOOLITTLE. There is an adjutant to the regiment. I do not care what the name is; I am not much of a military man myself; names are nothing; what I want is the substance of the thing. I want the Commanding General to have power to take a regularly educated military officer to send to these regiments to aid the colonels in battalion drill.

Mr. NESMITH. I would suggest that that power is already vested in commanding generals. It was practiced in the Mexican war. All the volunteer generals had aids and adjutants. Most of them were appointed from the line of the Army, served with the volunteers during the war, and held their rank in the regular service; and when the volunteers were disbanded, went back to their position in the Army, and retained the same position that they would have been entitled to if they had remained in the line of the Army. The power of a commanding general extends to ordering officers to any particular service. There has never been any question of his power to assign a regular officer to duty with a volunteer corps. I think, therefore, the amendment is unnecessary.

Mr. WILSON. I hope the Senator from Wisconsin will withdraw his proposition. It will do no sort of good. The Commanding General has the power now, but he has not got the men, and will not have them except in some extraordinary cases; and then I have no doubt he will do it.

Mr. DOOLITTLE. If it is conceded on all hands that the power now exists in the Commanding General, I will withdraw the amendment.

Mr. CLARK. There are three or four small verbal amendments that I think ought to be made in the bill to make it uniform. In the third line of the fifth section, the word "will" should be changed to "shall;" the same change should also be made in the second line of the eighth section, and in line three of section seven. I suppose these alterations will be made without objection.

The VICE PRESIDENT. These amendments will be made, if there be no objection. The Chair hears none.

Mr. GRIMES. I have no motion to make; but I desire to ask the chairman of the Committee on Military Affairs, as he has stated that there is a great scarcity of officers, how it happens that he gives to each one of the brigadier and major generals an additional aid to what has been given heretofore?

Mr. WILSON. In answer to that, I will say that I have done so under the advice of some of the ablest military men in the service, who say that it is absolutely necessary, and especially in the volunteers, that a major general should have three aids instead of two, and a brigadier general two instead of one. They are confined to the line of the Army, or the volunteers. The object is to allow these general officers to get about them one, two, or three experienced men. In the line of the Army some of the general officers now have five or six of them. I think some brigadier generals now in the field find it necessary, instead of being confined to one, to have detailed for their service four or five such men. They can do it in the Army, but it is difficult in the volunteers. It adds nothing to the expense of the Army, but it tends to bring to the staff of the major or brigadier generals two or three experienced officers.

I propose to make a slight amendment to the bill. When these regiments were called out, it was provided that there should be paymasters; and in drawing up this bill, the original call was followed as near as possible. A new policy has been adopted. Paymasters are now appointed under the law passed during the Mexican war, providing that the Government may appoint a paymaster for two regiments. Therefore I move to strike out of the second section, in the tenth line, the words "one paymaster," in the clause fixing the number of officers. It is already provided for by law.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SAULSBURY. I desire to except one of those amendments.

The VICE PRESIDENT. Will the Senator indicate the amendment to which he refers?

Mr. SAULSBURY. In section one, line five, after the word "numbers," to insert "not exceeding five hundred thousand." I move to strike out "five hundred thousand" and insert "two hundred thousand."

The VICE PRESIDENT. Will the Senate adopt all these amendments severally or in gross? ["All together."] The question then will be on adopting all the amendments save the one indicated by the Senator from Delaware.

The amendments were concurred in.

The VICE PRESIDENT. The question now before the Senate is on concurring in the amendment inserting the words "not exceeding five hundred thousand men." The Senator from Delaware moves to strike out "five hundred thousand" and insert "two hundred thousand."

Mr. SAULSBURY. I do not propose to trespass on the time of the Senate by attempting to make a speech, but simply to state my views in a very few words. I have no doubt that my amendment will be rejected; I have no doubt that this bill will pass; but it is due to myself to state that from the first commencement of these difficulties, this Union has had no warmer friend than I am. I have from the beginning dissented from, and do now dissent from the doctrine of the right of a State to secede from the Union. I believe in all the great and glorious advantages which have been secured to us by the formation of the Union. As I remarked early in the last session of Congress, my State having been the first to adopt the Constitution and to enter the Union she would and will be the last to abandon it, so I repeat now, however trite it may be. We have not a handful of secessionists or disunionists in the State of Delaware. But, sir, we have a people, and as I believe a majority of our people are honestly in favor of a peaceful settlement of this question, and they do believe that if opportunity is allowed to the people of this country that there is love of country enough, that there is patriotism enough, that there is intelligence enough in the people of this country, both North and South, to settle this question without the bloody scenes which have been portrayed here to-day by the Senator from Oregon [Mr. BAKER] and others. Sir, if we are invited to enter upon such scenes, if there is to be a war of subjugation, if fire and sword are to sweep over this land, if there are to be hundreds and thousands and millions of fatherless children, and of widows, then I say that the sentiment of my State is against such a policy.

I may speak impassionedly, excitedly, but I feel deeply the importance of the vote which I am about to cast upon this occasion. I am in favor of defending this capital from the president of the southern confederacy, or anybody in the southern confederacy. I want no man to be my President who has ever raised his arm in hostility to my Government; and if it require double the amount of men to defend this capital, or to defend any portion of the Union which has not assumed to secede, then, sir, I would vote for that amount, both of men and of money. But, sir, as I am in favor of a peaceful adjustment of this question—although I have but little hope that at the present session of Congress there can be a peaceful adjustment—it is due to my own position, it is due to my State, it is due to the people of my State, to say that they are in favor of it; and at your last session of Congress, although the Legislature of my State was composed of Democrats, Republicans, and Bell and Everett men, they unanimously, with the exception of two, instructed me to vote for the compromise measures offered by the distinguished Senator then in his place from Kentucky. I did so vote. They have declared, in their public meetings since, that those compromise measures ought to have been adopted, and that they ought now to be adopted.

Mr. President, I do not profess to know as much in reference to the state of the country as many other gentleman; but I do say, that I as firmly believe as I believe that the sun shines in heaven, that if this Congress would adopt those propositions, maintain the integrity of the Union as it now exists, and turn the Richmond government, or the Montgomery government, over to its own people, in less than four years that old glorious flag which has been so eloquently alluded to here to-day would float in peace over every acre of American soil.

I am fearful that you cannot preserve this Union by the mode contemplated in this bill, and suggested in the message of the President of the United States. I will vote for any measure proposed by the present Executive of the United States that I would vote for if proposed by the gentleman for whom I voted at the last Presidential election. But, sir, our great object, I presume, is the preservation of the Union; it is not the gratification of feelings

of revenge. It is not because men have unwisely and unpatriotically acted, that therefore you will reduce them, as has been intimated, to subjugated provinces. It is not that that you will clothe any man with the powers of a dictator, to see that the Republic suffers no detriment, when the clothing of such a man with such powers would be the destruction of every element that ever entered into an American Union.

But, sir, I will not trespass upon the time of the Senate. I have proposed this amendment as indicative of my own views, and as explanatory of my own position.

Mr. POWELL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FOSTER. The Senator from Delaware, as I understand it, wishes to strike out "five" and insert "two," on the ground of making peace. Two hundred thousand men are too many to make peace, and too few to make war.

Mr. SAULSBURY. I do not know what was the understanding of the Senator from Connecticut of my remark. The idea which I wished to convey to the Senate was, that I would vote men enough to protect your capital, and to protect every State that is now in this Union, from aggression. The force I propose is sufficient to repel any attempt at invasion. I do not believe there would be any attempt at invasion; but if there were, we should be prepared to meet it. I believe that with two hundred thousand men, that number being adequate to the defense from invasion of your capital, and to the defense of every State and Territory that is now in the Union, at the earliest possible moment, the people of this country will get hold of this question, and, by wise measures of conciliation, they will settle it, and they will settle it peaceably, and that is my object.

The question being taken by yeas and nays, resulted—yeas 5, nays 32; as follows:

YEAS—Messrs. Johnson of Missouri, Kennedy, Polk, Powell, and Saulsbury—5.

NAYS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—32.

So the amendment to the amendment was rejected.

The amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

On the question "Shall the bill pass?"

Mr. POLK and Mr. POWELL called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 34, nays 4; as follows;

YEAS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—34.

NAYS—Messrs. Johnson of Missouri, Kennedy, Polk, and Powell—4.

So the bill was passed.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed an act (S. No. 6) to refund and remit the duties on arms imported by States.

HOUSE BILL REFERRED.

The bill (No. 16) further to provide for the collection of duties on imports, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. LATHAM. I move that the Senate do now adjourn.

Mr. SUMNER. I hope the Senator from California will withdraw the motion to adjourn. It is important that we should go into executive session.

Mr. LATHAM. Certainly I withdraw it, if there is any important business to be transacted.

Mr. SUMNER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 10, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had passed a bill (No. 6) to refund and remit the duties on arms imported by States; in which he was directed to ask the concurrence of the House.

REMISSION OF DUTIES ON IMPORTED ARMS.

Mr. STEVENS. I hope the House will agree unanimously to allow the bill just reported from the Senate to be put upon its passage. It is to remit the duties on arms imported by States. I understand that yesterday there were several cargoes of arms imported for at least three States. It would very much facilitate the operations of the Treasury Department to have this bill passed at once. Unless, therefore, objection be made, I move that the bill be put upon its passage.

Mr. BURNETT. I hope I may be indulged a moment to offer some remarks. It is not my purpose to object to the consideration of the bill.

Unanimous consent was given.

Mr. BURNETT. Mr. Speaker, I am perhaps one of the few members on this floor who regard not only the commencement of this war, but its prosecution, as a thing which could have been avoided, and which might now be avoided, by proper efforts on the part of the national Legislature of the United States. Entertaining these opinions, I have been one of those who were indisposed to resort to force—to cannon, to bayonet, and to sword—under any circumstances, believing that, under our theory of government, the States cannot be held together in that way. Hence it is my purpose, as a member of this House, representing a congressional district of the State of Kentucky, to oppose, both by my vote and by my voice, every movement that looks to the prosecution of war against the southern States that have seceded from the Union.

Those being my views and sentiments, I cannot, I will not, under any circumstances, give my vote to measures which look to the involvement of our common country in a long, bloody struggle, which must, in my judgment, result in injury to both sections of the country, by the destruction of all its material interests and the prostration of republican representative government on this continent. I have said all that I desire to say; and the gentleman from Pennsylvania can take his own course with the bill.

The bill was read a first and second time. It directs the Secretary of the Treasury to refund and remit the duties and imposts on all arms imported into the United States since the 1st day of May last, or which may be imported before the 1st day of January next, by or for the account of any States, on being satisfied that the said arms are intended in good faith for the use of the troops of any State which is, or may be, engaged in aiding to suppress the insurrection now existing against the United States.

Mr. WASHBURNE moved the previous question on the third reading of the bill.

Mr. MALLORY. May I be permitted to ask the gentleman from Illinois to withdraw the demand for the previous question for one moment?

Mr. WASHBURNE. If the gentleman will renew the demand for the previous question, I will withdraw it.

Mr. MALLORY. I will renew it. I have risen, Mr. Speaker, simply to protest, in the name of Kentucky and of her Union Representatives on this floor, against the remarks made by my colleague, [Mr. BURNETT.] [Applause, and cries of "Good."] I stand here, sir, to pledge the State of Kentucky, the large and overwhelming majority of the people of that State, to the support and maintenance of the Government of the United States, and of the Constitution of the United States. [Loud and continued applause on the floor and in the galleries.]

The SPEAKER. The Chair must remind gentlemen on the floor that applause is a violation of parliamentary decorum. He will insist on the enforcement of the rules, and hopes the House will sustain him. In case of any repetition of applause or disapproval by the galleries the Chair will feel compelled to order them to be cleared. The Chair hopes that spectators will observe the proprieties of the time and the occasion. These are not times to convert the national Council Hall into a theater.

Mr. MALLORY. It is not my intention to make anything like a lengthy speech at the present time, but simply to express the sentiment of Kentucky in regard to the unfortunate state of affairs that now exists in the United States. We in Kentucky believe that the peril, the danger, the destruction of property, the ruin of so many interests in the United States, have been brought about by the action of those very seceded States of the South which seem to excite the sympathy of my colleague so much. That being, in my opinion, the sentiment of the people of Kentucky, I am authorized, I think, to say to this House and to the country, that the people of Kentucky, through their Union Representatives on this floor, stand ready to support the Government of the United States in every constitutional means which Congress may think proper to resort to in maintaining the Government and Constitution of the United States. [Applause.]

In accordance with my promise to the gentleman from Illinois, I renew the call for the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to a third reading; and was accordingly read the third time.

Mr. BURNETT. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ADDITIONAL ARMY APPROPRIATIONS.

Mr. STEVENS, from the Committee of Ways and Means, reported a bill making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

ADDITIONAL NAVAL APPROPRIATIONS.

Mr. STEVENS, from the same committee, also reported a bill making additional appropriations for the naval service, for the year ending 30th June, 1862, and appropriations of arrearages for the year ending 30th June, 1861; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. VALLANDIGHAM moved to reconsider the votes by which the two bills just reported from the Committee of Ways and Means were referred to the Committee of the Whole on the state of the Union; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COLLECTION OF THE REVENUE.

Mr. WASHBURNE, from the Committee on Commerce, reported back House bill No. 16, further to provide for the collection of duties on imports and for other purposes; asked that the same might be put on its passage, and called the previous question.

The bill was read.

The first section provides that whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks, as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of deliv-

ery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted, in the same manner as they do to ports of entry established by the laws now in force.

The second section provides that if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way and by the ordinary means, or by the course provided in the foregoing section, then, and in that case, he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district, or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash; provided, that if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel, shall desire to enter a port of entry in any other district in the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated; and provided further, that the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

The third section provides that it shall be unlawful to take any vessel or cargo, detained as aforesaid, from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the Army, or Navy, or militia of the United States, or such force of citizen volunteers as may be deemed necessary, for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

The fourth section provides that if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing sections of this act, then and in that case the President is empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry, shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter, or attempt to enter, any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

The fifth section provides that whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February 28, 1795, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then, and in such case, it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof, and the citizens of the rest of the United States, shall cease, and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States; provided, however, that the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations; and officers of the customs and other officers shall receive for services, under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

Section six provides that from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this bill, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

Section seven provides that in the execution of the provisions of this act, and of the other laws of the United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may in his judgment be required.

Section eight provides that the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March 3, 1797, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

Section nine provides that proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

Mr. VALLANDIGHAM. I desire to ask the gentleman from Illinois a question in relation to this bill.

The SPEAKER. No debate is in order, the previous question having been called, except by unanimous consent. If there be no objection, the gentleman will proceed.

Mr. VALLANDIGHAM. I merely desire to ask the gentleman whether this bill is not substantially the same as that reported by my colleague, [Mr. BINGHAM,] from the Committee on the Judiciary, during the last session?

Mr. WASHBURNE. I have not a sufficiently distinct recollection of the provisions of the bill introduced last session by the honorable gentleman from Ohio, to answer the question definitely.

Mr. VALLANDIGHAM. From the reading of the bill, my impression is that the first sections are substantially the same as the bill reported by my colleague, to which I have referred. Other provisions have, however, been added. I regard the bill, in one or two particulars, as manifestly unconstitutional. I voted against the bill of my colleague, along with every gentleman upon this side of the House, once or twice in the last session, and I shall vote now as I voted then. Upon so important a bill, however, I desire to record my vote; and I suppose gentlemen on the other side will have no objection to giving us the yeas and nays on its passage.

Mr. WASHBURNE. I do not propose to take up any time in the discussion of this bill. It has been most thoroughly considered in the Treasury Department, and by the Secretary of the Treasury himself. It has also been fully considered by the Committee on Commerce at two meetings of that committee, and they unanimously ordered me to report it back, and ask the House to put it on its passage.

In answer to a letter which I addressed to the Secretary of the Treasury, asking his views in detail, he has sent me a communication which I send to the Clerk's desk, and ask to have read. It explains fully the provisions of the bill; and when the reading shall have been completed, I will ask for a vote upon the bill, and am willing that the yeas and nays shall be taken upon its passage.

The letter was read, as follows:

TREASURY DEPARTMENT, *July* 9, 1861.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, requesting my views in detail of the provisions of the "bill further to provide for the collection of duties on imports, and for other purposes."

The existing condition of things on the Mississippi river and its tributaries is an illustration of the propriety of the provisions of the first section of the bill. The port of entry is New Orleans, and the ports of delivery are St. Louis, Louisville, Cincinnati, Pittsburg, Wheeling, and others. Duties under existing laws can be assessed only at New Orleans. They may be collected at the ports of delivery. All the officers necessary for the assessment of duties on imports, such as appraisers, weighers, gaugers, and measurers, reside at New Orleans; but none such are authorized at ports of delivery.

If the duties are not ascertained at New Orleans, there is no power or means of ascertaining them elsewhere, and the first section of the bill provides for that exigency, by giving such power to the surveyor at the port of delivery as will enable him to perform all the duties of a collector in reference to any foreign merchandise which may arrive at his port without being duly entered, and duties ascertained at the port of entry. The other provisions of that section are necessary to enable the surveyor to discharge the duties of collector under the laws regulating the coasting trade and the warehousing of imports.

The provisions of the second and third sections of the bill are, in substance, those of the first section of the act of 2d March, 1833, entitled "An act further to provide for the collection of duties on imports," and are designed to provide for the emergency contemplated in that act. They do not seem to require any special comment except to state that an option is given to the master of a vessel arriving with foreign merchandise, or owner or consignee of the cargo, (not given in the act of 1833,) either to pay duties to the collector on shipboard or to enter at some other port where the duties may be collected in the ordinary way. The connection between the courts of the State and the United States being broken, the provision confining the issuing of process interfering with the vessel and cargo in the custody of the collector to courts of the United States, would seem to be proper, and, indeed, necessary, to the collection of the revenue in the mode proposed.

The fourth section of the bill gives to the President the power to close a port of entry whenever duties cannot be collected in the ordinary way or without too serious inconvenience and difficulty in the modes provided in the previous sections of the bill. The right to prescribe at what points commerce shall be carried on, and duties collected, has been exercised by Congress from the origin of the Government in all the various laws creating collection districts and ports of entry and delivery. This section merely vests the President with the power, where it is impracticable or extremely difficult to collect duties at a port of entry, to suspend the privilege of importation at that point, giving due notice of such suspension, and restoring the privilege when the emergency shall have ceased. In the condition of things contemplated in the fourth section, no other course would seem to be open without a practical abandonment of efforts to collect the revenue.

The fifth and sixth sections of the bill refer to the same subject matter, and contemplate an organized insurrection against the United States, embracing a State or part of a State. To permit, under such circumstances, commerce to flow uninterrupted in its accustomed channels, would only add strength to the rebellion. Its total cessation would bring with it a full sense of the loss and inconvenience to which their position subjects them. Being in a state of declared hostility to the United States, the property of the insurgents, and all property proceeding to their relief, would be liable to confiscation. But there may be individuals or sections of a State so in insurrection that may entertain loyal sentiments; and to meet this contingency, it would seem proper to vest the President with the power to permit, by special license, commercial intercourse to be maintained with such individuals or sections; and such a provision is accordingly inserted in the fifth section. It will be per-

ceived, by reference to the sixth section, that ample notice is to be given before vessels belonging to inhabitants of States in insurrection can be seized for forfeiture.

For the prompt and faithful execution of the provisions of this bill, should it become a law, and of existing laws regulating the collection of duties, it is deemed expedient, as provided in the seventh section, that the President be authorized to employ other vessels in addition to the revenue cutters, now in service. In view of the superior efficiency of steam vessels as revenue cutters and coast guards, it would be desirable that such power should be conferred on the President as will enable him to procure vessels of that description, also, for the public service.

The propriety of the remaining provisions of the bill giving to the court of the United States in any district jurisdiction over the penalties and forfeitures, and providing for their remission, is believed to be too apparent to require explanation or remark.

I have the honor to be, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

Hon. E. B. WASHBURNE, *Chairman Committee on Commerce, House of Representatives.*

The previous question was seconded.

Mr. PENDLETON, of Ohio. I call for the yeas and nays upon ordering the main question. I am not willing to vote upon this bill without further consideration.

Mr. WASHBURNE. I am willing that the yeas and nays shall be taken upon the passage of the bill; but I hope the gentleman will not take the time of the House by calling the yeas and nays upon ordering the main question.

Mr. PENDLETON, of Ohio. I desire to vote for this bill, if I can properly do so; if it be properly considered and amended; but I cannot vote for it if it is to be pressed to a vote now, before I can have time to read it.

The yeas and nays were not ordered.

Mr. WICKLIFFE. I wish to make a single inquiry of the gentleman from Illinois. I understand one of the clauses of the bill to authorize the suspension of the ports of entry of the States in rebellion, still recognizing them as ports of entry in the United States. Now, I am of the impression that there are certain treaties between this country and other nations making the freedom of importing goods into all the ports of the United States unrestricted and unlimited. Has the gentleman examined into that subject, and taken into consideration the propriety of abolishing them as ports of entry, in preference to their suspension by the Executive?

Mr. WASHBURNE. I think if the gentleman from Kentucky had listened to the communication from the Secretary of the Treasury, he would have seen that his inquiry is fully answered. The Secretary of the Treasury states in his communication that "the existing condition of things on the Mississippi river and its tributaries is an illustration of the propriety of the first section of the bill."

Mr. JOHNSON. It is impossible to hear anything read either by the Clerk or by any member. I cannot consent to vote for a bill which I have never read, and do not understand. I therefore consider it unnecessary that anything more in reference to it should be had, and object.

The SPEAKER. The Chair thinks the objection comes too late; but he will state to the gentleman that the bill has been printed, and can be obtained by any gentleman by sending to the document room for it.

Mr. WASHBURNE. The Secretary says:

"The provisions of the second and third sections of the bill are in substance those of the first section of the act of 2d March, 1833, entitled 'An act further to provide for the collection of duties on imports,' and are designed to provide for the emergency contemplated in that act. They do not seem to require any special comment except to state that an option is given to the master of a vessel arriving with a foreign merchandise, or owner or consignee of the cargo, (not given in the act of 1833,) either to pay duties to the collector on ship board, or to enter at some other port where the duties may be collected in the ordinary way.

"The fourth section of the bill gives to the President the power to close a port of entry whenever duties cannot be collected in the ordinary way, or without too serious inconvenience and difficulty in the modes provided in the previous sections of the bill. The right to prescribe at what points commerce shall be carried on, and duties collected, has been exercised by Congress from the origin of the Government in all the various laws creating collection districts and ports of entry and delivery. This section vests the President with the power, where it is impracticable or extremely difficult to collect duties at a port of entry, to suspend the privilege of importation at that point, giving due notice of such suspension, and restoring the privilege when the emergency shall have ceased."

This, I think, answers the interrogatory propounded by the gentleman from Kentucky.

Mr. VALLANDIGHAM. I understand that there will be no objection to giving us the yeas and nays on the passage of the bill.

Mr. WASHBURNE. I have no objection to ordering the yeas and nays.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. VALLANDIGHAM demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 10; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ancona, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Cooper, Covode, Cox, Cravens, Crisfield, Crittenden, Cutler, Davis, Dawes, Delano, Delaplaine, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, English, Fenton, Fessenden, Fouke, Franchot, Frank, Gooch, Goodwin, Granger, Grider, Gurley, Haight, Hale, Harrison, Hickman, Holman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, Lansing, Law, Lazear, Leary, Lehman, Loomis, Lovejoy, McClernand, McKean, McKnight, Mallory, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Morris, Nixon, Noble, Noell, Nugen, Odell, Olin, Patton, Perry, Pike, Pomeroy, Porter, Potter, John H. Rice, Richardson, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Smith, Spaulding, John B. Steele, William G. Steele, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Thayer, Train, Trimble, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Vibbard, Wall, Wallace, Charles W. Walton, E. P. Walton, Ward, Washburne, Webster, Wheeler, Whaley, Albert S. White, Chilton A. White, Windom, Woodruff, Worcester, and Wright—136.

NAYS—Messrs. Burnett, Harding, Norton, George H. Pendleton, Reid, Robinson, Vallandigham, Voorhees, Wadsworth, and Wood—10.

So the bill was passed.

During the vote,

Mr. HARDING said: I have had no chance to examine the bill, and therefore cannot vote for it. I vote in the negative.

Mr. PENDLETON, of Ohio. As the House has refused an opportunity for considering the bill, I vote in the negative.

Mr. WASHBURNE. I object to debate.

Mr. KELLOGG, of Illinois. I was not within the bar when my name was called, having been detained at my room by indisposition, and I ask the unanimous consent of the House for leave to record my vote.

Mr. VALLANDIGHAM. I object.

Mr. KELLOGG, of Illinois. If permitted, I would have voted in the affirmative.

Mr. FISHER (not being within the bar when his name was called) asked leave to vote.

Mr. VALLANDIGHAM objected.

Mr. FISHER stated that he would have voted in the affirmative.

Mr. JOHNSON. Mr. Speaker, as I have had no opportunity to read and examine the bill, I ask leave to be excused from voting on it. I cannot take the statement of others as to its contents and effects.

The SPEAKER. Debate is not in order; nor is it in order to move to be excused from voting during the call of the roll.

Mr. RICE, of Massachusetts (being in his committee room when his name was called) asked leave to vote.

Mr. VALLANDIGHAM objected.

The vote was announced, as above recorded.

Mr. WASHBURNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXCUSED FROM A COMMITTEE.

Mr. MALLORY. Mr. Speaker, I find that I have been appointed on the Committee on the Post Office and Post Roads; and as I am also a member of the Committee on Indian Affairs, I move that I be excused from further service on the latter committee.

The motion was agreed to.

SPECIAL COMMITTEE ON CONTRACTS.

Mr. FENTON. I move that the special committee on contracts for war supples, &c., be increased from five to seven members.

There was no objection; and it was ordered accordingly.

MILITARY COMMITTEE.

Mr. BLAIR. I ask the unanimous consent of the House that leave be granted to the Committee on Military Affairs to sit during the session of the House.

There was no objection; and it was ordered accordingly.

NATIONAL LOAN.

Mr. STEVENS. Has the morning hour expired?

The SPEAKER. It has.

Mr. STEVENS. I move, then, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, to consider and act on the national loan bill. Before the question is taken on that motion, I move that general debate on the bill be closed in one hour after its consideration shall be commenced.

Mr. BURNETT. I would like to make an inquiry of the gentleman from Pennsylvania. I desire to know whether it is the purpose of the chairman of the Committee of Ways and Means to give a reasonable opportunity for discussion on these important bills before they are voted on?

Mr. STEVENS. I propose to give an hour for the discussion of this bill. I made the motion because I learned that some gentleman on the other side desired to make a speech. I am as willing to accommodate the gentleman on some future bill. I am not disposed to entirely cut gentlemen off.

The question was taken; and the motion limiting debate in the Committee of the Whole on the State of the Union was agreed to.

The House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. COLFAX in the chair.)

The CHAIRMAN. The national loan bill is the only one before the committee, and will be taken up for consideration.

Mr. VALLANDIGHAM. I move that the first reading of the bill for information be dispensed with.

The motion was agreed to. The reading of the bill for amendment was commenced.

Mr. VALLANDIGHAM. Mr. Chairman, in the Constitution of the United States, which the other day we swore to support, and by the authority of which we are here assembled now, it is written:

"All legislative powers herein granted shall be vested in a Congress of the United States."

It is further written also that the Congress to which all legislative powers granted are thus committed—

"Shall make no law abridging the freedom of speech or of the press."

And it is yet further written, in protection of Senators and Representatives in that freedom of debate here, without which there can be no liberty, that—

"For any speech or debate in either House they shall not be questioned in any other place."

Holding up the shield of the Constitution, and standing here in the place and with the manhood of a Representative of the people, I propose to myself, to-day, the ancient freedom of speech used within these walls; though with somewhat more, I trust, of decency and discretion than have sometimes been exhibited here. Sir, I do not propose to discuss the direct question of this civil war in which we are engaged. Its present prosecution is a foregone conclusion; and a wise man never wastes his strength on a fruitless enterprise. My position shall at present, for the most part, be indicated by my votes, and by the resolutions and motions which I may submit. But there are many questions incident to the war and to its prosecution, about which I have somewhat to say now.

Mr. Chairman, the President, in the message before us, demands the extraordinary loan of $400,000,000—an amount nearly ten times greater than the entire public debt, State and Federal, at the close of the Revolution in 1783, and four times as much as the total expenditures during the three years' war with Great Britain, in 1812.

Sir, that same Constitution which I again hold up, and to which I give my whole heart and my utmost loyalty, commits to Congress alone the power to borrow money and to fix the purposes to which it shall be applied, and expressly limits Army appropriations to the term of two years. Each Senator and Representative, therefore, must judge for himself, upon his conscience and his

oath, and before God and the country, of the justice and wisdom and policy of the President's demand; and whenever this House shall have become but a mere office wherein to register the decrees of the Executive, it will be high time to abolish it. But I have a right, I believe, sir, to say that, however gentlemen upon this side of the Chamber may differ finally as to the war, we are yet firmly and inexorably united in one thing at least, and that is in the determination that our own rights and dignities and privileges, as the Representatives of the people, shall be maintained in their spirit and to the very letter. And be this as it may, I do know that there are some here present who are resolved to assert and to exercise these rights, with becoming decency and moderation certainly, but at the same time fully, freely, and at every hazard.

Sir, it is an ancient and wise practice of the English Commons, to precede all votes of supplies by an inquiry into abuses and grievances, and especially into any infractions of the constitution and the laws by the Executive. Let us follow this safe practice. We are now in Committee of the Whole *on the state of the Union;* and in the exercise of my right and my duty as a Representative, and availing myself of the latitude of debate allowed here, I propose to consider THE PRESENT STATE OF THE UNION, and supply also some few of the many omissions of the President in the message before us. Sir, he has undertaken to give us information of the state of the Union, as the Constitution requires him to do; and it was his duty, as an honest Executive, to make that information full, impartial, and complete, instead of spreading before us a labored and lawyerly vindication of his own course of policy—a policy which has precipitated us into a terrible and bloody revolution. He admits the fact; he admits that, to-day, we are in the midst of a general CIVIL WAR, not now a mere petty insurrection, to be suppressed in twenty days by a proclamation and a *posse comitatus* of three months' militia.

Sir, it has been the misfortune of the President from the beginning, that he has totally and wholly underestimated the magnitude and character of the Revolution with which he had to deal, or surely he never would have ventured upon the wicked and hazardous experiment of calling thirty millions of people to arms among themselves, without the counsel and authority of Congress. But when at last he found himself hemmed in by the revolution, and this city in danger, as he declares, and waked up thus, as the proclamation of the 15th of April proves him to have waked up, to the reality and significance of the movement, why did he not forthwith assemble Congress, and throw himself upon the wisdom and patriotism of the representatives of the States and of the people, instead of usurping powers which the Constitution has expressly conferred upon us? ay, sir, and powers which Congress had but a little while before, repeatedly and emphatically refused to exercise, or to permit him to exercise? But I shall recur to this point again.

Sir, the President, in this message, has undertaken also to give us a summary of the causes which have led to the present revolution. He has made out a case—he might, in my judgment, have made out a much stronger case—against the secessionists and disunionists of the South. All this, sir, is very well as far as it goes. But the President does not go back far enough, nor in the right direction. He forgets the still stronger case against the abolitionists and disunionists of the North and West. He omits to tell us that secession and disunion had a New England origin, and began in Massachusetts in 1804 at the time of the Louisiana purchase; were revived by the Hartford convention in 1814, and culminated, during the war with Great Britain, in sending commissioners to Washington to settle the terms for a peaceable separation of New England from the other States of the Union. He forgets to remind us and the country, that this present revolution began forty years ago, in the vehement, persistent, offensive, most irritating and unprovoked agitation of the SLAVERY QUESTION in the North and West, from the time of the Missouri controversy, with some short intervals, down to the present hour. Sir, if his statement of the case be the whole truth and wholly correct, then the Democratic party and every member of it, and the Whig party, too, and its predecessors, have been guilty for sixty years of an unjust, unconstitutional, and most wicked policy in administering the affairs of the Government.

But, sir, the President ignores totally the violent and long-continued denunciation of slavery and slaveholders, and especially since 1835—I appeal to Jackson's message for the date and proof—until at last a political anti-slavery organization was formed in the North and West, which continued to gain strength year after year, till at length it had destroyed and usurped the place of the Whig party, and finally obtained control of every free State in the Union, and elected himself, through free-State votes alone, to the Presidency of the United States. He chooses to pass over the fact that the party to which he thus owes his place and his present power of mischief, is wholly and totally a sectional organization; and as such condemned by Washington, by Jefferson, by Jackson, Webster, and Clay, and by all the founders and preservers of the Republic, and utterly inconsistent with the principles, or with the peace, the stability or the existence even, of our Federal system. Sir, there never was an hour, from the organization of this sectional party, when it was not predicted by the wisest men and truest patriots, and when it ought not to have been known by every intelligent man in the country, that it must sooner or later precipitate a revolution and the dissolution of the Union. The President forgets already that, on the 4th of March, he declared that the platform of that party was "a law unto him," by which he meant to be governed in his administration; and yet that platform announced that whereas there were two separate and distinct kinds of labor and forms of civilization in the two different sections of the Union, yet that the entire national domain, belonging in common to all the States, should be taken, possessed, and held by one section alone, and consecrated to that kind of labor and form of civilization alone which prevailed in that section which by mere numerical superiority, had chosen the President, and now has, and for some years past has had, a majority in the Senate, as from the beginning of the Government it had also in the House. He omits, too, to tell the country and the world—for he speaks, and we all speak now, to the world and to posterity—that he himself and his prime minister, the Secretary of State, declared three years ago, and have maintained ever since, that there was an "irrepressible conflict" between the two sections of this Union; that the Union could not endure part slave and part free; and that the whole power and influence of the Federal Government must henceforth be exerted to circumscribe and hem in slavery within its existing limits.

And now, sir, how comes it that the President has forgotten to remind us, also, that when the party thus committed to the principle of deadly hate and hostility to the slave institutions of the South, and the men who had proclaimed the doctrine of the irrepressible conflict, and who, in the dilemma or alternative of this conflict, were resolved that "the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana, should ultimately be tilled by free labor," had obtained power and place in the common Government of the States, the South, except one State, chose first to demand solemn constitutional guarantees for protection against the abuse of the tremendous power and patronage and influence of the Federal Government, for the purpose of securing the great end of the sectional conflict, before resorting to secession or revolution at all? Did he not know—how could he be ignorant—that at the last session of Congress, every substantive proposition for adjustment and compromise, except that offered by the gentleman from Illinois, [Mr. KELLOGG]—and we all know how it was received—came from the South? Stop a moment, and let us see.

The committee of thirty-three was moved for in this House by a gentleman from Virginia, the second day of the session, and received the vote of every southern Representative present, except only the members from South Carolina, who declined to vote. In the Senate, the committee of thirteen was proposed by a Senator from Kentucky, [Mr. POWELL,] and received the silent acquiescence of every southern Senator present. The Crittenden propositions, too, were submitted also by another Senator from Kentucky, [Mr. CRITTENDEN,] now a member of this House; a man venerable for his years, loved for his virtues, distinguished for his services, honored for his patriotism; for four-and-forty years a Senator, or in other public office; devoted from the first hour of his manhood to the Union of these States; and who, though he himself proved his courage fifty years ago, upon the battle-field against the foreign enemies of his country, is now, thank God, still for compromise at home, to-day. Fortunate in a long and well spent life of public service and private worth, he is unfortunate only that he has survived a Union and, I fear, a Constitution younger than himself.

The Border State propositions also were projected by a gentleman from Maryland, not now a member of this House, and presented by a gentleman from Tennessee, (Mr. Etheridge,) now the Clerk of this House. And yet all these propositions, coming thus from the South, were severally and repeatedly rejected by the almost united vote of the Republican party in the Senate and the House. The Crittenden propositions, with which Mr. Davis, now President of the Confederate States, and Mr. Toombs, his secretary of State, both declared in the Senate that they would be satisfied, and for which every southern Senator and Representative voted, never, on any occasion, received one solitary vote from the Republican party in either House.

The Adams or Corwin amendment, so-called, reported from the committee of thirty-three, and the only substantive amendment proposed from the Republican side, was but a bare promise that Congress should never be authorized to do what no sane man ever believed *Congress* would attempt to do—abolish slavery in the States where it exists; and yet even this proposition, moderate as it was, and for which every southern member present voted, except one, was carried through this House by but one majority, after long and tedious delay, and with the utmost difficulty—sixty-five Republican members, with the resolute and determined gentleman from Pennsylvania [Mr. HICKMAN] at their head, having voted against it and fought against it to the very last.

And not this only, but, as a part of the history of the last session, let me remind you that bills were introduced into this House proposing to abolish and close up certain southern ports of entry; to authorize the President to blockade the southern coast; and to call out the militia and accept the services of volunteers, not for three years merely, but without any limit as to either numbers or time, for the very purpose of enforcing the laws, collecting the revenue, and protecting the public property; and were pressed vehemently and earnestly in this House *prior to the arrival of the President in this city,* and were then, though seven States had seceded and set up a government of their own, voted down, postponed, thrust aside, or in some other way disposed of, sometimes by large majorities in this House, till at last Congress adjourned without any action at all. Peace then seemed to be the policy of all parties.

Thus, sir, the case stood at twelve o'clock on on the 4th of March last, when, from the eastern portico of this Capitol, and in the presence of twenty thousand of his countrymen, but enveloped in a cloud of soldiery which no other American President ever saw, Abraham Lincoln took the oath of office to support the Constitution, and delivered his inaugural—a message, I regret to say, not written in the direct and straightforward language which becomes an American President and an American statesman, and which was expected from the plain, blunt, honest man of the Northwest, but with the forked tongue and crooked counsel of the New York politician, leaving thirty millions of people in doubt whether it meant peace or war. But whatever may have been the secret purpose and meaning of the inaugural, practically for six weeks the policy of peace prevailed; and they were weeks of happiness to the patriot, and prosperity to the country. Business revived; trade returned; commerce flourished. Never was there a fairer prospect before any people. Secession in the past languished, and was spiritless and harmless; secession in the future was arrested, and perished. By overwhelming majorities, Virginia, Kentucky, North Carolina, Tennessee, and Missouri all declared for the old Union, and every heart beat high with hope that in due course of time, and through faith

and patience and peace, and by ultimate and adequate compromise, every State would be restored to it. It is true, indeed, sir, that the Republican party, with great unanimity and great earnestness and determination, had resolved against all conciliation and compromise. But, on the other hand, the whole Democratic party, and the whole Constitutional Union party, were equally resolved that there should be no civil war upon any pretext; and both sides prepared for an appeal to that great and final arbiter of all disputes in a free country—the people.

Sir, I do not propose to inquire now whether the President and his Cabinet were sincere and in earnest, and meant really to persevere to the end in the policy of peace; or whether from the first they meant civil war, and only waited to gain time till they were fairly seated in power, and had disposed, too, of that prodigious horde of spoilsmen and office seekers, which came down at the first like an avalanche upon them? But I do know that the people believed them sincere, and cordially ratified and approved of the policy of peace; not as they subsequently responded to the policy of war, in a whirlwind of passion and madness, but calmly and soberly, and as the result of their deliberate and most solemn judgment; and believing that civil war was absolute and eternal disunion, while secession was but partial and temporary, they cordially indorsed also the proposed evacuation of Sumter and the other forts and public property within the seceded States. Nor, sir, will I stop now to explore the several causes which either led to a change in the apparent policy or an early development of the original and real purposes of the Administration. But there are two which I cannot pass by. And the first of these was PARTY NECESSITY, or the clamor of politicians, and especially of certain wicked, reckless, and unprincipled conductors of a partisan press. The peace policy was crushing out the Republican party. Under that policy, sir, it was melting away like snow before the sun. The general elections in Rhode Island and Connecticut, and municipal elections in New York and in the western States, gave abundant evidence that the people were resolved upon the most ample and satisfactory constitutional guarantees to the South as the price of a restoration of Union. And then it was, sir, that the long and agonizing howl of defeated and disappointed politicians came up before the Administration. The newspaper press teemed with appeals and threats to the President. The mails groaned under the weight of letters demanding a change of policy; while a secret conclave of the Governors of Massachusetts, New York, Ohio, and other States, assembled here, promised men and money to support the President in the irrepressible conflict which they now invoked. And thus it was, sir, that the necessities of a party in the pangs of dissolution, in the very hour and article of death, demanding vigorous measures, which could result in nothing but civil war, renewed secession, and absolute and eternal disunion, were preferred and hearkened to before the peace and harmony and prosperity of the whole country.

But there was another and yet stronger impelling cause without which this horrid calamity of civil war might have been postponed, and, perhaps, finally averted. One of the last and worst acts of a Congress, which, born in bitterness and nurtured in convulsion, literally did those things which it ought not to have done, and left undone those things which it ought to have done, was the passage of an obscure, ill-considered, ill-digested, and unstatesmanlike high protective tariff act, commonly known as "THE MORRILL TARIFF." Just about the same time, too, the Confederate Congress at Montgomery adopted our old tariff of 1857, which we had rejected to make way for the Morrill act, fixing their rate of duties at five, fifteen, and twenty per cent. lower than ours. The result was as inevitable as the laws of trade are inexorable. Trade and commerce—and especially the trade and commerce of the West—began to look to the South. Turned out of their natural course years ago, by the canals and railroads of Pennsylvania and New York, and diverted eastward at a heavy loss to the West, they threatened now to resume their ancient and accustomed channels—the water-courses—the Ohio and the Mississippi. And political association and union, it was well known, must soon follow the direction of trade and interest. The city of New York, the great commercial emporium of the Union, and the Northwest, the chief granary of the Union, began to clamor now loudly for a repeal of the pernicious and ruinous tariff. Threatened thus with the loss of both political power and wealth, or the repeal of the tariff, and at last of both, New England—and Pennsylvania, too, the land of Penn, cradled in peace—demanded now coercion and civil war, with all its horrors, as the price of preserving either from destruction. Ay, sir, Pennsylvania, the great keystone of the arch of the Union, was willing to lay the whole weight of her iron upon that sacred arch, and crush it beneath the load. The subjugation of the South—ay, sir, the *subjugation* of the South! I am not talking to children or fools; for there is not a man in this House fit to be a Representative here who does not know that the South cannot be forced to yield obedience to your laws and authority again until you have conquered and subjugated her—the subjugation of the South, and the closing up of her ports, first by force, in war, and afterwards by tariff laws, in peace, was deliberately resolved upon by the East. And, sir, when once this policy was begun, these self-same motives of waning commerce and threatened loss of trade impelled the great city of New York, and her merchants and her politicians and her press, with here and there an honorable exception, to place herself in the very front rank among the worshipers of Moloch. Much, indeed, of that outburst and uprising in the North, which followed the proclamation of the 15th of April, as well, perhaps, as the proclamation itself, was called forth, not so much by the fall of Sumter—an event long anticipated—as by the notion that the "insurrection," as it was called, might be crushed out in a few weeks, if not by the display, certainly, at least, by the presence of an overwhelming force.

These, sir, were the chief causes which, along with others, led to a change in the policy of the Administration, and, instead of peace, forced us headlong into civil war, with all its accumulated horrors.

But whatever may have been the causes or the motives of the act, it is certain that there was a change in the policy which the Administration meant to adopt, or which at least they led the country to believe they intended to pursue. I will not venture now to assert, what may yet some day be made to appear, that the subsequent acts of the Administration, and its enormous and persistent infractions of the Constitution, its high-handed usurpations of power, formed any part of a deliberate conspiracy to overthrow the present form of Federal republican government, and to establish a strong centralized Government in its stead. No, sir; whatever their purposes now, I rather think that, in the beginning, they rushed heedlessly and headlong into the gulf, believing that, as the seat of war was then far distant and difficult of access, the display of vigor in reinforcing Sumter and Pickens, and in calling out seventy-five thousand militia upon the firing of the first gun, and above all, in that exceedingly happy and original conceit of commanding the insurgent States to "disperse in twenty days," would not, on the one hand, precipitate a crisis, while, upon the other, it would satisfy its own violent partisans, and thus revive and restore the falling fortunes of the Republican party.

I can hardly conceive, sir, that the President and his advisers could be guilty of the exceeding folly of expecting to carry on a general civil war by a mere *posse comitatus* of three-months militia. It may be, indeed, that, with wicked and most desperate cunning, the President meant all this as a mere entering wedge to that which was to rive the oak asunder; or possibly as a test, to learn the public sentiment of the North and West. But, however that may be, the rapid secession and movements of Virginia, North Carolina, Arkansas, and Tennessee, taking with them, as I have said elsewhere, four millions and a half of people, immense wealth, inexhaustible resources, five hundred thousand fighting men, and *the graves of Washington and Jackson*, and bringing up too, in one single day, the frontier from the Gulf to the Ohio and the Potomac, together with the abandonment by the one side, and the occupation by the other, of Harper's Ferry and the Norfolk navy-yard; and the fierce gust and whirlwind of passion in the North, compelled either a sudden waking up of the President and his advisers to the frightful significancy of the act which they had committed in heedlessly breaking the vase which imprisoned the slumbering demon of civil war, or else a premature but most rapid development of the daring plot to foster and promote secession, and then to set up a new and strong form of Government in the States which might remain in the Union.

But whatever may have been the purpose, I assert here to-day, as a Representative, that every principal act of the Administration since, has been a glaring usurpation of power, and a palpable and dangerous violation of that very Constitution which this civil war is professedly waged to support. Sir, I pass by the proclamation of the 15th of April, summoning the militia—not to defend this capital; there is not a word about the capital in the proclamation, and there was then no possible danger to it from any quarter; but to retake and occupy forts and property a thousand miles off—summoning, I say, the militia to suppress the so-called insurrection. I do not believe indeed, and no man believed in February last, when Mr. Stanton, of Ohio, introduced his bill to enlarge the act of 1795, that that act ever contemplated the case of a general revolution, and of resistance by an organized Government. But no matter. The militia thus called out, with a shadow, at least, of authority, and for a period extending one month beyond the assembling of Congress, were amply sufficient to protect the capital against any force which was then likely to be sent against it—and the event has proved it—and ample enough also to suppress the outbreak in Maryland. Every other principal act of the Administration might well have been postponed, and ought to have been postponed, until the meeting of Congress; or, if the exigencies of the occasion demanded it, Congress should forthwith have been assembled. What if two or three States should not have been represented, although even this need not have happened; but better this, a thousand times, than that the Constitution should be repeatedly and flagrantly violated, and public liberty and private right trampled under foot. As for Harper's Ferry and the Norfolk navy-yard, they rather needed protection against the Administration, by whose orders millions of property were wantonly destroyed, which was not in the slightest danger from any quarter, at the date of the proclamation.

But, sir, Congress was not assembled at once, as Congress should have been, and the great question of civil war submitted to their deliberations. The representatives of the States and of the people were not allowed the slightest voice in this the most momentous question ever presented to any Government. The entire responsibility of the whole work was boldly assumed by the Executive, and all the powers required for the purposes in hand were boldly usurped from either the States or the people, or from the legislative department; while the voice of the judiciary, that last refuge and hope of liberty, was turned away from with contempt.

Sir, the right of blockade—and I begin with it—is a belligerent right, incident to a state of war, and it cannot be exercised until war has been declared or recognized; and Congress alone can declare or recognize war. But Congress had not declared or recognized war. On the contrary, they had but a little while before expressly refused to declare it, or to arm the President with the power to make it. And thus the President, in declaring a blockade of certain ports in the States of the South, and in applying to it the rules governing blockades as between independent Powers, violated the Constitution.

But if, on the other hand, he meant to deal with these States as still in the Union, and subject to Federal authority, then he usurped a power which belongs to Congress alone—the power to abolish and close up ports of entry; a power, too, which Congress had also but a few weeks before refused to exercise. And yet, without the repeal or abolition of ports of entry, any attempt by either Congress or the President to blockade these ports is a violation of the spirit, if not of the letter, of that clause of the Constitution which declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

Sir, upon this point I do not speak without the highest authority. In the very midst of the South Carolina nullification controversy, it was suggested that in the recess of Congress, and without a law to govern him, the President, Andrew Jackson, meant to send down a fleet to Charleston and blockade the port. But the bare suggestion called forth the indignant protest of Daniel Webster, himself the arch enemy of nullification, and whose brightest laurels were won in the three years' conflict in the Senate Chamber with its ablest champions. In an address, in October, 1832, at Worcester, Massachusetts, to a National Republican convention—it was before the birth, or christening at least, of the Whig party—the great expounder of the Constitution said:

"We are told, sir, that the President will immediately employ the military force, and at once blockade Charleston! A military remedy, a remedy by direct belligerent operation, has thus been suggested, and nothing else has been suggested, as the intended means of preserving the Union. Sir, there is no little reason to think that this suggestion is true. We cannot be altogether unmindful of the past, and therefore we cannot be altogether unapprehensive for the future. For one, sir, I raise my voice beforehand against the unauthorized employment of military power, and against superseding the authority of the laws, by an armed force, under pretense of putting down nullification. *The President has no authority to blockade Charleston.*"

Jackson! Jackson, sir! the great Jackson! did not dare to do it without authority of Congress; but our Jackson of to-day, the little Jackson at the other end of the avenue, and the mimic Jacksons around him, do blockade, not only Charleston harbor, but the whole southern coast, three thousand miles in extent, by a single stroke of the pen.

"The President has no authority to employ military force till he shall be duly required"—

Mark the word:

"*required* so to do by law and the civil authorities. His duty is to cause the laws to be executed. His duty is to support *the civil authority*"—

As in the Merryman case, forsooth; but I shall recur to that hereafter:

"His duty is, if the laws be resisted, to employ the military force of the country, if necessary, for their support and execution; *but to do all this in compliance only with law and with decisions of the tribunals.* If, by any ingenious devices, those who resist the laws escape from the reach of judicial authority, as it is now provided to be exercised, it is entirely competent to *Congress* to make such new provisions as the exigency of the case may demand."

Treason, sir, rank treason, all this to-day. And yet, thirty years ago, it was true Union patriotism and sound constitutional law! Sir, I prefer the wisdom and stern fidelity to principle of the fathers.

Such was the voice of Webster, and such too, let me add, the voice, in his last great speech in the Senate, of the DOUGLAS, whose death the land now mourns.

Next after the blockade, sir, in the catalogue of daring executive usurpations, comes the proclamation of the 3d of May, and the orders of the War and Navy Departments in pursuance of it—a proclamation and usurpation which would have cost any English sovereign his head at any time within the last two hundred years. Sir, the Constitution not only confines to Congress the right to declare war, but expressly provides that "Congress (not the President) shall have power to raise and support armies;" and to "provide and maintain a navy." In pursuance of this authority, Congress, years ago, had fixed the number of officers, and of the regiments, of the different kinds of service; and also the number of ships, officers, marines, and seamen which should compose the Navy. Not only that, but Congress has repeatedly, within the last five years, refused to increase the regular Army. More than that still: in February and March last, the House, upon several test votes, repeatedly and expressly refused to authorize the President to accept the service of volunteers for the very purpose of protecting the public property, enforcing the laws, and collecting the revenue. And yet the President, of his own mere will and authority, and without the shadow of right, has proceeded to increase, and has increased, the standing Army by twenty-five thousand men; the Navy by eighteen thousand; and has called for and accepted the services of forty regiments of volunteers for three years, numbering forty-two thousand men, and making thus a grand army or military force, raised by executive proclamation alone, without the sanction of Congress, without warrant of law, and in direct violation of the Constitution and of his oath of office, of eighty-five thousand soldiers enlisted for three and five years, and already in the field. And yet the President now asks us to support the Army which he has thus raised; to ratify his usurpations by a law *ex post facto*, and thus to make ourselves parties to our own degradation, and to his infractions of the Constitution. Meanwhile, however, he has taken good care, not only to enlist the men, organize the regiments, and muster them into service, but to provide in advance for a horde of forlorn, wornout, and broken down politicians of his own party, by appointing, either by himself or through the Governors of the States, major generals, brigadier generals, colonels, lieutenant colonels, majors, captains, lieutenants, adjutants, quartermasters, and surgeons, without any limit as to numbers, and without so much as once saying to Congress—"By your leave, gentlemen."

Beginning with this wide breach of the Constitution, this enormous usurpation of the most dangerous of all powers—the power of the sword—other infractions and assumptions were easy; and after public liberty, private right soon fell. The privacy of the telegraph was invaded in the search after treason and traitors; although it turns out, significantly enough, that the only victim, so far, is one of the appointees and especial pets of the Administration. The telegraphic dispatches, preserved under every pledge of secrecy for the protection and safety of the telegraph companies, were seized and carried away without search warrant, without probable cause, without oath, and without description of the places to be searched or of the things to be seized, and in plain violation of the right of the people to be secure in their houses, persons, *papers*, and effects, against unreasonable searches and seizures. One step more, sir, will bring upon us search and seizure of the public mails; and finally, as in the worst days of English oppression—as in the times of the Russells and the Sydneys of English martyrdom—of the drawers and secretaries of the private citizen; though even then tyrants had the grace to look to the forms of the law, and the execution was judicial murder, not military slaughter. But who shall say that the future Tiberius of America shall have the modesty of his Roman predecessor, in extenuation of whose character it is written by the great historian, *avertit oculos, jussitque scelera non spectavit.*

Sir, the rights of property having been thus wantonly violated, it needed but a little stretch of usurpation to invade the sanctity of the person; and a victim was not long wanting. A private citizen of Maryland, not subject to the rules and articles of war—not in a case arising in the land or naval forces, nor in the militia when in actual service—is seized in his own house, in the dead hour of night, not by any civil officer, nor upon any civil process, but by a band of armed soldiers, under the verbal orders of a military chief, and is ruthlessly torn from his wife and his children, and hurried off to a fortress of the United States—and that fortress, as if in mockery, the very one over whose ramparts had floated that star-spangled banner immortalized in song by the patriot prisoner who,

"By the dawn's early light,"

saw its folds gleaming amid the wreck of battle, and invoked the blessings of Heaven upon it, and prayed that it might long wave—

"O'er the *land of the free* and the home of the brave."

And, sir, when the highest judicial officer of the land, the Chief Justice of the Supreme Court, upon whose shoulders, "when the judicial ermine" fell, it touched nothing not as spotless as itself, the aged, the venerable, the gentle and pure minded Taney, who but a little while before had administered to the President the oath to support the Constitution and to execute the laws, issued, as by law it was his sworn duty to issue, the high prerogative writ of *habeas corpus*—that great writ of right, that main bulwark of personal liberty, commanding the body of the accused to be brought before him that justice and right might be done by due course of law, and without denial or delay; the gates of the fortress, its cannon turned towards, and in plain sight of the city where the court sat, and frowning from the ramparts, were closed against the officer of the law, and the answer returned that the officer in command has, by the authority of the President, *suspended* the writ of *habeas corpus*. And thus it is, sir, that the accused has ever since been held a prisoner without due process of law; without bail; without presentment by a grand jury; without speedy or public trial by a petit jury of his own State or district, or any trial at all; without information of the nature and cause of the accusation; without being confronted with the witnesses against him; without compulsory process to obtain witnesses in his favor; and without the assistance of counsel for his defense. And this is our boasted American liberty? And thus it is, too, sir, that here, here, in America, in the seventy-third year of the Republic, that great writ and security of personal freedom which it cost the patriots and freemen of England six hundred years of labor and toil and blood to extort and to hold fast from venal judges and tyrant kings; written in the great charter at Runnymede by the iron barons, who made the simple Latin and uncouth words of the times, *nullus liber homo*, in the language of Chatham, worth all the classics; recovered and confirmed a hundred times afterwards, as often as violated and stolen away, and finally and firmly secured at last by the great act of Charles II, and transferred thence to our own Constitution and laws, has been wantonly and ruthlessly trampled in the dust. Ay, sir, that great writ, bearing, by special command of Parliament, those other uncouth but magic words, *per statutum tricessimo primo Caroli secundi regis*, which no English judge, no English minister, no king or queen of England, dare disobey; that writ brought over by our fathers and cherished by them as a priceless inheritance of liberty, an American President has contemptuously set at defiance. Nay, more, he has ordered his subordinate military chiefs to suspend it at their discretion! And yet, after all this, he coolly comes before this House and the Senate and the country, and pleads that he is only preserving and protecting the Constitution; and demands and expects of this House and of the Senate and the country their thanks for his usurpations of power; while outside of this Capitol, his myrmidons are clamoring for impeachment of the Chief Justice, as engaged in a conspiracy to break down the Federal Government!

Sir, however much necessity—the tyrant's plea—may be urged in extenuation of the usurpations and infractions of the President in regard to public liberty, there can be no such apology or defense for his invasions of private right. What overruling necessity required the violation of the sanctity of private property and private confidence? What great public danger demanded the arrest and imprisonment, without trial by common law, of one single private citizen, for an act done weeks before, openly, and by authority of his State? If guilty of treason, was not the judicial power ample enough and strong enough for his conviction and punishment? What, then, was needed in his case, but the precedent under which other men, in other places, might become the victims of executive suspicion and displeasure?

As to the pretense, sir, that the President has the constitutional right to suspend the writ of *habeas corpus*, I will not waste time in arguing it. The case is as plain as words can make it. It is a legislative power; it is found only in the legislative article; it belongs to Congress only to do it. Subordinate officers have disobeyed it; General Wilkinson disobeyed it, but he sent his prisoners on for judicial trial; General Jackson disobeyed it, and was reprimanded by James Madison; but no President, no body but Congress, ever before assumed the right to suspend it. And, sir, that other pretense, of necessity, I repeat, cannot be allowed. It had no existence in fact. The Constitution cannot be preserved by violating it. It is an offense to the intelligence of this House and of the country, to pretend that all this, and the other gross and multiplied infractions of the Constitution and usurpations of power were done by the President and his advisers out of pure love and devotion to the Constitution. But if so, sir, then they have but one step further to take, and declare, in the language of Sir Boyle Roche in the Irish House of Commons, that such is the depth of their attachment to it, that they are prepared to give up, not merely a part, but the whole of the Constitution, *to preserve the remainder*. And yet, if indeed this pretext of necessity be well founded, then let me say, that a cause which

demands the sacrifice of the Constitution and of the dearest securities of property, liberty, and life, cannot be just; at least it is not worth the sacrifice.

Sir, I am obliged to pass by, for want of time, other grave and dangerous infractions and usurpations of the President since the fourth of March. I only allude casually to the quartering of soldiers in private houses without the consent of the owners, and without any manner having been prescribed by law; to the subversion in a part at least of Maryland of her own State government and of the authorities under it: to the censorship over the telegraph, and the infringement repeatedly, in one or more of the States, of the right of the people to keep and to bear arms for their defense. But if all these things, I ask, have been done in the first two months after the commencement of this war, and by men not military chieftains and unused to arbitrary power, what may we not expect to see in three years, and by the successful heroes of the fight? Sir, the power and rights of the States and the people, and of their Representatives, have been usurped; the sanctity of the private house and of private property has been invaded; and the liberty of the person wantonly and wickedly stricken down; free speech, too, has been repeatedly denied; and all this under the plea of necessity. Sir, the right of petition will follow next—nay, it has already been shaken; the freedom of the press will soon fall after it; and let me whisper in your ear, that there will be few to mourn over its loss, unless, indeed, its ancient high and honorable character shall be rescued and redeemed from its present reckless mendacity and degradation. Freedom of religion will yield too, at last, amid the exultant shouts of millions, who have seen its holy temples defiled and its white robes of a former innocency trampled now under the polluting hoofs of an ambitious and faithless or fanatical clergy. Meantime national banks, bankrupt laws, a vast and permanent public debt, high tariffs, heavy direct taxation, enormous expenditure, gigantic and stupendous peculation, anarchy first and a strong government afterwards, no more State lines, no more State governments, and a consolidated monarchy or vast centralized military despotism, must all follow in the history of the future, as in the history of the past they have, centuries ago, been written. Sir, I have said nothing, and have time to say nothing now, of the immense indebtedness and the vast expenditures which have already accrued, nor of the folly and mismanagement of the war so far, nor of the atrocious and shameless peculations and frauds which have disgraced it in the State governments and the Federal Government from the beginning. The avenging hour for all these will come hereafter, and I pass them by now.

I have finished now, Mr. Chairman, what I proposed to say at this time upon the message of the President. As to my own position in regard to this most unhappy civil war, I have only to say that I stand to-day just where I stood upon the fourth of March last; where the whole Democratic party, and the whole Constitutional Union party, and a vast majority, as I believe, of the people of the United States stood too. I am for *peace*, speedy, immediate, honorable PEACE, with all its blessings. Others may have changed: I have not. I question not their motives nor quarrel with their course. It is vain and futile for them to question or to quarrel with mine. My duty shall be discharged: calmly, firmly, quietly, and regardless of consequences. The approving voice of a conscience void of offense, and the approving judgment which shall follow "after some time be past," these, God help me, are my trust and my support.

Sir, I have spoken freely and fearlessly to-day, as became an American Representative and an American citizen; one firmly resolved, come what may, not to lose his own constitutional liberties, nor to surrender his own constitutional rights in the vain effort to impose these rights and liberties upon ten millions of unwilling people. I have spoken earnestly, too, but yet not as one unmindful of the solemnity of the scenes which surround us upon every side to-day. Sir, when the Congress of the United States assembled here on the 3d of December, 1860, just seven months ago, the Senate was composed of sixty-six Senators, representing the thirty-three States of the Union, and this House of two hundred and thirty-seven members—every State being present. It was a grand and solemn spectacle; the embassadors of three and thirty sovereignties and of thirty-one million people, the mightiest republic on earth, in general Congress assembled. In the Senate, too, and this House, were some of the ablest and most distinguished statesmen of the country; men whose names were familiar to the whole country—some of them destined to pass into history. The new wings of the Capitol had then but just recently been finished, in all their gorgeous magnificence, and, except a hundred marines at the navy-yard, not a soldier was within forty miles of Washington.

Sir, the Congress of the United States meets here again to-day; but how changed the scene. Instead of thirty-four States, twenty-three only, one less than the number forty years ago, are here or in the other wing of the Capitol. Forty-six Senators and a hundred and seventy-three Representatives constitute the Congress of the now United States. And of these, eight Senators and twenty-four Representatives, from four States only, linger here yet as deputies from that great South which, from the beginning of the Government, contributed so much to mold its policy, to build up its greatness, and to control its destinies. All the other States of that South are gone. Twenty-two Senators and sixty-five Representatives no longer answer to their names. The vacant seats are, indeed, still here; and the escutcheons of their respective States look down now solemnly and sadly from these vaulted ceilings. But the Virginia of Washington and Henry and Madison, of Marshall and Jefferson, of Randolph and Monroe, the birth place of Clay, the mother of states and of presidents; the Carolinas of Pinckney and Sumpter and Marion, of Calhoun and Macon; and Tennessee, the home and burial place of Jackson; and other States, too, once most loyal and true, are no longer here. The voices and the footsteps of the great dead of the past two ages of the Republic, linger still, it may be in echo, along the stately corridors of this Capitol; but their descendants from nearly one half of the States of the Republic will meet with us no more within these marble halls. But in the parks and lawns, and upon the broad avenues of this spacious city, seventy thousand soldiers have supplied their places; and the morning drumbeat from a score of encampments within sight of this beleaguered capital, give melancholy warning to the representatives of the States and of the people, that AMID ARMS LAWS ARE SILENT.

Sir, some years hence, I would fain hope some months hence, if I dare, the present generation will demand to know the cause of all this; and some ages hereafter the grand and impartial tribunal of history will make solemn and diligent inquest of the authors of this terrible revolution.

Mr. HOLMAN. Let me ask the gentleman from Ohio one question before he takes his seat. Is he in favor of the Government suspending its efforts to maintain the integrity of the Union, and of recognizing the so-called seceded States as a separate nationality? While he censures the policy of the Administration, we would like to know whether he goes with his constituents in demanding that the Constitution must and shall be preserved?

Mr. VALLANDIGHAM. I will answer the gentleman in the words of a resolution, which I propose to offer at some future time. I ask the Clerk to read it.

The Clerk read, as follows:

Resolved, That the Federal Government is the agent of the people of the several States composing the Union; that it consists of three distinct departments—the legislative, the executive, and the judicial—each equally a part of the Government, and equally entitled to the confidence and support of the States and the people; and that it is the duty of every patriot to sustain the several departments of the Government in the exercise of all the constitutional powers of each which may be necessary and proper for the preservation of the Government in its principles and in its vigor and integrity, and to stand by and defend to the utmost the flag which represents the Government, the Union, and the country.

Mr. HOLMAN. While the gentleman censures the Administration, let me ask him whether, with his own constituents, he is resolved that the Union shall be maintained?

Mr. VALLANDIGHAM. My votes shall speak for me on that subject. My position is defined in the resolution just read. I am answerable only to my conscience and to my constituents, and not to the gentleman from Indiana.

The CHAIRMAN. The time fixed for general debate has now expired.

The bill was then read through. It provides that the Secretary of the Treasury be authorized to borrow on the credit of the United States, within twelve months from the passage of this act, a sum not exceeding $250,000,000, or so much thereof as he may deem necessary for the public service, for which he is authorized to issue certificates of coupon or registered stock, or Treasury notes, in such proportions of each as he may deem advisable; the stock to bear interest not exceeding seven per cent. per annum, payable semi-annually, irredeemable for twenty years, and after that period redeemable at the pleasure of the United States; and the Treasury notes to be of any denomination fixed by the Secretary of the Treasury, not less than fifty dollars, and to be payable three years after date, with interest at the rate of seven and three-tenths per cent. per annum, payable annually on the notes of fifty dollars, and semi-annually on the notes of a larger denomination. And the Secretary of the Treasury may also issue in exchange for coin, and as part of the above loan, or may pay for salaries or other dues from the United States, Treasury notes of a less denomination than fifty dollars, not bearing interest, but payable on demand by the Assistant Treasurers of the United States at Philadelphia, New York, or Boston, or Treasury notes bearing interest at the rate of three and sixty-five hundredths per cent., and exchangeable at any time for certificates of stock, or Treasury notes for fifty dollars and upwards, issued under the authority of this act, and bearing interest as specified above; provided, that no such exchange of such notes in any less amount than $100 shall be made at any one time.

The Treasury notes and certificates of stock, issued under the provisions of this act, shall be signed by the First Comptroller or the Register of the Treasury, and by such other officer or officers of the Treasury as the Secretary of the Treasury may designate; and all such obligations, of the denomination of fifty dollars and upwards, shall be issued under the seal of the Treasury Department. The registered stock shall be transferable on the books of the Treasury on delivery of the certificate, and the coupon stock and Treasury notes shall be transferable by delivery. The interest coupons may be signed by such person or persons as may be designated by the Secretary of the Treasury, who shall fix the compensation for the same.

The Secretary of the Treasury shall cause books to be opened for subscription to the Treasury notes for fifty dollars and upwards at such places as he may designate in the United States, and under such rules and regulations as he may prescribe, to be superintended by the assistant treasurers of the United States at their respective localities, and at other places by such depositaries, postmasters, and other persons as he may designate, notice thereof being given in at least two daily papers of this city, and in one or more public newspapers published in the several places where subscription books may be opened; and subscriptions for such notes may be received from all persons who may desire to subscribe, any law to the contrary notwithstanding; and if a larger amount shall be subscribed in the aggregate than is required at one time, the Secretary of the Treasury is authorized to receive the same, should he deem it advantageous to the public interest; and if not, he shall accept the amount required by giving the preference to the smaller subscriptions; and the Secretary of the Treasury shall fix the compensations of the public officers or others designated for receiving said subscriptions; provided, that for performing this or any other duty in connection with this act, no compensation for services rendered shall be allowed or paid to any public officer whose salary is established by law; and the Secretary of the Treasury may also make such other rules and regulations as he may deem expedient touching the installment to be paid on any subscription at the time of subscribing, and further payments by installments or otherwise, and penalties for non-payment of any installment, and also concerning the receipt, deposit, and safe-keeping of money received from such subscriptions until the same can be placed in the possession of the official depositaries of the Treasury,

any law or laws to the contrary notwithstanding. And the Secretary of the Treasury is also authorized, if he shall deem it expedient, before opening books of subscription as above provided, to exchange for coin or pay for public dues or for Treasury notes of the issue of 23d of December, 1857, and falling due on the 30th of June, 1861, or for Treasury notes issued and taken in exchange for such notes, any amount of said Treasury notes for fifty dollars and upwards not exceeding $40,000,000.

Before awarding any portion of the loan in stock authorized by this act, the Secretary of the Treasury, if he deem it advisable to issue proposals for the same in the United States, shall give not less than fifteen days' public notice in two or more of the public newspapers in the city of Washington, and in such other places of the United States as he may deem advisable, designating the amount of such loan, the place and the time up to which sealed proposals will be received for the same, the periods for the payment, and the amount of each installment in which it is to be paid, and the penalty for the non-payment of any such installments, and when and where such proposals shall be opened in the presence of such persons as he may choose to attend; and the Secretary of the Treasury is authorized to accept the most favorable proposals offered by responsible bidders; provided, that no offer shall be accepted at less than par.

The Secretary of the Treasury may, if he deem it advisable, negotiate any portion of said loan, not exceeding $100,000,000, in any foreign country, and may issue bonds or certificates of stock for the amount thus negotiated agreeably to the provisions of this act, the interest payable semi-annually, either in the United States or at any designated place in Europe; and he is further authorized to appoint such agent or agents as he may deem necessary for negotiating such loan under his instructions, and for paying the interest on the same, and to fix the compensation of such agent or agents, and shall prescribe to them all the rules, regulations, and modes under which such loan shall be negotiated, and shall have power to fix the rate of exchange at which the principal shall be received from the contractors for the loan, and the exchange for the payment of the interest in Europe shall be at the same rate.

That whenever any Treasury notes of a denomination less than fifty dollars, authorized to be issued by this act, shall have been redeemed, the Secretary of the Treasury may reissue the same, or may cancel them and issue new notes to an equal amount; provided, that the aggregate amount of stock and Treasury notes issued under the provisions of this act shall never exceed the full amount authorized by the first section of this act; and the power to issue or reissue such notes shall cease and determine after the 31st of December, 1862.

The Secretary of the Treasury shall report to Congress, immediately after the commencement of the next session, the amount he has borrowed under the provisions of this act, of whom, and on what terms, with an abstract of all the proposals, designating those that have been accepted and those that have been rejected, and the amount of stock or Treasury notes that have been issued for the same.

The faith of the United States is solemnly pledged for the payment of the interest and redemption of the principal of the loan authorized by this act; and for the full and punctual payment of the interest the United States specially pledges the duties of impost on tea, coffee, sugar, spices, wines and liquors, and also such excise and other internal duties or taxes as may be received into the Treasury.

All the provisions of the act entitled "An act to authorize the issue of Treasury notes," approved December 23, 1857, so far as the same can or may be applied to the provisions of this act, and not inconsistent therewith, are hereby revived or re-enacted.

To defray all the expenses that may attend the execution of this act the sum of $200,000, or so much thereof as may be necessary, is appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. STEVENS moved that the committee rise, and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. COLFAX reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 14, to authorize a national loan, and for other purposes, and had directed him to report the same back to the House without amendment.

Mr. STEVENS demanded the previous question on the engrossment and third reading of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ASHLEY demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 150, nays 5; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ancona, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Buffinton, Calvert, Chamberlain, Ambrose W. Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Cooper, Covode, Cox, Cravens, Crisfield, Crittenden, Curtis, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunlap, Dunn, Edgerton, Edwards, Eliot, Ely, English, Fenton, Fessenden, Fisher, Fouke, Franchot, Frank, Gooch, Granger, Grider, Gurley, Haight, Hale, Harding, Harrison, Hickman, Holman, Horton, Hutchins, Jackson, Johnson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Law, Lazear, Leary, Lehman, Logan, Loomis, Lovejoy, McClernand, McKean, McKnight, Mallory, Menzies, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Morris, Nixon, Noble, Noell, Nugen, Odell, Olin, Patton, George H. Pendleton, Perry, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Richardson, Riddle, Robinson, Edward H. Rollins, James S. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, John B. Steele, William G. Steele, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Thayer, Train, Trimble, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Vibbard, Voorhees, Wadsworth, Wall, Wallace, Charles W. Walton, E. P. Walton, Ward, Washburne, Webster, Wheeler, Whaley, Albert S. White, Chilton A. White, Wickliffe, Windom, Woodruff, Worcester, and Wright—150.

NAYS—Messrs. Burnett, Norton, Reid, Vallandigham, and Wood—5.

So the bill was passed.

During the vote,

Mr. MOORHEAD stated that Mr. CARLILE was confined to his room by illness.

The vote was announced, as above recorded.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SUPPRESSION OF REBELLION, ETC.

Mr. BINGHAM, by unanimous consent, introduced a bill to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend an act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 29, 1795; which was read a first and second time, and referred to the Committee on the Judiciary.

FREE LETTERS FOR SOLDIERS.

Mr. VAN WYCK. I ask leave to introduce a bill to provide for forwarding letters free of postage to officers and soldiers engaged in the service of the United States.

Mr. BURNETT. I object. I am in favor of cutting off the franking privilege altogether. In that regard I indorse the recommendation of the Secretary of the Treasury.

NATIONAL ARMORY.

Mr. MOORHEAD. I offer the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national armory and foundery, at or near the city of Pittsburg, Pennsylvania, and to report by bill or otherwise.

Mr. WASHBURNE. I move to strike out "Pittsburg, Pennsylvania," and in lieu thereof to insert "Rock Island, Illinois."

Mr. McCLERNAND. I move to amend the resolution, so that it shall read:

Resolved, That a select committee of nine be appointed by the Speaker to inquire into and report upon the expediency of the establishment of a national armory northwest of the Ohio river.

There are now two armories, one at Harper's Ferry, and one at Springfield, Massachusetts, while we have no armory at the West.

Mr. McKNIGHT. I suggest that the gentleman from Illinois change the phraseology of his amendment, so that, instead of saying "west of the Ohio river," it shall read, "west of the Alleghany mountains."

Mr. MOORHEAD. If the gentleman will make that change I will accept his amendment.

Mr. McCLERNAND. I will make that modification, so that it shall read, "west of the Alleghany mountains or northwest of the Ohio river."

Mr. MOORHEAD. I cannot accept of the words "northwest of the Ohio river."

Mr. McCLERNAND. Then I will leave out those words.

Mr. JOHNSON. I now move to amend the resolution as modified, by inserting the words, "and east of the Rocky Mountains."

Mr. WASHBURNE. I call the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. CURTIS. As the matter is already before the Committee on Military Affairs, I move to refer the whole subject to that committee.

The SPEAKER. The Chair decides that the motion of the gentleman from Iowa is not in order.

The question was put upon the amendment offered by Mr. JOHNSON; and it was not agreed to.

The resolution was agreed to.

Mr. WASHBURNE moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RECRUITS FOR THE NAVY.

Mr. HOLMAN, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested to inform this House whether he has issued an order in effect that none but American-born citizens shall be accepted at the various recruiting stations for service in the Navy of the United States; and, if such order has been issued, that he be requested to furnish the same to this House, with a statement of the causes which, in his judgment, has rendered such an order necessary.

SUPERANNUATED AND DISABLED OFFICERS.

Mr. CURTIS, by unanimous consent, introduced a bill for retiring superannuated and disabled officers from the United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

MILITARY CONTRACTS.

Mr. CURTIS, by unanimous consent, introduced a bill regulating contracts in the military service of the United States; which was read a first and second time, and referred to the Committee on Military Affairs.

SOLDIERS AT FORT SUMTER.

Mr. CURTIS, by unanimous consent, introduced a bill for the relief of certain musicians and soldiers stationed at Fort Sumter; which was read a first and second time.

Mr. BURNETT. I desire to ask the gentleman if that is the same bill he introduced last session?

Mr. CURTIS. It is; and I ask the unanimous consent to put it upon its passage.

Mr. BURNETT. No, sir; it must be referred.

The bill was referred to the Committee on Military Affairs.

REVENUE CUTTER SERVICE.

Mr. FENTON, by unanimous consent, introduced a bill concerning the pay of officers of the revenue cutter service of the United States; which was read a first and second time, and referred to the Committee on Naval Affairs.

TERM OF SERVICE OF MILITIA.

Mr. VALLANDIGHAM, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to examine and report at what time, under the act of 1795, the term of service for the militia called into the service of the United States begins, and whether any legislation is necessary to remove any ambiguity in the terms of the act; and if so, to report by bill.

REVENUE CUTTER SERVICE—AGAIN.

Mr. WASHBURNE. I move to reconsider the vote by which the bill offered by the gentle-

man from New York [Mr. FENTON] was referred to the Committee on Naval Affairs. It properly should go to the Committee on Commerce.

The vote was reconsidered; and the bill was referred to the Committee on Commerce.

GOVERNMENT CONTRACTS.

Mr. VALLANDIGHAM, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the select committee appointed to investigate certain Government contracts be instructed to inquire also into the circumstances of hiring, by the Government, of the steamer Catiline, and report the same to the House.

ORDER OF BUSINESS.

Mr. WARD. I ask the unanimous consent of the House to introduce a bill.

Mr. COLFAX. I object; and I object for the purpose only of making a suggestion. It will be Monday week before we can, as a matter of right under the rules, offer any bills for reference, except by unanimous consent. Now, if we desire to get away speedily, as I believe we all do, I would suggest, as we have an hour before dinner time, that we spend that time in the introduction of bills for reference.

Mr. WARD. That is all I desire to do.

Mr. COLFAX. And with the understanding that bills shall not be brought back by a motion to reconsider.

Mr. BURNETT. But each member should be allowed to judge for himself whether a bill should come up. I desire to make no factious opposition to the introduction of bills, but I do not desire the rules to be so changed that I shall not have a right to object to a bill when, in conscience, I do not think it should be introduced and referred.

Mr. COLFAX. My only object is to expedite business. If gentlemen have bills which they think must be referred, if they can get no other opportunity, they will wait until Monday week and then introduce and refer them. My proposition will expedite the matter. The gentleman from Kentucky will have the right to vote against the bills if they are reported back from the committees.

Mr. BURNETT. Does the gentleman propose to exclude motions to reconsider?

Mr. COLFAX. Certainly. The bills are only to be referred, so that the committees can go to work.

Mr. WARD. I object to the proposition, as the gentleman objects to my introducing a bill.

Mr. KELLOGG, of Illinois. I move that the House do now adjourn.

The motion was agreed to.

The House accordingly (at three o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, *July* 11, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

NOTICE OF A BILL.

Mr. SAULSBURY. I wish to give notice that on to-morrow, or some subsequent day, I shall ask leave to introduce a joint resolution proposing amendments to the Constitution of the United States, with a view to the peaceable adjustment of our national troubles.

PROPOSED NATIONAL ARMORY.

Mr. GRIMES. I present the joint resolutions of the Legislature of the State of Iowa, instructing their Senators, and requesting their Representatives, to vote for the establishment of an arsenal and armory on Rock Island, in the State of Illinois. I give notice that to-morrow I shall introduce a bill in accordance with the instructions that are contained in these resolutions, and shall ask for its passage as a war measure of the greatest significance. I move that the resolutions be read, printed, and referred to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. BROWNING presented the petition of a committee of citizens of the city of Rock Island, Illinois, praying for the establishment of an armory on Rock Island, in that State; which was referred to the Committee on Military Affairs and Militia; and a motion by Mr. BROWNING to print the petition, was referred to the Committee on Printing.

Mr. TEN EYCK presented joint resolutions of the Legislature of the State of New Jersey, recommending the establishment of an armory in that State; which were referred to the Committee on Military Affairs and the Militia.

COLLECTION OF DUTIES.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes, have directed me to report the same back, with a recommendation that it do pass; and as it is a very important measure—and I presume there will be no opposition to it—I ask that it be put on its passage at once.

The VICE PRESIDENT. The bill will be read for information.

The Acting Secretary read the bill.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The bill which has just been read has been reported from the Committee on Commerce, and the chairman of the committee asks for its present consideration. It requires unanimous consent to consider the bill on the day it is reported.

Mr. HALE. I do not wish to suggest any opposition to the bill; but it is a very important bill, and as I heard it read I think there are some features that ought to be examined. While I have every confidence in the committee, I think it due to the serious nature of the subject that the bill should lie over one day.

The PRESIDING OFFICER. Objection being made to its present consideration, the bill will lie over.

BILLS INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 9) to alter and regulate the Navy ration; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 10) authorizing an additional naval force in the time of war or insurrection; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 11) authorizing and regulating the employment of volunteers in the Navy; which was read twice by its title, and referred to the Committtee on Naval Affairs.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 12) to provide for the temporary increase of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 13) to increase the number of paymasters in the Navy, and to provide for the appointment of assistant paymasters; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 14) for the better organization of the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 3) in relation to the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 15) authorizing the printing of watch and station bills.

Mr. HALE. As I want all these bills to go to the Committee on Naval Affairs, and we propose to meet to-morrow, I ask the indulgence of the Senate that these bills be ordered to be printed, so that the committee may have them to-morrow. In making this motion, I will state that two or three of these bills relate to the same subject, and possibly one may be a substitute for another. I do not pledge myself, in introducing them, to sustain them. They are various propositions coming from various sources, and I wish to have them all printed, that they may be before the Naval Committee. I move that all these bills be printed.

The motion was agreed to.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 16) concerning the Attorney General and the attornies and marshals of the several districts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FOOT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 17) concerning the pay of the officers of the revenue cutter service; which was read twice by its title, and referred to the Committee on Naval Affairs.

PAY OF VOLUNTEERS.

Mr. FESSENDEN. The Committee on Finance, to whom was referred the bill (H. R. No. 15) to provide for the payment of the militia and volunteers called into the service of the United States, by proclamation of the President, dated April, 1861, from the time they were called into service to the 30th day of June, 1861, have instructed me to report the bill back with several verbal amendments mostly, and to ask that it be passed at once, if there is no objection on the part of the Senate. It provides for the payment of the volunteers called out, and the money is very much needed immediately.

No objection being made, the bill was considered as in Committee of the Whole. It proposes to appropriate the sum of $6,000,000, or so much thereof as may be necessary, to enable the Government to pay the militia and volunteers called into service of the United States by proclamation of the President, dated April, 1861.

The first amendment of the Committee on Finance was in lines four and five, to strike out the words "six millions of," and insert "five million seven hundred and sixty thousand;" so that the bill will read: "the sum of $5,760,000."

Mr. FESSENDEN. That is the amount of the estimate.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out all of the bill, after the word "States," in line seven, in the following words: "by proclamation of the President, dated April, 1861," and insert, "being an additional amount required for the fiscal year ending June 30, 1861."

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

Mr. THOMSON. I shall vote for the bill; and I rise for the purpose of saying that, and at the same time of saying that I regret very much that I was called out of my place in the Senate yesterday when the vote was taken on the bill to authorize the employment of volunteers, &c.—Senate bill No. 1—for which I should have voted if I had been here. I will take the occasion to say further: that I shall vote for all proper measures to bring the war which is now waging against the Union to a speedy and successful issue.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

On motion of Mr. FESSENDEN, the title was amended to read as follows:

An act to provide for the payment of the militia and volunteers called into the service of the United States, from the time they were called into service to the 30th day of June, 1861.

LOAN BILL.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 14) to authorize a national loan, and for other purposes; in which the concurrence of the Senate was requested.

On motion of Mr. FESSENDEN, the bill was read twice by its title, and referred to the Committee on Finance.

JUDGES OF DISTRICT COURTS.

Mr. TRUMBULL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to furnish the Senate with the names of the judges of the district courts in the various States of the Union; and also with a list of the districts in which there are vacancies.

EXPULSION OF SENATORS.

Mr. CLARK. I move now to take up the resolution which I submitted yesterday in regard to the expulsion of certain members of the Senate.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Whereas a conspiracy has been formed against the peace,

union, and liberties of the people and Government of the United States; and in furtherance of such conspiracy a portion of the people of the States of Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Texas, have attempted to withdraw those States from the Union, and are now in arms against the Government; and whereas JAMES M. MASON and ROBERT M. T. HUNTER, Senators from Virginia; THOMAS L. CLINGMAN and THOMAS BRAGG, Senators from North Carolina; JAMES CHESNUT, Jr., a Senator from South Carolina; A. O. P. NICHOLSON, a Senator from Tennessee; WILLIAM K. SEBASTIAN and CHARLES B. MITCHEL, Senators from Arkansas; and JOHN HEMPHILL and LOUIS T. WIGFALL, Senators from Texas, have failed to appear in their seats in the Senate and to aid the Government in this important crisis; and it is apparent to the Senate that said Senators are engaged in said conspiracy for the destruction of the Union and Government, or, with full knowledge of such conspiracy, have failed to advise the Government of its progress or aid in its suppression: Therefore,

Resolved, That the said MASON, HUNTER, CLINGMAN, BRAGG, CHESNUT, NICHOLSON, SEBASTIAN, MITCHEL, HEMPHILL, and WIGFALL, be, and they hereby are, each and all of them, expelled from the Senate of the United States.

Mr. CLARK. I do not propose to submit any remarks to the Senate upon that resolution now, unless they should be called for by the remarks or motions of others; but I ask that the Senate will order the yeas and nays upon its passage.

Mr. McDOUGALL. I would suggest to the Senator from New Hampshire, whether a matter of this kind had not better be referred to, and the whole subject presented by the report of, a committee. I take it that the objection against the Senators named may also be made against other Senators not named in the resolution. I think a matter of such consequence should be referred to a committee, and they should report the causes of this step, and embrace the whole subject, and report as to all Senators who may have taken such a course as to disqualify them for seats on this floor. It strikes me that would be the better course. I would suggest a reference of the resolution to the Committee on the Judiciary.

Mr. CLARK. I desire to say to the Senator from California, that if he wishes a reference to the committee for any particular reason, I shall not oppose it. This resolution includes those Senators, and the cases of those Senators, who have absented themselves from the Senate, and all of those, I think, whose cases have not been considered, who are now absent from the Senate. I deemed it advisable to put them in a resolution by themselves.

Mr. McDOUGALL. I thought there were other Senators not present, who stood in the same category.

Mr. CLARK. Perhaps the Senator was not aware of the fact, that we declared the seats of certain Senators who were not here, vacant at the last session, and that is the reason they are not included in this resolution.

Mr. McDOUGALL. I was not aware of that.

Mr. CLARK. This includes, I think, every individual Senator who is now absent, whose case has not been already considered.

Mr. McDOUGALL. That corrects me as to my information.

Mr. CLARK. Then I ask that the yeas and nays be ordered.

Mr. BAYARD. I can see no reason why we should depart from the determination of the Senate at the last session, in declaring the seats vacant, and adopt now the rule of expulsion. I know of no conspiracy on the part of the Senators named in the resolution. I cannot say that it has not existed, but I know the general fact, that, claiming the right of secession for their States (though I differed from them in that) as a right under the Constitution, they have acted openly with their States. Their States have chosen to leave this Union. Whether they have the authority or not, is questioned. They consider it a legitimate exercise of reserved rights under the Constitution. I consider the act as revolutionary. There is the difference. Shall I exercise the power of expulsion against a Senator on the ground of conspiracy, because he may be erroneous in point of law as to the effect of the action of his State? Am I to condemn him individually for the action of his State?

I hold that the power of expulsion was given to the Senate in reference to the individual action of the Senator, and arising from his individual misconduct, and was not intended to have any operation whatever in reference to acts of this nature. No such case was contemplated; and the only possible effect of so wording the resolution, is simply to create additional feeling and additional hostility between the already sufficiently excited people of this country. I see no reason for departing from the course which the Senate took at the end of the last session, and I shall therefore vote against this resolution as it stands. Place it in the other shape of declaring the seats vacant, and I shall interpose no objection whatever to it; but I have no knowledge of a conspiracy—and I think I understand what the term means—on the part of any of those Senators which the preamble recites as "apparent to the Senate." The action was avowed, open; it was an appeal to the people of their respective States; the people of their States, by majorities, recognized that course, and the States assumed the responsibility, as political governments, of going out of this Union. I am not willing to pass judgment of expulsion upon the individual, founded on that. I may declare the seat vacant; that may be proper for the organization of the Senate; but I am not willing to go beyond that.

Mr. CLARK. I wish, before debate continues, that the order may be made to have the question taken by yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded on the passage of this resolution, when the question shall be taken.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I do not regard it less a cause of expulsion of these several individual Senators that they have acted openly against the Government. This resolution recites that there has been a conspiracy against the liberties and union and existence of this Government. It recites, further, that portions of the people of certain of the States have endeavored to force those States out of the Union; and that these individuals have either aided in that conspiracy or have failed to give the Government any knowledge of its progress, or to assist in its suppression. Now, with all deference to the Senator from Delaware, I claim that that is a good ground for expulsion from the Senate. I do not care that they have acted openly; yea, sir, I will say that if they have acted openly, and have put themselves in conspiracy and in revolution and in arms against this Government, I would have the expulsion openly before the country.

I dare say the Senator would be glad that these seats should be declared vacant, and that the question should be left in abeyance whether they have the right to go out; but I want to deny here, on the floor of the Senate, the right of any State to secede; and when a Senator accedes to that action of his State, or the people of the State, I want to declare that he puts himself in a hostile attitude to this Government, and deserves expulsion from the councils of the nation. I hope that no such tame measure as declaring these seats vacant will be adopted by the Senate. I want the Senate to proclaim to the nation that we will not have these men in our councils, and that they shall go out. We let certain Senators withdraw at the last session—no, sir, we did not let them withdraw; they withdrew themselves, and left their seats vacant, and we declared them vacant by that act of virtual resignation. But now, sir, this revolution has gone on; it has made rapid progress; they have taken up arms against the Government; they have not only seized your arms, but they have assaulted your fortifications; their guns are now within sound of your capital; and shall we sit here in the Senate and deliberate and doubt whether we shall turn out of this Senate the very men who are ready to explode those guns against your capital? No, Mr. President; let the judgment of the Senate be as summary, as decisive, and as signal, as their revolution has been rapid; and let them be ejected from the councils of the nation.

Mr. BAYARD. Mr. President, I can see no reason for the action which the honorable Senator calls for, and I do not think that by your action in the case of individuals, you are to settle the difficulties that now exist in this country, or alleviate the disastrous condition in which we stand; or, in other words, terminate the war which actually exists. I admit all that has been said, but still I consider that that is no ground for the expulsion of an individual, though it may be for vacating the seat. The action which calls the individual out of the Senate is the action of a political community; and it is perfectly consistent with difference of opinion on his part and mine, without the slightest taint of his personal character, that he should withdraw from the Senate of the United States. If you permitted other Senators at the last session to withdraw openly in the face of the Senate, and simply declared their seats vacant as if they had resigned, on what principle is it that you now undertake to expel Senators for mere non-attendance because their States have done certain acts? They have engaged in no conspiracy. You do not know now that several of those Senators may not have been opposed to what is called the secession of their States. They may hold themselves bound by it since it is done. My impression is, so far as I have any knowledge of them, that many of them did hold that secession was not a constitutional remedy, and were opposed to the action on the part of their States, but gave way to it after it had taken place. That I presume from their non-attendance. I consider it no ground of expulsion. I do consider it a ground for declaring their seats vacant. The Constitution in reference to the expulsion of members says:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member."

I take the whole clause as it stands, and I suppose that that power which is given to the Senate in reference to the individuality of the Senator is in connection with and immediately subsequent to the clause which authorizes punishment for disorderly behavior, and that something more than disorderly behavior on the part of the individual—something affecting him personally, as regards his standing in the community, some gross immorality, some gross individual act—is the only thing which, in my judgment, was meant to be remedied by the right of expulsion. I admit the right to declare the seats vacant; but I cannot see the necessity or propriety of assuming what is not proved—what, in my judgment, is not the fact—that any conspiracy has existed on the part of these individual Senators, or that it can be made apparent to the Senate.

Mr. CLARK. I simply content myself by asking that a vote on the resolution may be had.

Mr. LATHAM. Mr. President, I shall not vote for this resolution as it stands. I will vote to strike the names of these gentlemen from the roll, and to declare their seats vacant. I will not vote to expel them, because I think, as to some Senators named, that that would be unjust and improper. Expulsion implies turpitude. It is a reflection upon the personal character of the individual; it is a stain. Now I know myself that some Senators—two in particular—named in that resolution, did not indorse the right of secession. They disapproved of it; they never sanctioned it; and they did not think they could occupy a seat on this floor after their State had seceded. They have never, that I have heard of, aided, advised, or counseled, in any respect, the movement of their State in the attitude they occupy towards the General Government; I therefore conceive that it would be more proper and more dignified for this body to declare their seats vacant, and strike their names from the roll, than it would be, by the terms of this resolution, to expel them from the body. I think it is too severe a denunciation of the conduct of some of the gentlemen, at least, who are named in it, and therefore I shall not vote for it.

The PRESIDING OFFICER. Is the Senate ready for the question on the adoption of the resolution?

Mr. LATHAM. I move to strike out the word "expelled," and to insert the words "that their names be stricken from the roll, and their seats declared vacant."

Mr. McDOUGALL. Mr. President, I differ with the views of my colleague; and, in stating that I am prepared to vote for the resolution offered by the Senator from New Hampshire, I wish to say that I do not vote for the expulsion of these members upon the ground that their States have declared themselves out of the Union. The expulsion is for personal cause. It is, that they have espoused the controversy made against the Republic, evidenced by one circumstance, perhaps sufficient, independent of what history has already reported of them—that they are not here. Now, there may be no turpitude in this act of theirs, or in their espousing the adversary cause. Treason was always a gentlemanly crime, and in ancient times a man who committed it was enti-

tled to the ax instead of the halter. However, it it is none the less a crime, and the greatest; and espousing a cause against the Republic, if it be not treason, is akin to that crime. Sir, I am prepared to vote for the resolution of expulsion. No man has a right to a place on this floor who espouses a cause adverse to the Government.

Mr. CLARK. I have but one suggestion to make, sir. I hope the amendment will not be made. In the early part of these disturbances, many officers of the Army of the United States sent in their resignations. They were accepted. There was a general outcry of indignation throughout the country against that course. The people demanded that their names should be stricken from the rolls. Now, while we require the military department to strike an officer's name from the roll who will not serve his country, why shall we not turn out of this Senate a Senator who will not serve his country, and set them the example? I hope the amendment will not be made.

Mr. LATHAM. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BAYARD. I desire to hear the amendment read again.

The Secretary read the amendment, to strike out the following words: "expelled from the Senate of the United States," and to insert in lieu thereof the words: "stricken from the roll, and their seats declared vacant."

Mr. COLLAMER. I suggest that it will be necessary also to insert the words, "names of the" at the beginning of the resolution, in order to make the amendment grammatical—"that the the names of A, B, C, D," &c.

The PRESIDING OFFICER. That correction will be made.

The resolution, if amended as proposed, will read as follows:

Resolved, That the names of the said MASON, HUNTER, CLINGMAN, BRAGG, CHESNUT, NICHOLSON, SEBASTIAN, MITCHEL, HEMPHILL, and WIGFALL, be, and they hereby are, stricken from the roll, and their seats declared vacant.

The question being taken by yeas and nays, resulted—yeas 11, nays 32; as follows:

YEAS—Messrs. Bayard, Breckinridge, Bright, Johnson of Missouri, Johnson of Tennessee, Latham, Nesmith, Polk, Powell, Rice, and Saulsbury—11.

NAYS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—32.

So the amendment was rejected.

The PRESIDING OFFICER. The question now is on the adoption of the resolution.

The question being taken by yeas and nays, resulted—yeas 32, nays 10; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—32.

NAYS—Messrs. Bayard, Breckinridge, Bright, Johnson of Missouri, Johnson of Tennessee, Latham, Nesmith, Polk, Powell, and Rice—10.

The PRESIDING OFFICER. On this question the yeas are 32, and the nays 10. Two thirds having voted for its passage, the resolution is agreed to.

THE VOLUNTEER BILL.

Mr. WILSON. I ask leave to submit a resolution calling back a bill which has been sent to the House of Representatives, in which it is important to make some changes:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.

The resolution was considered by unanimous consent, and agreed to.

APPROVAL OF PRESIDENTIAL ACTS.

The Senate resumed the consideration of the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, the question being on the passage of the joint resolution.

Mr. POLK. Mr. President, I proceed with the reading of the resolutions adopted by the convention of the State of Missouri, where I left off yesterday:

"*Resolved*, That, in the opinion of this convention, the employment of military force by the Federal Government to coerce the submission of the seceding States, or the employment of military force by the seceding States to assail the Government of the United States, will inevitably plunge this country into civil war, and thereby entirely extinguish all hope of an amicable settlement of the fearful issues now pending before the country; we therefore earnestly entreat, as well the Federal Government as the seceding States, to withhold and stay the arm of military power, and on no pretense whatever bring upon the nation the horrors of civil war."

To this resolution the following amendment was made:

"And it is the opinion of this convention, that the cherished desire to preserve the country and restore fraternal feelings, would be promoted by the withdrawal of the Federal troops from such parts of the seceded States where there is danger of a collision between the Federal and State forces."

The only other resolution passed by the convention, as I believe, was one in regard to the appointment of certain committees.

The PRESIDING OFFICER. The Senator will suspend his remarks. The Chair must appeal to members of the Senate to preserve order. Senators in loud conversation and moving about the room, so entirely disturb the business of the Senate that it is utterly impossible that it shall proceed. Senators will please take their seats and come to order.

Mr. POLK. After the convention adjourned, Mr. President, the people of the State of Missouri pursued their ordinary avocations in quietude and without any outbreaks or disturbances of any kind. When the President of the United States, on the 15th of April, issued his proclamation calling for seventy-five thousand of the militia of the States named by him, a demand was at the same time made on the Governor of Missouri for four regiments, according to my present recollection. That demand was not complied with by the Governor of the State. Thereupon, certain persons immediately commenced to enlist volunteers in the service of the United States. This conduct was without law. The only laws bearing on this subject passed by Congress, were those of 1792 and 1795; besides, there were the militia laws of the State, and these laws had been pursued by the President of the United States. There was no other course than that adopted by the President of the United States, known to the existing legislation of the country. Yet in a very short time, there were persons in the city of St. Louis calling themselves colonels, lieutenant colonels, and majors of regiments that had been thus illegally raised, but they had no commission from the Governor of the State, and the President of the United States was not authorized to give them any.

Mr. President, in the State of Missouri there was no "law of the United States opposed, or the execution thereof obstructed by combinations of men too powerful to be suppressed by the ordinary course of judicial proceedings." Indeed, sir, there was no resistance of any United States law. Yet Missouri, peaceful and law abiding, without cause, against law and in defiance of the Constitution, was invaded by United States troops, by troops from Illinois, by troops from Iowa, and by troops from Kansas. Indeed, sir, it seems that from the very moment in which the Administration resolved upon this policy of coercion, the State of Missouri was marked as a victim for sacrifice, for invasion, and subjugation. As early as the 30th of April, within about two weeks after the issuing of the first proclamation of the President, when there was entire quietude in the State and no extraordinary excitement, before the meeting of the Legislature at the extraordinary call of it that was made, (and that call was not made as early as the Legislatures were called in most of the non-slaveholding States of the Union,) and before any steps had been taken by the authorities of the State, or by the people, or by anybody else, except those acting or professing to act under the direction or by the authority of the Government at Washington, there was issued from the office of the Adjutant General the following order directed to "Captain Nathaniel Lyon, second infantry, commanding at St. Louis:"

SIR: The President of the United States directs that you enroll in the military service of the United States the loyal citizens of St. Louis and vicinity, not exceeding, with those heretofore enlisted, ten thousand in number, for the purpose of maintaining the authority of the United States, and for the protection of the peaceable inhabitants of Missouri; and you will, if deemed necessary for that purpose by yourself, and by Oliver D. Filley, John How, James O. Broadhead, Samuel T. Glover, J. Wetzing, and Francis P. Blair, jr., proclaim martial law in the city of St. Louis. The additional force hereby authorized shall be discharged in part, or in whole, if enlisted, as soon as it appears to you that there is no danger of an attempt on the part of the enemies of the Government to take military possession of the city of St. Louis, or put the city in the control of a combination against the Government of the United States; and while such additional force remains in the service, the same shall be governed by the rules and articles of war, and such special regulations as you may prescribe, and shall, like the force heretofore directed to be enrolled, be under your command. L. THOMAS, *Adjutant General.*

This order was published in the city of St. Louis in a garbled form; a part of it was omitted. The part omitted was this:

"By yourself, and by Oliver D. Filley, John How, James O. Broadhead, Samuel T. Glover, J. Wetzing, and Francis P. Blair, jr."

The only remark I have to make on that, Mr. President, is, that in my judgment the cause of justice and of truth and of the Constitution is never subserved by garbled publications, or by false representations, or by suppressions of the truth.

I have already shown, sir, that the President of the United States has no right to proclaim martial law, or suspend the writ of *habeas corpus*, either by himself or by any of his subordinate officers, much less on the suggestion of any number of irresponsible citizens, however worthy and excellent they may be. But who is it in this case that is authorized to proclaim martial law? It is a subaltern military officer, of a grade as low as a captain of infantry. Martial law seems to me to have been put at a very cheap rate by this order of the President.

Again, sir, I hold in the next place that the President of the United States has no authority to enroll in the military service of the United States "individuals not exceeding, with those heretofore enrolled, ten thousand in number," or any other number of men, as called for by this order. The laws of the land indicate clearly the manner, and the only manner, in which citizens or soldiers can be enrolled in the military service of the United States; and those laws do not justify any such procedure as that indicated in this order.

Again, the President of the United States says in this order:

"While such additional force remains in the service, the same shall be governed by the rules and articles of war *and such special regulations as you*"—

That is, Captain Lyon—

"*may prescribe*, and shall, like the force heretofore directed to be enrolled, be under your command."

The President of the United States has no right, himself, to prescribe special regulations for the government of soldiers in the service of the United States. That, by the Constitution, is reserved to the Congress of the United States, and to the Congress alone; and much less has he any authority to authorize a subaltern captain to prescribe "special regulations," which, in addition to the rules and regulations prescribed by Congress—the rules and articles of war, in other words—are to constitute the rule for the government of the troops that he may have under his control.

Missouri had in force a law, passed in 1859, for the organization and disciplining and training of her militia. That law provided for an encampment once a year, not exceeding six days—an encampment for the purpose of perfecting the force in discipline and military drill, and inuring them to the hardships and duties of the camp. This, I believe, is common in other States of the Union, and especially in the northern section of the country; and I believe that, in this respect, the example of Massachusetts had been followed by Missouri. Under this law, a number of volunteer companies were formed in the county of St. Louis, and perhaps in other parts of the State, and during the early part of the summer of the year 1860, such an encampment was had in the neighborhood of the city of St. Louis, under the direction of General Frost. It was for the purpose I have just indicated. No complaint was made; nobody was found to allege that there was anything illegal, insurrectionary, or improper in that encampment. During the progress of this season, a similar encampment was ordered, under the same law, for the 6th of May last. That encampment was held. It was likewise in the vicinity of the city of St. Louis, and about the same distance from the city,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. SATURDAY, JULY 13, 1861. NEW SERIES.....No. 5.

as that of the preceding year. It was for the same purposes. It was under the same law. It was under the direction of the same General Frost. It was held in entire security, or rather in the confident belief, on the part of those who were engaged in it, that they were not to be interfered with, and especially so, because they were protected by the provisions of *two constitutions*—first, the constitution of the State of Missouri, which says, that "the right of the citizen to bear arms in defense of himself and of the State cannot be questioned;" and secondly, the Constitution of the United States, which says, that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." The encampment was selected with no view to strength as a strategical point. It was in the neighborhood of the city, in a grove, on a beautiful green sward, and having the advantage of cool and inviting shade. It was accessible to the city; it was resorted to, in great numbers, by the citizens, and by the strangers who might happen to be there, and were led to visit it either by interest in the persons who were encamped, or for purposes of curiosity or pleasure. On Friday, the 11th of May, when these volunteers were encamped there, as I said, in the confidence of perfect security, when many of them were absent in the city of St. Louis, on leave, not dreaming of attack or of interruption, there were marched upon them the regiments that had been collected in the arsenal and in other portions of the city of St. Louis, well armed with the deadly Minié rifle, supported by parks of artillery; and without notice, and suddenly, a demand is made upon them that they surrender themselves unconditionally as prisoners of war. Circumstanced as they were, there was no alternative but to comply. They were marched out between two files of soldiers, and taken as prisoners of war, and confined as such in the arsenal at St. Louis. There was a large concourse of people there, of all ages, sexes, and conditions—men, women, and children.

There was excitement, and no doubt deep indignation. Many of those that were there were the friends and near relatives of the persons who were thus treated. This feeling exhibited itself in hoots and hisses, and the result was that a charge was ordered by the bayonet and then an order to fire was given, and the deadly Minié ball did its mission of death on unarmed men and helpless women and innocent children. The slaughter under the circumstances was tremendous. It was shocking and revolting; and, as is the case most generally with those who are wounded with the Minié ball, very few of those who were wounded escaped with their lives; and just before I left my home for the capital one of the victims of that murderous attack—I shall not be sure whether the forty-fifth or fifty-second—breathed his last.

Before these volunteers—who were taken, marched down to the arsenal, and confined there—had been discharged, a number of persons, mostly, if not exclusively, of German descent, went down to the arsenal, and they too, after taking some kind of an oath—what it was I do not know, exactly—were armed by the United States. Their arms, too, were loaded and charged with the Minié ball. They then marched up through the city of St. Louis; and when they arrived at the center of the city and had turned from Fifth street out on Walnut street, going west, a large concourse of people having assembled there, and having also indulged in indignities towards them, as I believe, and as it is said, having discharged a pistol at them, but without effect, they turned and discharged their weapons on the crowd that thronged the sidewalks, and into the houses that were adjacent and lined the street; and so great was the confusion and the excitement of the occasion, that some of those who were at the head of the column actually discharged their pieces on those of their comrades who were in the rear, and a number of them also fell victims to that discharge. These were what are known in that locality as home guards—persons who are marched down to the arsenal and, on the administration of an oath to them, have arms distributed to them on behalf of the United States.

Mr. President, I wish to make one remark on this point. I say that such a proceeding is unwarranted by the laws. The acts of Congress only authorize the distribution of arms to the soldiers regularly enrolled in the military service of the United States or to the States themselves. I know that the pretext is, that this is necessary for the purpose of protecting "loyal" citizens against what are called "secessionists." Mr. President, it is the imperative and indispensable duty of the *State governments* to protect all their citizens against all aggression on the part of any of their fellow-citizens, and under our system of constitutions it is so much and so exclusively the duty of the State government, that the United States Government, in this respect, is as alien to the States as would be the Government of France or of England; and the United States Government has no more right to intervene by armed interference, for the purpose of such protection of one citizen of any State against the wrong-doing of his fellow-citizen of the same State, than would Louis Napoleon have to march his *gens des armes* into one of these States for the same purpose.

The Constitution and laws of the United States are such that even civil redress is prohibited to the Federal tribunals in such cases for aggression and wrong that may have been done by one citizen against another citizen of the same State. The United States courts have no jurisdiction in such cases; the jurisdiction belongs exclusively to the State courts; much less has the United States any authority to interfere by men with arms in their hands, for the purpose of doing this thing which cannot be done before her peaceful tribunals; unless, indeed, the time has come in which, amidst the clangor of arms, the warnings of the Constitution, and the inhibitions of the law, are not to be heard, and in which the military power may do whatever those who have the control of it may deem advisable to be done.

On the 14th of May, the Legislature of Missouri being then in session, passed an act (in pursuance of that clause of the Constitution of the United States which "reserves to the States respectively the appointment of the officers and the authority of training their militia") for the purpose of organizing and disciplining the volunteer militia of the State and providing for the appointment of its officers. On that same day, General Harney, who had just returned from this city, took command of the military post at St. Louis, and he immediately issued a military manifesto. Let it be borne in mind that the right thinking and true feeling citizens of the State of Missouri had been shocked and outraged by the murderous transaction that had taken place at Camp Jackson. Let it be further borne in mind that the first public act on the part of General Harney towards the State of Missouri, after his return, was the issuing of this military manifesto, to which I have just referred. In this manifesto, the general assumes: first, to instruct the citizens of Missouri as to their duty and their interests. In all charity, Mr. President, it seems to me that it might have been supposed that the people of the State did not need any such instruction. In the next place, he proceeds to warn them of the perils that were ahead of them, and for that, I think, he deserved their thanks, for the sequel showed that the perils and woes which overhung them were thick enough and grievous enough.

He then assumes upon himself to declare that the act of the Legislature of Missouri, which I have last referred to, was in most of its important provisions *unconstitutional*, and to warn the people of the State that it would be treated by him accordingly, and would be held as null and void; and that any attempt to enlist or collect volunteers under it would be summarily put down without regard to any "subterfuges, whether in the forms of legislative acts or otherwise."

Mr. President, I have a high opinion of General Harney as a good and valiant and gallant soldier. I have known him long. But he does great injustice to himself when he allows himself to assume an attitude so false and damaging as this. A mere military man assuming to pronounce a law passed by the Legislature of a State unconstitutional; putting himself above the sovereign State of Missouri—above its government in all its departments, its executive and its legislative and judicial departments. Sir, it belonged to the supreme court of the State of Missouri in the last resort to pass upon the constitutionality of that law; and if a case should arise under it which would give jurisdiction to the United States courts, then it belonged to the Supreme Court of the United States to pronounce that decision; and it was no part either of the prerogative or of the duty of any military gentleman, however high his position or his character might be, to pronounce such a judgment upon the legislation of the State of Missouri.

Let it be further borne in mind, that at this very time the Legislature of the State of Missouri was in session. That Legislature was also in session, at the time of the bloody transaction of the black Friday, at Camp Jackson; but so unwilling were they to be brought in any way in conflict with the General Government, that, instead of doing as some other States had done without such provocation—that is, undertaking to withdraw the State from the Union—they contented themselves merely with passing resolutions condemnatory of these assumptions on the part of General Harney, and then adjourned.

What comes next? I have referred to one arsenal in the city of St. Louis. It has been there for many years, an extensive one and rich in armament; but minor arsenals were now established in other parts of the city, depositories for guns in divers localities. The regiments that had been collected in that arsenal were moved out of it. Companies were stationed in different portions of the city; squads of soldiers were placed at the railroad depots and upon the thoroughfares entering into the city. The shipments of merchandise by the river were subjected to an examination by armed soldiers. Goods shipped by the railroads were also examined, the packages opened and searched. Passengers by the railroads were subjected to an examination; cars were stopped and armed soldiers passed through them, to see that there was nothing "contraband," as they said. The object I do not undertake to indicate. Carriages were stopped going in and out of the city on the public streets and highways, and in some instances this was carried to the length of examining carriages in which there were only ladies, who were visiting their relatives and friends without a male person with them, except the servant who was driving the carriage.

Thus the city of St. Louis was under a military despotism, more complete and thorough than she had ever known as a village when she belonged to the military despotism of Old Spain. As may be supposed, under such circumstances, gangs of informers gathered and spies swarmed, and citizens good and true, in different sections of the State, were denounced. The result was that soldiers, in companies, were sent out to different portions of the State, and citizens arrested in their homes, and brought into the city and imprisoned in the arsenal, without warrant, and by the mere might of arbitrary military power. This was the case in the town of Potosi, the shire town of the county of Washington; it was the case in Maramec; it was the case in Hillsborough, and in other parts of the State. It would be wearisome to enumerate all the instances of this lawlessness, and much worse than wearisome to go through the tyrannous details of each individual case.

In this state of affairs, when the forbearance of the people had been taxed to a very large extent, General Price, at the head of the militia force of the State, by the direction of the Governor visited St. Louis, and had an interview with General Harney. They seem to have had a full and frank conference. They came to an understanding. That understanding relieved the State of the weight of apprehension and alarm that

had been pressing down upon the citizens; and I believe was carried out in good faith by both of those honorable gentlemen. Under it, the large forces that had been gathered at Jefferson City when an attack was expected there after the assault upon Camp Jackson, were dispersed by the Governor. The citizens were advised to resume their ordinary pursuits. And it is but just to General Harney to say I believe it was his intention also to undo, as far as he thought it was consistent with his duty to do so, those things that had been so irritating, and so well calculated to produce discontent and outbreaks among the citizens of the State; for shortly after this the prisoners who had been brought down from Potosi were released from imprisonment, and the military that had been stationed at commmanding positions around the city, so as to control it by their artillery, were, at least some of them, ordered back again into the arsenal, and perhaps some to Jefferson barracks, a few miles below the city of St. Louis.

One of the Camp Jackson prisoners who had been confined in the arsenal, Captain Emmett McDonald, refused to give the parole that was required by General Lyon before he would discharge the prisoners. Very soon a petition for a *habeas corpus* was filed with a view of testing the legality of his imprisonment; but probably before that writ was served on General Harney, Captain McDonald was transported across the Mississippi river, and committed to the custody of a colonel who commanded a regiment that was stationed at Caseyville, Illinois. From there he was taken down to the city of Cairo. This writ of *habeas corpus* came up before Judge Treat of the district court of the United States. His jurisdiction was disputed. After an elaborate examination, in an able opinion, he decided that the court had jurisdiction, and the general was ordered to answer. He filed his answer. The answer was excepted to as being insufficient. After thorough examination and argument on both sides, the United States being represented by counsel as well as Captain McDonald, the court decided the answer was insufficient. General Harney then made another and final answer; and on that final answer, it turned out that on the very day when the answer was served, he was superseded in the command of the post at St. Louis. The order superseding him bore date on the 16th of May, but was not served until about the 29th or 30th. More than two weeks had intervened between the date of the order and the delivery of it to General Harney.

The first inquiry that presents itself here incidentally is, why, if that order was executed when it bore date, was it held up for so long a time; and if it were not executed when it bore date, but was antedated, why the necessity of resorting to any such unworthy contrivance? This further remarkable fact was subsequently disclosed: in a proclamation issued by General Lyon, of the date, I think, of the 15th of May, there is a copy of an order sent from the Adjutant General's Office at Washington to General Harney, in command of the post at St. Louis, dated on the 27th of April, about two weeks after the order sent from the same office superseding him in his command. How could such a thing have come to pass?

General Lyon succeeded General Harney. I say *General* Lyon. He had been *captain* on the occasion of the bloody transactions of the black Friday of the 11th of May. He is now, by brevet, I suppose, a brigadier general of the United States. In the short period that has elapsed since the adjournment of the last Congress, the times have been such in this country that lawlessness and aggressions in direct contravention of the provisions of the constitution of the State of Missouri and the Constitution of the United States, prostrating the twofold barrier erected by those constitutional provisions around the citizen for his personal security and safety, instead of calling for censure, have been made meritorious causes of preferment and honor.

When he, who was the chief actor in the Camp Jackson tragedy, was again put in chief control in Missouri, as was very natural, there was universal apprehension and distrust pervading the State; uneasiness, uncertainty, fear for the consequences—that kind of alarm which peaceful citizens are not willing to submit to. "The alarm by day" is bad enough, but "the terror by night" is worse still. The executive of the State, anxious to preserve peace, to establish confidence among the people, and to sustain the peaceful pursuits of the population of the State, laid aside all considerations of personal and official dignity, and sought an interview with General Lyon. He left his capital for that purpose. He went to the city of St. Louis, where were the quarters of General Lyon. He had that interview; and what transpired in it is stated in a proclamation issued by the Governor on the 12th of June. So anxious was he that the peace of the State should not be jeopardized or destroyed, that he made this proposition:

"That he would disband the State guard, and break up its organization; that he would disarm all the companies which had been armed by the State; that he would pledge himself not to attempt to organize the militia under the military bill; that no arms or munitions of war should be brought into the State; that he would protect all citizens equally in their rights, regardless of their political opinions; that he would repress all insurrectionary movements within the State; that he would repel all attempts to invade it, from whatever quarter, and by whomsoever made; and that he would thus maintain a strict neutrality in the present unhappy contest, and preserve the peace of the State. And he further proposed that he would, if necessary, *invoke the assistance of the United States troops to carry out those pledges*. All this he proposed to do, upon condition that the Federal Government would undertake to disarm the home guard, which it had illegally organized and armed throughout the State, and pledge itself not to occupy with its troops any localities in the State not occupied by them now."

These terms were rejected by General Lyon. He demanded—

"Not only the disorganization and disarming of the State militia and the nullification of the military bill; but he refused to disarm the home guard, and insisted that the Federal Government should enjoy an unrestricted right to move and *station its troops throughout the State, whenever and wherever that might, in the opinion of its officers, be necessary*, either for the protection of the 'loyal subjects' of the Federal Government, or for the repelling of invasion; and he plainly announced that it was the intention of the Administration to take military occupation under these pretexts of the whole State, and to reduce it, as avowed by General Lyon himself, to the 'exact condition of Maryland.'"

General Lyon, on the 15th of June, also issued a proclamation, and there is no denial of what is stated here by Governor Jackson in his proclamation.

Mr. President, I do not see how Governor Jackson could have gone further than he did go, unless he was willing that the honor and independence of the State of Missouri should be trodden in the dust, and she ignominously subjugated without any cause, or without any resistance to the execution of any United States law within her limits. It seems to me that in the course he pursued, coming down from the official dignity to which he had been exalted by the State, laying aside all considerations personal to himself, going down to the city of St. Louis where were the quarters of General Lyon, and making the propositions just recited, he went to the extremest limit that he could be either required or expected to go.

Immediately, Mr. President, war was commenced in earnest against the State of Missouri. As soon as it could possibly be done, the regiments that had been collected at St. Louis were marched off into the interior and towards the capital of the State. The Mississippi and Missouri rivers going up into the State were crowded with steamboats that were used for this purpose, some of these boats illegally seized for this and similar purposes. The railroads were put into requisition, and troops were marched by them in all the directions in which they led into the State from the city of St. Louis. In a very short time the capital was invaded by Federal bayonets, and the Governor and other officers of the State expelled from it. As may be supposed, after that movement was inaugurated, there has been comparatively but little regard for constitutional right or for constitutional provisions intended to protect the security of the citizen in his person, in his home, in his papers, and in his effects. Those rights have been ruthlessly disregarded and trodden down wherever this invading force has penetrated.

A regiment, or a part of a regiment, that had been sent up the North Missouri railroad, returned, after a while, into the city of St. Louis. It was marched down Seventh street, and when just beyond the intersection of Olive with that street, there was a discharge of a gun—accidental probably. The proof that was taken before the coroner was somewhat conflicting, but the weight of the testimony undoubtedly was, that the discharge was accidental in the hands of one of the soldiers. He was probably handling the lock of his piece, and the hammer slipped between his fingers. Immediately a volley was poured forth on the concourse of people that had collected around to witness the progress of the armed band; and more than that, their deadly Minié rifles were discharged into the recorder's court, that was then in session. Some one or two of the officers of the court were instantly killed. One of them was pierced by two or three Minié bullets, each one making a mortal wound. If my memory does not fail me—and I do not think it does—one of the culprits, who was in the box for examination, was also killed on the spot. One of the witnesses who was there, I know, was killed. The recorder himself, who was the judge of the court, was saved only because, having been wearied by keeping a fixed position in hearing testimony in the case, to relieve himself, he changed his position slightly, and immediately a Minié ball passed through the seat in which he was, grazing his person.

Mr. President, I forbear to pursue the sad and sickening story. Would to God that the mournful facts of it had never transpired! Would to God that this unnatural war had never been brought upon the country! Heaven grant that it may yet be averted from our devoted land! Every effort that can be made, looking to the grand consummation so ardently to be desired, shall have my hearty coöperation and support. But, sir, no bill, no resolution, no measure that has the contrary for its object, can command my vote as a member of the Senate.

Mr. WADE. I move that this resolution be referred to the Committee on the Judiciary.

Mr. POWELL. Mr. President, I desire at this time to make a few brief remarks upon the pending resolution. We have fallen upon very strange times. The Congress of the nation has been assembled in extraordinary session for the purpose of considering matters of the gravest import. We are in the midst of a revolution which has dismembered the Confederacy. We are now called upon to vote for a resolution approving the acts of the President of the United States that are specifically set forth in the resolution. Sir, I consider that the President, in many acts set forth in this resolution, has violated the Constitution of the land. The object of this resolution, as I have before stated, is to approve and justify the Executive in those acts. It is not my purpose to enter into any very elaborate argument. I shall content myself with very briefly stating the reasons why I cannot vote for the resolution, and I shall proceed at once to the consideration of the resolution, and notice each and every act set forth in it which we are called upon to approve and sanction.

Mr. President, the powers and duties of the President of the United States are prescribed in the Constitution. That elevated and distinguished officer of the Government has no more power to infract the Constitution or the laws than the humblest citizen of the land. His duties are prescribed in the Constitution and the laws, and he swears to be true and faithful to that Constitution. I will read the clause of the Constitution prescribing the oath of the President of the United States. Before entering on the duties of his office, the Chief Executive Magistrate takes this oath:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Each Senator and each official of this Government, on entering upon the discharge of the functions of his office, takes an oath to support the Constitution; and I should consider that I was recreant to my duty as a Senator, if I did not oppose the act of every officer of the Government who, as I conceived, had violated the Constitution of the country. The acts that are set forth in the resolution under consideration are plain and distinct. After the ordinary whereas, it states:

"First. He did, on the 15th day of April last, issue his proclamation calling upon the several States for seventy-five thousand men to suppress such insurrectionary combinations, and to cause the laws to be faithfully executed."

That call was made under the statute of 1795, the provision of which I will read:

"That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordi-

nary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress."

That is the only law within my knowledge that authorizes the President to call out the militia of the United States. I readily admit that if the call for seventy-five thousand men was made solely for the purpose of protecting this capital, and for the purpose designated in this resolution, it was constitutional and valid. If, however, the purpose of the call for seventy-five thousand men was for the purpose of making war on the sovereign States of this Union, I hold the act to be invalid, because I hold that we have no power to make war upon a State of this Union. There is no such warrant in the Constitution. Our illustrious fathers, when framing that instrument, declined to give any such power. It was expressly proposed to clothe the Government with power to coerce a State; and after a most elaborate debate, in which such men as Madison, Hamilton, Ellsworth, and others participated, it was unanimously rejected. However, sir, so far as that is concerned, I shall say no more. The constitutionality of the act calling out the seventy-five thousand men, in my judgment, depends altogether on the uses the President intended to make of the army which he organized. I confess that the creation of such a vast army looked to me very much like desiring a war of subjugation: So far, however, as the President acted in defense of the capital, I believe he had the power to call forth the militia under the act of 1795 for that purpose. That act prescribes that the President shall call forth the militia, but not for a longer term than thirty days after the next meeting of Congress. I believe his proclamation calling for seventy-five thousand men, so far as the time was concerned, was within the purview of that statute.

The next act of the President is set forth in the preamble in these words:

"Secondly. He did, on the 19th day of April last, issue a proclamation setting on foot a blockade of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. Thirdly. He did, on the 27th day of April last, issue a proclamation establishing a blockade of the ports within the States of Virginia and North Carolina."

I hold, sir, that, under the Constitution, the President has no power to blockade the ports of the United States. Congress alone possesses the war-making power, under our system of government. A blockade is necessarily a war measure; and, in my judgment, it could not be proclaimed by the President until Congress had declared war. The Constitution declares that Congress shall have power—

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

The power to declare war is vested in the Congress, and in the Congress alone. The President of the United States cannot constitutionally and lawfully exercise any power of proclaiming war or calling out the militia except for the purpose designated by the statute that I have read, unless Congress shall first declare war. There is another reason why he had no power, in my judgment, under the Constitution, to issue this proclamation for a blockade. It is declared in the Constitution that—

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

Why, sir, the President has not only given a preference to the ports of one State over another, but he has absolutely, so far as all practical purposes are concerned, swept certain ports out of existence by this blockade. He has no such power under the Constitution; and I cannot, as a Senator, sanction any resolution that clothes the President of the nation with the war-making power. His duties are prescribed by the Constitution and by the laws of the land, and he is culpable whenever he violates the one or disobeys the other.

Again: the preamble to this resolution continues:

"Fourthly. He did, by an order of the 27th day of April last, addressed to the Commanding General of the Army of the United States, authorize that officer to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington."

It further recites:

"Sixthly. He did, on the 10th day of May last, issue a proclamation authorizing the commander of the forces of the United States on the coast of Florida to suspend the writ of *habeas corpus*, if necessary."

I conceive that the President of the United States has no power, under the Constitution and the laws of the land which he has sworn to support and execute, to suspend the writ of *habeas corpus*. There is a single provision of the Constitution upon the subject, and that, there can be no doubt, confers upon Congress alone the right to suspend the writ of *habeas corpus*, under such circumstances as are prescribed in the Constitution itself. The Constitution declares, and that, too, under the head of "the legislative power:"

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion and invasion, the public safety may require it."

The power is given to Congress, not to the President of the United States. I know that some gentlemen contend that the Constitution being silent as to who shall exercise this power, the President may as well do it as Congress. But, sir, that clause of the Constitution is put under the head of "legislative," not "executive" powers. Besides, sir, fortunately we are not left to work out our own interpretation of the Constitution on this subject. It has been held and decided by the most august judicial tribunal of the land that Congress alone has that power. Chief Justice Marshall, in the case *ex parte* Bollman & Swartwout, in 4 Cranch, 101, expressly decides that Congress alone has that power. Here is his language:

"If at any time the public safety should require a suspension of the powers vested by this act in the courts of the United States, it is for the Legislature to say so. That question depends on political considerations, on which the Legislature is to decide. Until the Legislative will be expressed, this court can only see its duty, and must obey the laws."

It has been decided by the highest judicial tribunal in the land, that the legislative power alone has the authority to suspend the writ of *habeas corpus*, and then only in the cases provided in the Constitution. Judge Story, in his Commentaries on the Constitution, also holds the same doctrine. Speaking of the *habeas corpus* clause in the Constitution, he says:

"It is obvious that cases of a peculiar emergency may arise which may justify, nay, even require, the temporary suspension of any right to the writ. But as it has frequently happened in foreign countries, and even in England, that the writ has, upon various pretexts and occasions, been suspended, whereby persons apprehended upon suspicion have suffered a long imprisonment, sometimes from design, and sometimes because they were forgotten, the right to suspend it is expressly confined to cases of rebellion or invasion, where the public safety may require it—a very just and wholesome restraint, which cuts down at a blow a fruitful means of oppression, capable of being abused in bad times to the worst of purposes. Hitherto, no suspension of the writ has ever been authorized by Congress since the establishment of the Constitution. It would seem, as the power is given to Congress to suspend the writ of *habeas corpus* in cases of rebellion or invasion, that the right to judge whether the exigency had arisen must exclusively belong to that body."—*3 Story's Commentaries on the Constitution*, section 1,336.

That, sir, is explicit. I think, therefore, there can be no doubt that the President, when he assumed to suspend the writ of *habeas corpus*, violated the Constitution and laws of his country that he had sworn to defend, support, and protect. He has exercised a power that has not been exercised, or attempted to be exercised, by a sovereign of Great Britain since 1688. Judge Blackstone, in the first volume of his Commentaries, asserts that the right to suspend the writ of *habeas corpus* in Great Britain is in Parliament alone. The king, the sovereign, has no such power, and that has been held by the liberty-loving men of Great Britain from the days of Magna Charta to this time. When the English barons exacted of the ignominious and pusillanimous King John that great charter of liberty, they secured in it their rights in this matter of *habeas corpus*. We find in that celebrated charter this language:

"No freeman shall be seized, or imprisoned, or disseized, or outlawed, or any way destroyed, nor will we go upon him, nor will we send upon him, except by the legal judgment of his peers, or by the law of the land.

"To none will we sell, to none will we deny, to none will we delay, right or justice."

That is the language that the barons used in that celebrated charter which they extorted from King John. From that day, sir, down to the revolution of 1688, which placed William and Mary, of Orange, upon the throne of Great Britain, I know there was a contest constantly going on between the people and their sovereigns as to whether that writ could be suspended by the king. By the act of Charles II, which is commonly called a second Magna Charta, it was secured to the citizen. Heavy fines were imposed on the judges who should refuse to grant that writ. The mode and manner of administering the law touching the *habeas corpus* was declared in that celebrated statute, and heavy and vast penalties imposed upon those who dared to refuse it, or to deny it. Since the year 1688, no British sovereign has claimed the power to suspend this writ, so far as I am advised.

The President, in suspending this writ, has necessarily suspended all the laws of the land that require the judges to administer the law. In one of the early Congresses, I believe in the very first Congress, there was a law passed authorizing all the judges of the United States to issue this writ. Mr. Lincoln, when he suspends that writ, when he denies to the judges of the land the power to execute the law, suspends the law as well as violates the Constitution; neither of which he has a right to do. The President is an executive officer. He has no right to administer the laws; he has no right to suspend the laws; his sole duty is to see that they are faithfully executed. Sir, the English people, in their bill of rights, to which William and Mary, upon their accession to the throne, assented, spoke very specifically on this subject. The very first charge enumerated against King James was, that he endeavored to subvert the religion, laws, and liberties of the realm—

"By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament."

The President has suspended the laws in violation of the Constitution, in a matter, too, most essential to the liberties of the people; and Senators who have taken an oath to support the Constitution are called upon not only to sanction, but, in the language of the resolution, to approve it. Sir, I never, never will approve the violation of the Constitution of my country by any man, high or low, whether it be the President of the United States or the most contemptible constable in the land: I never can and I never will approve a plain, clear, palpable violation of the Constitution of my country. I believe that I should be an unworthy Senator of a great and free Commonwealth if I were to do so.

Senators, in these distracted times, when our country is reeling and being torn asunder, when hostile armies are about to meet in stern conflict, in God's name let us preserve the Constitution of our country as the great temple of our liberties. I have looked upon that Constitution as the shield that was thrown around the rights of the citizen, which protected them in their rights of person and property; but that does not seem to be the case now. Senators, we have but the Constitution left. In Heaven's name let us preserve it.

We find, Mr. President, that the very first article of the bill of rights of 1668 is in these words:

"That the pretended power of suspending laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal."

The people of Great Britain, when they framed this charter, after the Revolution, declared, in the words that I have read, that all this suspending of the laws was illegal. They declared, further:

"That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is illegal."

Our wise and illustrious fathers, who well understood the principles of human liberty, incorporated the provisions that I have read in the Constitution of our land. Our English ancestry arraigned one king, drove him from his throne, and assisted in the inauguration of another; and then they passed this great charter, this bill of rights, to which that sovereign was compelled to assent before they would allow him to mount the throne. And yet, sir, we find the President of the United States exercising these powers, in direct violation of the Constitution of the land; and we are called upon, as representatives of the people

and of the States, not only to justify and to excuse, but absolutely to approve his acts. I will read that part of the resolution:

"That all the extraordinary acts, proclamations, and orders hereinbefore mentioned be, and the same are hereby, approved and declared to be in all respects legal and valid."

Is there a Senator here who believes that the President of the United States has warrant of the law and the Constitution for suspending this act of *habeas corpus*? If there is, he holds the Constitution in a very different light than did the Supreme Court of the United States in the decision I have read, Judge Story in his Commentaries, and all other commentators on the Constitution. I have, to some extent, examined the decisions, and I find they all hold the very same doctrine.

But some gentlemen, as did the Senator from Massachusetts [Mr. WILSON] the other day, seem to think there was some necessity for it. Where? There could be no necessity that would authorize this violation of the Constitution. Several persons, I have heard, have been imprisoned under it; among them, a man by the name of Merryman, in the city of Baltimore, and the police commissioners of that city, who are now at Fort McHenry, and denied the privilege of this writ. I think there could have been no necessity for it; because this writ, in my judgment, should never be suspended, not even in the cases prescribed in the Constitution, unless the judges of the country are considered too corrupt to administer the law. When the judges become too corrupt, in the opinion of the legislative department, to administer the law, then I think that Congress might lawfully and properly exercise the power to suspend this writ in the instances prescribed in the Constitution, but not until then.

The Chief Justice of the United States issued his writ to have Mr. Merryman brought before him. It was refused. He then, I believe, issued an attachment for contempt against the commanding officer at Fort McHenry, General Cadwalader, and the officer of the court was not permitted to execute that last process. What harm could there have been in having this man, John Merryman, brought before the Chief Justice of the United States, if he were lawfully imprisoned? It would have been the duty of the Chief Justice to investigate the case, and if he found that Merryman was improperly and unlawfully deprived of his liberty, to discharge him. If he had been of the opinion that he was guilty, and properly imprisoned, and the case was not a bailable one, he would have to remand him to the prison; or if, in his judgment, it were a bailable case, and the man probably guilty, then to discharge him on bail. What harm, if the man were really guilty, would there have been in bringing him before the Chief Justice, and allowing the judgment to be rendered? Why, sir, if you allow the Executive, or any other officer, to suspend this great writ, who is it that is secure in his person or his liberty? If the President can extend this power to all subalterns in the Army, notwithstanding the laws and the Constitution, which allow freedom of speech, and to a Senator the privilege to utter his sentiments here without being questioned, you might be arrested and put into prison before you reached your lodgings. I tell you, Senators, you should pause before you approve the acts of your President, thus ruthlessly violating the Constitution of your country and suspending its laws.

I will say no more on that subject; but I will proceed to another branch of the argument, for I intend to be very brief:

"*Fifthly.* He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers, increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen."

I demand to know of the friends of this resolution the clause of the Constitution or the law of the land that authorized the President of the United States to double the standing Army, and to make so large an increase of the Navy of the United States. The Constitution of the United States is very specific and distinct upon this subject. It confers upon the Congress of the United States alone the power to raise and support armies, and to provide and maintain a navy. I ask Senators to point me to the law or to the constitutional warrant that authorizes the President of the United States to raise armies. It is specifically declared in this resolution that he has added to the regular Army twenty-two thousand seven hundred and fourteen men. He has more than doubled it. Is there any law authorizing that? Will gentlemen pretend to say that there is? Has it any warrant in the Constitution? The Constitution declares that Congress shall have the power to raise and support armies. In the resolution it is said that the President has also increased the Navy by an addition of eighteen thousand seamen.

Senators, I suppose, undertake to get clear of the illegal act of the President under the plea of necessity. That plea of necessity, as was well said by my friend from Missouri, [Mr. POLK,] has been the plea of tyrants the world over. There never was a king, potentate, or sovereign, when he was assuming powers that did not belong to him for the purpose of crushing the liberties of his people, who did not do it under the plea of "necessity." I hold that that plea, even if it was legal, (which it was not, because the Constitution denies him that power,) is not well taken, for the necessity did not exist. Was the capital of the United States saved by the increase of twenty-two thousand men to the regular Army? Was it saved by adding eighteen thousand men to the Navy? I affirm, in the presence of the Senate, that it was not. What saved it? If saved at all, it was saved by the volunteer force that came to the standard of the Government under the proclamation of the President. I do not know whether the confederate States intended to take this capital. If they did, it was the duty of the President to use all the means confided to him by the Constitution to resist the attempt. That I cheerfully admit. But, sir, if the capital was saved from an attack it was saved by the volunteer force of the country which was called out under the first proclamation of the President.

Senators on the other side of the Chamber and indeed all around have been justly eulogistic of the promptitude with which volunteers from their respective sections of the country rushed to the service, at the call of the President. When the President had the right to call out a million of men for the purpose of protecting the capital, for the time prescribed by the law of 1795, which is until thirty days after the expiration of the commencement of the then next session of Congress, will Senators tell me he could not have saved this capital without violating the Constitution and the law by adding twenty-two thousand to the regular Army, or eighteen thousand seamen to the Navy? Senators, there is not one of you who in his conscience believes that this addition to the regular Army or Navy saved this capital.

I hope, therefore, that we shall not hear the plea of necessity urged any more in this Chamber, for really and verily it did not exist. The call of the President was for seventy-five thousand men; and the Senator from Massachusetts [Mr. WILSON] said that in three or four days they were marching from his State to Washington. They came from all over the country, twice, perhaps three times as many as were called for; and they were the persons who saved the capital, if it was saved. I do not think it is becoming the manhood of the Senate thus to depreciate the services of the volunteers of the country when they did this duty, by excusing the President for adding twenty-two thousand men to the regular Army, and eighteen thousand seamen to the Navy, contrary to the Constitution and laws of the country, under the plea of necessity. For one, sir, I never will approve of the violation of the Constitution of my country on any plea of necessity—never, never. I have sworn to be true and loyal to it, and I will approve of the act of no man who wantonly and flagrantly violates it.

And, sir, so far as this whole matter is concerned, allow me to say that this secession, this revolution, this dismemberment of the Union, or whatever you please to call it, was not suddenly forced upon the Executive of the United States. Before the close of the last session of Congress, I believe, there were seven States which declared that they were out of the Union. Their Senators left this Hall; they had proceeded to form a provisional government; and they had denied all and every allegiance to the Government of the United States. Mr. Buchanan, then President of the United States, made known these facts to Congress in a message, and told them that the remedy was with them, for he had no power under the Constitution and laws to act in such an emergency. What were the facts? Why, sir, in the lower House they undertook to pass some bill touching this subject. I do not remember its title; my friend from Ohio, [Mr. SHERMAN,] who was a distinguished member of that House, perhaps can tell. I know they spoke of it in common parlance as the "force bill." That bill was rejected in the House; at least it was never passed. Whether they took a vote on it or not, I do not know; but I know it did not pass.

Then, sir, here were States claiming to be out of the Union. Why did not the present President of the United States, when he came into office, (if he wished to increase the Army, if he wished to increase the Navy, for the purpose of putting down this revolutionary movement South,) convene Congress earlier? He could have convened Congress a month or two earlier than he did. He did not do it; and therefore I say to Senators that I do not think the plea of necessity is well taken. This increase of the Army and the Navy, then, did not save your capital or your public property anywhere.

Then there was no necessity for this increase of the regular Army; and yet we are called upon to approve all these acts, to justify and legalize them. Great God! Senators, can you legalize a violated and disrupted and broken Constitution? In my judgment, you cannot. If you do this on the plea of necessity, or because of the extraordinary times by which we are surrounded, let me tell you that you set a precedent most dangerous to the people of a free country. I had been of the opinion that liberty existed alone in the supremacy of the law. Demagogues may prate as they will; but there is no liberty save in the supremacy of the laws of your country; and if you allow the President, or any other officer, to violate the laws of your country with impunity, let me tell you that your liberties are fast waning away. Allow it in one case, and let some malicious tyrant—a Cæsar or a Bonaparte—assume that office in future, and he will avail himself of this plea of necessity, and perhaps place around him an armed band of a million of men, in violation of the law; and his menials and partisans and favorites will say, here is the precedent for it in the administration of President Abraham Lincoln, in the year 1861, when the whole Senate of the nation, under their oath, indorsed that violation and infraction of the Constitution.

Senators, let me tell you that when you vote this resolution, in my judgment, you will not only infract the Constitution yourselves, (and it is our duty, I hold, to support it,) but, by justifying and approving the action of the President, you will set an example most dangerous to a free people, and one that will be a step far towards the overthrow of our liberties. Others can do as they please; but for myself, I cannot and I will not sanction the violation of the Constitution of my country by any official; I will not applaud it; I will disapprove it; I will condemn it in every form that I possibly can.

Mr. WILKINSON. I should like to ask the Senator this question: whether he approves of the action of the Governor of Kentucky, in refusing to send volunteers here, in response to the President's proclamation, to defend this capital?

Mr. POWELL. I will answer the question with a great deal of pleasure. I can say to the Senator that I believe all Kentucky approved of the action of our Governor, I among the rest. I believe that men there of every political party approved it. I believe it is approved by our entire people. When I say entire, of course there may be a few exceptions, but certainly every political organization in the State, by public resolve, approved it, and the Legislature of the State approved it.

Mr. WILKINSON. Then I desire to ask the Senator whether he wished this capital protected?

Mr. POWELL. Yes, sir; I did wish the capital protected, and I had supposed there were plenty of men here to protect it.

Mr. President, it strikes me that in the earlier and better days of the Republic, instead of being engaged in an effort to pass through the Senate a resolution approving these violations of the Constitution by the Chief Executive, we should have been engaged in a far different scene. With such wanton, such palpable violations of the Constitu-

tion, the usurping of the war-making power, the power to raise armies, the power to provide a navy—it strikes me if we were in those days we should be witnessing a far different scene than this. Sir, if the people justly appreciated the liberty given to them by their fathers, and intended to be secured to them by the Constitution, the officer who committed these usurpations would be arraigned at the bar of the Senate, and be upon trial under impeachment; but that does not seem to be the temper of these times.

There is another clause of the Constitution that it strikes me has been violated. It is written in the Constitution that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." I suppose that money was drawn from the Treasury, and was expended in raising these twenty-two thousand men and adding this large number of seamen to the Navy. I suppose that moneys have been expended in carrying on this blockade. If so, it was in violation of the Constitution of the country; and I do not see how such things could have been carried on without money. There was certainly no money appropriated by law for that special purpose—none in the Treasury to be used by the President for that purpose; yet it has been done, clearly against the Constitution.

I was struck yesterday with the speech made by the distinguished Senator from Oregon, [Mr. BAKER.] He declared that he was for voting any amount of men and any amount of money that the President might desire to carry on this war. He declared that he would listen to nothing like a compromise; that he had been in favor of a peaceable settlement, but that now he was for a war, and a war, too, of subjugation; as I understood him, though he did not use that word. I will read what that distinguished Senator said. He claims, in the commencement of his speech, to be—and I have no doubt he is—the warm personal and political friend of the distinguished gentleman who fills the executive office of the United States. He says:

"I approve, as a personal and political friend of the President, of every measure of his administration in relation to the rebellion at present raging in this country. I propose to ratify whatever needs ratification. I propose to render my clear and distinct approval, not only of the measure, but of the motive which prompted it. I propose to lend the whole power of the country, arms, men, money, and place them in his hands, with authority almost unlimited, until the conclusion of this struggle. He has asked for $100,000,000. We propose to give him $500,000,000. He has asked for four hundred thousand men. We propose to give him half a million; and, for my part, if, as I do not apprehend, the emergency should be still greater, I will cheerfully add a cipher to either of these figures.

"But, sir, while I do that, I desire, by my word and my vote, to have it clearly understood that I do that as a measure of war. As I had occasion to say in a very early discussion of this question, I want sudden, bold, forward, determined war; and I do not think anybody can conduct war of that kind as well as a dictator."

The Senator seems to wish to clothe the President with dictatorial power. Why the necessity for that? You have a right to give him all the power of the nation, whether it be in its treasury, or its armies, or its navies; and he has the chief executive command. Why do you want to clothe him with any more power? It would seem that that was sufficient for all lawful and constitutional purposes—almost as great as the power of the dictators of Rome. The Senator seems, however, to be willing to clothe the Executive with the power to override the Congress and the Constitution of his country, and to put all the coördinate departments at defiance, for the purpose of crushing this revolution, or "rebellion," as he calls it, with the "sharp argument" of the bayonet. The Senator says, further:

"Here, as a Senator, looking beyond the immediate contingency, I still desire to show, by my conduct and my vote, that I venerate the principles of the Constitution of the United States."

Sir, that is a strange declaration for that distinguished Senator to have made, after the avowals which I have read. He venerates the principles of the Constitution of his country! Have I not shown you, sir, that the President of the United States has, without warrant of law, raised armies and provided navies, which the Constitution declares that Congress alone can do? Has he not usurped the war-making power, and blockaded the ports of certain States? Clearly. Has he not suspended the writ of *habeas corpus*? Has he not suspended the laws of the land, and prevented the judges from executing the statute in reference to the *habeas corpus*? All these things he has done; and the Senator from Oregon says that he approves of everything he has done, and he is willing to clothe the President with almost dictatorial power. Is there any dictatorial power in the President of the United States to violate the Constitution of the country? No, sir. It is strange the Senator should express any love or veneration for the Constitution, after the most remarkable declarations which I have read. But I will read another sentence or two from his speech:

"My honored friend from Maine [Mr. FESSENDEN] will bear me witness that I was perhaps the last man in the Senate to give up the hope that something might be done by conciliation and compromise—words I never propose to use again. I hoped, I sympathized, I struggled to the last."

We were all gratified at the effort made by the distinguished Senator last winter to compromise these difficulties, and I regret that in the effort that will, perhaps, be made in the future to compromise them we shall be deprived of the aid of that distinguished and eloquent Senator. He worked with ability and he worked with zeal to adjust these difficulties, and I sorely regretted that he could not bring to the standard a single member of the Senate from his side of the Chamber. I believe the honorable Senator alone, of all on that side of the Chamber, voted for any of the compromise measures so zealously urged by Senators on this side—by my then distinguished colleague, by the late eloquent Senator from Illinois, myself, and others. I do not think my worthy friend should stop so short in his mission of compromise and reconciliation. He seems to have become exceedingly ferocious and blood-thirsty. I hoped he would not weary of well doing until he converted the Republican side of this Chamber to those compromise measures. We all on this side were for them, are now for them, and would like to see this war settled and peace restored. We have, in fact, "no stomach for this fight;" we do not wish to see our citizens shedding each other's blood. But the distinguished Senator further declares:

"Now I hope to be among the last of all men willing to lay down arms at all. I will never vote to do it till, without treaty, the flag of the United States waves over every portion of its territory, and over a population either enthusiastically rallying beneath its shadow, or else abjectly subject to its sway."

Ah! that sounds very much like subjugation!

"Till then, give the President a million men; till then, give him not only the whole revenue of the Government, but the whole property of the people; do not refuse a single regiment; do not furl a single sail; do not abate a single jot of all your embattled vigor, till that hour shall come; but when peace returns, resume the condition and the arts of peace. Do not make peace until the glory of the American flag shall be its own defense."

After complimenting the gallantry of the southern men, and thinking that perhaps reverses may be met with in the efforts to conquer them, the Senator goes on to say:

"But, however that may be, it may be that instead of finding, within a year, loyal States sending members to Congress, and replacing their Senators upon this floor, we may have to reduce them to the condition of Territories, and send from Massachusetts or from Illinois Governors to control them."

What, Senators, do you think of that sentiment, which was expressed by the distinguished Senator from Oregon, the personal and confidential friend of the President, and, I think I can say without reflection upon any gentleman upon the other side of the Chamber, one of the most distinguished and able Senators on this floor? That Senator has declared his reverence for the Constitution of his country, and he undertakes this war—for what? It is a war nominally to sustain the Union. Now I ask my learned friend from Oregon if he thinks that he will maintain the constitutional Union of our fathers by reducing sovereign States to provinces, and sending to Carolina, to Mississippi, or to Louisiana, Governors from Massachusetts and Illinois. The remedy proposed is worse than the disease. What, sir; restore this Union by reducing sovereign States to provinces, and sending Governors from other States to rule over them? That would be the destruction of the Union; you would effect by that means the very thing that you take up arms to avert. You proclaim a war to save the Union; and when you accomplish the result that my friend from Oregon says he is willing to accomplish if necessary, you have then destroyed the Union; you have no longer free, sovereign States; but you have conquered provinces of menials and slaves, governed by men from Massachusetts and Illinois. I ask the Senator again, if that is restoring the Union? I have always supposed that this Union was formed of free, sovereign, independent States or Commonwealths; but the Senator, in order to maintain the Union, would blot these States out of existence, and hand them over to the strong arm of the North as conquered provinces; and then, for grace and mercy, he would send from Massachusetts Governors to rule the people of Louisiana and South Carolina. All this the Senator will do in the name of that Constitution which he professes to revere. The Constitution of the Senator's country and of my country declares that "the United States shall guaranty to every State in this Union a republican form of government;" and yet the Senator in his speech proclaims that he is willing to reduce the South to conquered provinces, and give them Governors from Massachusetts and Illinois; and in the very same speech he expresses his reverence for the Constitution. Would these States have republican governments when you had put the iron heel of your military power on them, when you had overthrown their liberty, when you had deprived them of the right to elect Governors, and sent a Massachusetts Governor to Louisiana, or Texas, or any State South?

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky give way to the Senator from Oregon?

Mr. POWELL. With pleasure.

Mr. BAKER. The Senator from Kentucky is catechising me, and I will reply.

Mr. POWELL. Not catechizing.

Mr. BAKER. It was very courteously done; and I will reply to it. He accuses me of want of reverence for the Constitution, because I said that, in some circumstances, I would govern those States as Territories. He tells me that the Constitution guaranties to those States a republican form of government. I tell him that a territorial form of government is a republican form of government; and I told him so when I was going to vote to admit Kansas as a State, and he would not. It is true, that a territorial form of government may be a republican form of government as well as a State government may be. That is the answer to that.

In the next place, I desire to remind him that we are now in a state of what he calls war with thirty, forty, fifty thousand men within five miles of this Capitol; and, as was said somewhere yesterday, the Senate of the United States is within the hearing of hostile guns. This is not a time or place to mince measures or words. If he had read the whole of the remarks which he does me the honor to comment on, he would have seen that I said I hoped the Union sentiment would return, rekindle in those States. I hope that they will yet send Representatives, as distinguished—and none can be more so—as true as my honorable friend from Tennessee, [Mr. JOHNSON,] now before me; but I did say, and, in spite of the fulminations of the Senator from Kentucky, I shall continue to repeat, that if they will not come here as States, we will not let them out of the Union for that reason. If they will not govern themselves in Congress, we will govern them. Rather than separate from them, and lose them, we will govern them as Territories, and govern them a great deal better than they will govern themselves. That is what I said; and I trust the Senator will not intentionally misrepresent it.

I add but one other word. He has been pleased to allude to my relations to the President. I beg to leave to say that never in my life have I conversed with the President directly or indirectly on that subject; and I am very sure that, in the midst of the very able Cabinet that surrounds him, and Senators far more distinguished in this body, and far longer here, I should be almost the last person through whom he would seek to present his sentiments, if he needed anybody. But, sir, he needs nobody. His inaugural message and his later message explains so well the kindly, noble sentiments that he entertains for the South as well as the North, that nothing which I could say, if he were to authorize me, would add to it.

Mr. POWELL. I certainly had no desire to misrepresent the distinguished Senator from Oregon, and I feel very confident that I did not do it; for I was careful to read the Senator's positions

from his speech as reported in the Globe, which I hold in my hand. Now, the Senator says that a territorial form of government is a republican form of government. I was astonished that a gentleman so eminent as is the Senator should resort to what I call a very shallow subterfuge to avoid the position which I took. Would the Senator say that the Government would be fulfilling that clause of the Constitution which says the United States shall guaranty to every State in this Union a republican form of government, if it reduced a free State, one of the sovereign States of this Union, to the condition of a Territory? I am confident the distinguished Senator would contend for no such untenable position. That our territorial governments are republican to some extent is very true. They are provided for people who are not sovereign. They are provided for our distant Territories when their condition is not such as to entitle them to enter the family of States as members of the Confederacy. They are governed for the purpose of preparing them to enter the Union as States, and for that only.

But will the Senator say that he observes the Constitution of his country, which guaranties to each State in this Union a republican form of government, by destroying a State organization and reducing it to the condition of a Territory, and sending Governors from other States to govern it? I am sure my friend will not do such injustice to his own ability as to assume and urge any such position.

I expressed, a few moments ago, my great regret that my distinguished friend from Oregon had withdrawn his adherence from those of us who desired peace and conciliation; who desired a settlement of the vexed questions agitating the country without a resort to arms. I know how fully I appreciated that Senator's movements last session, and I deeply regretted that his able and eloquent advocacy of peace propositions and amendments to the Constitution had so little influence upon Senators upon his side of the Chamber. I still declare, to-day, that I desire these difficulties to be settled in any other way than by a recourse to arms. I do not believe that this Union will ever be reinstated, or that it will ever be held together by force of arms. I believe that those who really love the Union, those who wish to restore the union of these States, those who wish to bring them back in harmony under the Constitution of the country, desire to avert war. I said in my place last winter that I believed war was equivalent to disunion. I solemnly believe to-day that every battle you fight will widen and deepen the chasm that divides the States of this Union. In my judgment, Senators, you can never reunite this distracted, broken Confederacy by force of arms. I do not believe that one section can ever conquer the other; but if it could, so far from that bringing about the result for which you go to war, you would have produced the very opposite; you would have forever destroyed the constitutional Union.

Senators, in my judgment, we should make every effort to settle this matter peaceably. I would like to see this war instantly cease on both sides, and then see the States that are now arrayed in hostile attitude against each other, exhaust every means possible for the peaceful settlement of the difficulties by such amendments to the Constitution as would satisfy all parties, and allow us to live in peace and harmony once more as a united people. I desire to see this Union reunited, and this constitutional Confederacy go on as a whole as much as any man in this Chamber. But I feel confident that you can never effect that by arms. You must do it by compromise; you must do it by conciliation. You cannot do it by force. I heartily concurred with the Senator from Illinois, (now, I regret, no more,) the late Mr. Douglas, in the speech which he made here on the 15th of March last. It so fully meets my views on this question of coercion, that I will send it forward, and ask the Clerk to read it.

The Clerk read, as follows:

"I prefer such an amicable settlement to peaceable disunion; and I prefer it a thousand times to civil war. If we can adopt such amendments as will be satisfactory to Virginia, North Carolina, Tennessee, and the other border States, the plan of pacification which will satisfy them will create a Union party in the cotton States, which will soon embrace a large majority of the people in those States, and bring them back of their own free will and accord; and thus restore, strengthen, and perpetuate this glorious old Union forever. I repeat, whatever guarantees will satisfy Maryland and the border States (the States now in the Union) will create a Union party in the seceded States that will bring them back by the voluntary action of their own people. You can restore and preserve the Government in that mode. You can do it in no other.

"War is disunion. War is final, eternal separation. Hence, disguise it as you may, every Union man in America must advocate such amendments to the Constitution as will preserve peace and restore the Union; while every disunionist, whether openly or secretly plotting its destruction, is the advocate of peaceful secession, or of war, as the surest means of rendering reunion and reconstruction impossible. I have too much respect for his intellect to believe, for one moment, that there is a man for war who is not a disunionist *per se*. Hence I do not mean, if I can prevent it, that the enemies of the Union—men plotting to destroy it—shall drag this country into war, under the pretext of protecting the public property and enforcing the laws and collecting revenue, when their object is disunion, and war the means of accomplishing a cherished purpose.

"The disunionists, therefore, are divided into two classes: the one open, the other secret, disunionist. The one is in favor of peaceful secession and a recognition of independence; the other is in favor of war as the surest means of accomplishing the object, and of making the separation final and eternal. I am a Union man, and hence against war; but if the Union must be temporarily broken by a revolution, and the establishment of a *de facto* government by some of the States, let no act be done that will prevent restoration and future preservation. Peace is the only policy that can lead to that result.

"But we are told, and we hear it repeated everywhere, that we must find out whether we have got a Government. 'Have we a Government?' is the question, and we are told we must test that question by using the military power to put down all discontented spirits. Sir, this question, 'have we a Government?' has been propounded by every tyrant who has tried to keep his feet on the necks of the people since the world began. When the barons demanded Magna Charta from King John at Runnymede, he exclaimed, 'Have we a Government?' and called for his army to put down the discontented barons. When Charles I attempted to collect the ships' money in disregard of the rights of the people, and was resisted by them, he exclaimed, 'Have we a Government? We cannot treat with rebels; put down the traitors; we must show that we have a Government.' When James II was driven from the throne of England for trampling on the liberties of the people, he called for his army, and exclaimed, 'Let us show that we have a Government.' When George III called upon his army to put down the rebellion in America, Lord North cried lustily, 'No compromise with traitors; let us demonstrate that we have a Government.' When, in 1848, the people rose upon their tyrants all over Europe and demanded guarantees for their rights, every crowned head exclaimed, 'Have we a Government?' and appealed to the army to vindicate their authority and enforce the law.

"Sir, the history of the world does not fail to condemn the folly, weakness, and wickedness of that Government which draws its sword upon its own people when they demanded guarantees for their rights. This cry, that we must have a Government, is merely following the example of the besotted Bourbon, who never learned anything by misfortune, never forgave an injury, never forgot an affront. Must we demonstrate that we have got a Government, and coerce obedience without reference to the justice or injustice of the complaint? Sir, whenever ten million people proclaim to you, with one unanimous voice, that they apprehend their rights, their firesides, and their family altars are in danger, it becomes a wise Government to listen to the appeal, and to remove the apprehension. History does not record an example where any human government has been strong enough to crush ten million people into subjection when they believed their rights and liberties were imperiled without first converting the government itself into a despotism, and destroying the last vestige of freedom."

Mr. POWELL. Mr. President, the sentiment expressed in the extract just read from the speech of the illustrious Senator from Illinois, now no more, fully meets my approval. I approved it when it was uttered in this Chamber; I approve it now. I verily believe that those who propose to maintain the Union of these States by arms are disunionists. They may not wish to destroy the Union; but the very means to which they resort for the purpose of saving it, will most assuredly accomplish its destruction. Hence I have been from the beginning opposed to war, and I am now opposed to it. I think that, in this age, as a Christian, enlightened people, we should settle these difficulties without a resort to arms. If Senators on the other side of the Chamber last winter had coöperated with Senators on this side, and we could have had a corresponding action in the other House, I have no doubt all these difficulties could have been settled. It is well known that propositions to amend the Constitution were introduced here, and that everybody on this side of the Chamber approved them, and was ready to go for them; and why were they not passed? It was because the whole Republican side of the Senate put their faces against them. With the exception, perhaps, of the distinguished Senator from Oregon, I do not believe they got a vote from that side of the Senate. My friend from Connecticut [Mr. DIXON] I know made a gallant and patriotic speech, but I do not remember that he voted for one of those resolutions, though I will do him the justice to say that I believe, if he thought they would have passed, he would have done so. We did everything in our power, by proposing constitutional amendments, to avert the difficulty, and to restore harmony to a distracted country. Why was it not done?

Senators, you on that side of the Chamber are responsible for it; and when the passions of men shall have abated, and this wild fanaticism, this warlike spirit that now sweeps over the land shall have subsided, the people of this country will calmly and dispassionately look into the history of these times, and if it shall be, as I fear it will be, that this Union is forever destroyed, that this mighty fabric of our fathers is torn, this great Government overthrown, history, impartial history, will hold you responsible for it; for you could have settled the controversy; you could have settled it peaceably; you could have settled it without impairing any rights of any man or any State in the North, by granting proper guarantees to the South which would have done you, your property, or your States, no harm. You declined to do it; the responsibility is with you. I hoped, when the President summoned us to meet in this extraordinary session, that I should have seen in the message of that distinguished individual some proposition of compromise, of peace, and of settlement; but I was sorry, on hearing it read, to find that it contained no such proposition. I was in hopes that the distinguished Senators on the other side of the Chamber would introduce some proposition to restore peace to this distracted country; to reunite, if possible, these States; to cause this war, that can result in no good to any, but irreparable and incalculable injury to all, to cease.

Sir, I have no doubt now that a thousand millions of money will not make up to this country the losses that will have ensued in consequence of this revolution. You will go on; you will vote here, perhaps, $500,000,000 to carry on this war for a single year; and if you bring into the field five hundred thousand men, on information I get from distinguished military men, you will have to be very economical in the administration of your military affairs if it does not cost you every dollar of your $500,000,000 to support your five hundred thousand men. You will not get enough revenue in the mean time from the ordinary sources to pay one third of the expenses of your civil Government. The country owing now nearly one hundred million, will, at the end of another year, owe six or seven hundred millions of money; and even provided you get the money, at the end of another year that debt will be doubled, and the revenues that you will get from your tariff will not raise money enough at the end of two years to pay the interest on your public debt. In the mean time your commerce is destroyed, your trade broken down, every industrial pursuit, every material interest destroyed; your people are thrown out of employment, the workshops closed, your shipping rotting; every art of peace, and everything that is calculated to make a people great, free, prosperous, and happy, will be prostrated, and what will you have done? Will you have reunited the States? No, sir; you never can reunite them by the sword. You will have butchered hundreds of thousands of your countrymen. There will be thousands of widows and orphans made upon both sides. You may sack cities, you may burn houses, you may cut throats for twenty years, and you will never reinstate States and reconstruct and reform this Union by that course. I tell you, Senators, it is madness to think of it.

It is our duty, then, so far from approving what the President has done, by our votes, to give that distinguished magistrate a stern rebuke for the power that he has assumed; for the violence he has done to the Constitution of his country. We should tell him that we consider that our liberties are held by virtue of the supremacy of the laws, and in no other way; and that we will allow no magistrate, with impunity, to violate the Constitution and the laws of the land without giving him a stern rebuke.

I believe it was the custom in the free commonwealth of Athens to decree all her magistrates who did not administer her government, or execute the functions of the government according to law, to be tyrants; and it was well done, for that people knew that liberty dwelt only under the shelter of the supremacy of law. One of the most alarming

symptoms to my mind of these troubled times is that although such bold, palpable, and unmistakable violations of the Constitution of the country have been committed, with the Legislatures of sixteen or seventeen States of this Union in session, I have not seen a single legislative resolve censuring the Chief Magistrate for his conduct. It appears as if the spirit of liberty that animated our ancient sires had departed, when we behold men ready to see the Constitution of their country overturned, and throw up their hats and shout praises to him who does the deed. To my mind it is a most fearful indication of the degeneracy of the times in which we are.

We hear from the other side of nothing but war and carnage; we hear nothing of peace; we hear nothing of compromise. Senators say they have used the word "compromise" for the last time. I believe no one could make that announcement but the Senator from Oregon; for if any of the other gentlemen on that side were in a compromising mood I did not discover it last winter when the votes were taken. Notwithstanding that, I yet hope we may settle this question peaceably. Let us cease these hostilities for the present. Let us make an effort for adjustment. We certainly never shall accomplish it unless we make an effort. Let us make every effort we can, and if we fail we shall have discharged our duty.

If there is one thing in our Constitution to contradistinguish it from others, it is that the military power of this Government is kept subordinate to the civil. Here we find the President of the United States subordinating the civil to the military, reversing the thing; and yet, sir, I suppose we shall find Senators voting for it. What would have been the opinions of your fathers and mine, if it had been proposed to them that they should approve of the acts of a magistrate, when, contrary to the law and the Constitution of the country, he had subordinated the civil to the military authority? The military authority should be governed by and in obedience and in subordination to the civil authority. The Constitution and the genius of our Government there place it. The President of the United States has seen fit, by his acts, that are recited in this joint resolution, to say differently, and we are called upon here to legalize, to ratify, even to approve, these acts. I trust that the American Senate will never be so degenerate.

I have spoken longer than I supposed or expected. My single object was to state very briefly the reasons why I could not vote for the resolution. I had no expectation of satisfying Senators on the other side that they should, with me, vote against it; but I felt it to be my duty to myself; I felt it due to the gallant State which I represent; I felt it due to every one who loves constitutional liberty, to raise my voice against the overthrow of the Constitution of my country.

The PRESIDING OFFICER, (Mr. FOSTER.) The question is on the motion to commit the resolution to the Committee on the Judiciary.

Mr. WADE. I withdraw the motion which I made.

The PRESIDING OFFICER. The motion to commit is withdrawn.

Mr. BRECKINRIDGE. The Senator from Ohio having withdrawn his motion, I believe the question now is on the passage of this joint resolution.

The PRESIDING OFFICER. That is the question before the Senate.

Mr. BAYARD. I understood the honorable Senator from Ohio to make a motion to refer this resolution to the Committee on the Judiciary.

Mr. WADE. I did make that motion; but, on consideration, withdrew it.

Mr. BAYARD. I think that is the preferable disposition of it; and I renew the motion in order to take the sense of the Senate; and if that course is declined, I shall desire to make some remarks on this particular measure, though it is not my intention to do so in reference to any of the bills for practical legislation.

Mr. BRECKINRIDGE. I will yield the floor with pleasure to the Senator from Delaware.

Mr. WILSON. I propose, if the Senators desire to speak on this question—and I suppose they do—to let the pending resolution go over until to-morrow, and we can go on to-day with another bill containing practical measures.

Mr. BAYARD. To-morrow or Monday, whichever the Senate prefers, will suit me. I do not desire to defer the practical legislation of the majority. This is not practical legislation. It is a fair subject for discussion. It may go over to to-morrow or Monday, whichever the Senate prefers.

Mr. BRECKINRIDGE. I have not been fortunate enough to hear what has just fallen from the Senator from Delaware. As far as I am concerned, I will say to the Senator from Massachusetts that I expect to be exceedingly brief in the remarks I have to make, not occupying, perhaps, more than twenty or twenty-five minutes. If, however, it be the pleasure of the Senate to take up other business, I am perfectly content to make them to-morrow.

The PRESIDING OFFICER. It is moved that the further consideration of the joint resolution be postponed until to-morrow.

The motion was agreed to.

ORGANIZATION OF THE ARMY.

Several messages of an executive character were received from the President of the United States, by Mr. NICOLAY, his Secretary.

Mr. COLLAMER. There is a large body of papers on the table requiring an executive session, and I think we can further the business we are upon here as much by referring those papers, at least, as by doing anything else just now. I therefore move that the Senate proceed to the consideration of executive business.

Mr. WILSON. I hope the Senator will withdraw that motion for a few moments, so that I may put a practical bill in the shape I desire.

Mr. COLLAMER. A bill from the House of Representatives?

Mr. WILSON. No; a Senate bill, to which I desire to have some amendments made.

Mr. COLLAMER. I do not withdraw the motion.

Mr. WILSON. I only want to submit some amendments, and have them printed.

Mr. COLLAMER. If that is all, I withdraw my motion.

Mr. WILSON. I move to take up the bill (S. No. 3) providing for the better organization of the military establishment.

The motion was agreed to.

Mr. WILSON. I propose three or four amendments to the bill, in addition to those which have been reported by the committee. They need not now be read. I move that the bill and amendments be printed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. COLLAMER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and, after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 11, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

APPOINTMENT ON COMMITTEE.

The SPEAKER appointed Mr. KELLEY as a member of the Committee on Indian Affairs, in the place of Mr. MALLORY, excused.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of their clerks, informing the House that the Senate had passed a bill authorizing the employment of volunteers to aid in enforcing the laws and protecting public property; in which he was directed to ask the concurrence of the House.

Also, that the President had approved and signed an act (S. No. 6) to refund and remit the duties on arms imported by States.

QUALIFICATION OF A MEMBER.

Hon. ERASTUS CORNING, a member from the State of New York, appeared, and was qualified by taking the usual oath of office.

VOTES RECORDED.

Mr. SMITH. I was unavoidably absent from the House yesterday when the vote was taken on the loan bill. I ask permission now to record my vote in favor of that bill.

No objection being made, the vote was accordingly recorded.

Mr. APPLETON made a similar statement and request; and there being no objection, his vote was recorded in the affirmative.

REFERENCE OF A BILL.

Mr. MORRILL, of Vermont. I move that the bill which was received from the Senate a few moments since, in reference to the employment of volunteers, be referred to the Committee on Military Affairs.

No objection being made, the bill was taken from the Speaker's table, read a first and second time, and referred to said committee.

CORRECTION OF THE JOURNAL.

Mr. JOHNSON. I rise to a correction of the Journal. I yesterday moved an amendment to the resolution offered by the gentleman from Illinois [Mr. MCCLERNAND] in reference to the establishment of an armory, by striking out the word "west" and inserting the word "east." I perceive that the Journal has some other words which were not included in my amendment. The resolution read "west of the Alleghany mountains." I moved to insert "east" in the place of "west." I desire to have the Journal corrected accordingly.

Mr. MCCLERNAND. I desire to have the Journal read as it is, before that correction is made.

The Journal was read as follows:

"*Resolved*, That a committee of nine be appointed by the Speaker to inquire into and report upon the expediency of the establishment of a national armory west of the Alleghany mountains.

"Pending which,

"Mr. JOHNSON moved to amend the same by striking out 'west of the Alleghany mountains,' and inserting in lieu thereof, 'east of the Rocky mountains.'"

Mr. JOHNSON. My motion was to strike out "west," and insert "east."

Mr. MCCLERNAND. According to my recollection, the Journal reports the amendment correctly; but I have no objection to a change of the Journal.

Mr. MCKNIGHT. I object.

VOTE RECORDED.

Mr. CAMPBELL. I was necessarily absent yesterday when the vote was taken upon the loan bill. I ask now to have my vote recorded in favor of that bill.

No objection being made, the vote of Mr. CAMPBELL was recorded accordingly.

DISTRIBUTION OF DOCUMENTS.

Mr. BUFFINTON. I ask the unanimous consent of the House to offer a resolution.

Mr. WASHBURNE. What is the regular order of business?

The SPEAKER. It is the call of committees for reports.

Mr. WASHBURNE. I will not object to this resolution; but after that, I shall insist upon the regular order of business.

Mr. BUFFINTON offered the following:

Resolved, That all public documents, of which extra copies have been ordered to be printed by the House, previous to the Thirty-Seventh Congress, which have not been delivered, and are now in the possession of the officers of this House, shall be equally distributed among the members of the House, for distribution among their respective constituents.

Mr. ELY. I desire to ask the gentleman from Massachusetts what documents he refers to?

Mr. BUFFINTON. I refer to all documents which have not been distributed.

The SPEAKER. Is there any objection to the reception of the resolution?

Mr. ROSCOE CONKLING. I do not know whether I desire to object or not. If I understand the resolution, if any member of another Congress, not a member of this, has left his books here, those books go into the general distribution, and all the members of this House share therein. That would be very unjust.

Mr. BUFFINTON. It is the usual resolution always introduced at the commencement of each session.

Mr. ROSCOE CONKLING. I must object to the resolution, if it is open to the objection I state.

Mr. BUFFINTON. It is not.

Mr. KELLOGG, of Illinois. It is impossible in this part of the House to hear anything, and I therefore ask that the resolution may be again read.

The Clerk read the resolution again.

Mr. ROSCOE CONKLING. That resolution is open to the objection I suggested.

The SPEAKER. Does the gentleman object to the resolution?

Mr. ROSCOE CONKLING. I do, sir.

RECORDING OF VOTES.

Mr. McPHERSON. I rise to a privileged question.

Mr. WASHBURNE. I call for the regular order of business.

Mr. McPHERSON. I was sick yesterday and unable to attend the session of the House, and I desire to record my vote in favor of the loan bill.

Mr. WASHBURNE. I will move that every gentleman who was not present yesterday, and who desires to have his vote recorded on the loan bill and other bills, be permitted to have it done.

Mr. McPHERSON. Well, I vote "ay" on the loan bill.

Mr. WASHBURNE. Several gentlemen were absent yesterday when the bill reported by the Committee on Commerce was passed, and who desire to record their votes. Two of my colleagues were absent, and I hope leave will be given to members to record their votes.

Mr. FENTON. I hope this practice will not be carried any further. I object.

Mr. VALLANDIGHAM. I call for the regular order of business.

Mr. CONWAY. I desire to present a petition.

The SPEAKER. The regular order of business is called for.

Mr. CONWAY. I want to consume but one minute of the time of the House in presenting the petition of certain citizens residing on the New York Indian lands in Kansas, in favor of the passage of a homestead law.

The SPEAKER. That can be done under the rules.

The SPEAKER then proceeded to call the committees for reports.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEVENS, from the Committee of Ways and Means, reported a bill making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, made the special order for to-morrow at one o'clock, and ordered to be printed.

CIVIL APPROPRIATION BILL.

Mr. STEVENS, from the same committee, also reported a bill making additional appropriations for sundry civil expenses of the Government for the year ending 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, made the special order for to-morrow, and ordered to be printed.

Mr. STEVENS moved to reconsider the several votes by which the bills were disposed of; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

EFFICIENCY OF THE ARMY.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported a bill to promote the efficiency of the Army; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

EMPLOYMENT OF VOLUNTEERS.

Mr. BLAIR, of Missouri, from the same committee, also reported a bill to authorize the employment of volunteers to aid in supporting and defending the Government of the United States; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

CLOSE OF DEBATE.

Mr. STEVENS moved that all debate in Committee of the Whole on the state of the Union, on House bill No. 18, making additional appropriations for the support of the Army for the fiscal year ending the 30th of June, 1862, and appropriations of arrearages for the fiscal year ending the 30th of June, 1861, close in five minutes after its consideration should be resumed in Committee of the Whole on the state of the Union.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. STEVENS moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE in the chair,) and proceeded to the consideration of the bill making additional appropriations for the support of the Army.

The bill having been read through, the Clerk proceeded to read it by clauses for amendment.

The second clause of the bill was read, as follows:

For expenses of recruiting, transportation of recruits from the different rendezvous to general depots, procuring of medical attendance, and all other expenses attending the raising of twenty-four thousand two hundred and eighty-five men, to be organized into nine regiments of infantry, one regiment of cavalry, and one regiment of artillery, as per General Orders No. 16, dated War Department, Adjutant General's Office, Washington, May 4, 1861, $358,000.

Mr. BURNETT. Mr. Chairman, I propose as an amendment, with a view simply to make an inquiry of the chairman of the Committee of Ways and Means, to strike out the word "nine," in the eleventh line, and insert "ten" in lieu thereof. The first opportunity I have had of examining this bill has been since the Clerk commenced the reading of it. I have not yet been able to see the estimates upon which I presume it is based. Millions and millions of dollars are voted—hurriedly passed through the House without an opportunity being afforded to members upon this floor of any investigation of these measures in detail, or really understanding the features of the bills upon which they are required to vote. I desire to ask the chairman of the Committee of Ways and Means whether this bill is based upon estimates furnished by the Secretary of War, and is in accordance with those estimates?

Mr. STEVENS. Entirely so, sir. There is no variation from the estimates.

Mr. BURNETT. I wish to ask the gentleman a further question. What is the aggregate amount of money appropriated by the provisions of the bill?

Mr. STEVENS. I think $167,000,000; deducting, however, $6,000,000, which was passed at the beginning of the week.

Mr. BURNETT. One hundred and sixty-seven million dollars?

Mr. STEVENS. Minus $6,000,000.

Mr. BURNETT. The first clause in this bill proposes that which Congress has refused to do, I believe, every session since I have had the honor of a seat upon this floor—three Congresses—an increase of the regular Army. If there were no other reason, and without reference to the details of the bill, I should vote against it for that reason.

I offered the amendment *pro forma* and solely with a view of obtaining this information; and I will now, if no gentleman desires to speak in opposition to it, withdraw it.

There being no objection, the amendment was withdrawn.

Mr. LOVEJOY. I move to strike out the whole clause. I am entirely willing that any appropriation shall be made that is necessary to cover the expenses incurred in suppressing the insurrection; but I am not willing to vote for a proposition to more than double the standing Army of the United States. I am willing to vote $500,000,000 for the expenses of suppressing the rebellion, and 500,000 men if it is necessary. I believe this is the wish of the country. I know that it is the wish of the people that I represent. They will, uncomplainingly, give the last cent they have, and the last drop of blood; but I do not think they desire this unusual increase of the standing Army. I think that if we need to increase the standing Army at all, now is not the proper time to do it. It is no sufficient answer to say that we can reduce it at any time. It is very difficult to reduce the Army after it has been once increased; and the present demonstration through the country shows that the citizens of this country are willing to fight their own battles, and to defend their own Government to the extent that I have indicated—that is, to the extent of all the property that they have, and laying down their lives willingly and joyfully for their Government; but I do not believe they want an increase of the regular Army.

I do not wish to occupy time in speaking. I shall not expatiate upon this uprising of the people. These things are familiar to us all. I merely rose to indicate what, in my opinion, is the desire of the loyal citizens of the United States. I therefore hope the motion will prevail.

Mr. MALLORY. I would respectfully ask the Chairman of the Committee of Ways and Means how it is that this enormous appropriation for the support of the Army of the United States, contemplating an increase of that Army and the calling out of an immense force of volunteers, happens to be presented to the House before the Military Committee have reported in favor of increasing the Army and calling out those volunteers? Are we not legislating in advance of the necessity of legislation in this matter?

Mr. STEVENS. I do not know that I can properly say anything until the vote is taken on the amendment.

The SPEAKER. By unanimous consent the gentleman can answer the interrogatory of the gentleman from Kentucky.

Mr. STEVENS. We have based our appropriation bill on the demands of the War Department. It is the desire of our committee to make these appropriations and to finish this session of Congress, as far as we are concerned, in the least possible time. We cannot wait on other committees to make their reports before we proceed, without protracting the session. We had hoped to be able to finish up our business, and to be ready to adjourn by next Thursday at furthest. If other committees do not conform to the recommendations of the Departments, we will, perhaps, be compelled either to amend these bills, or to pass supplementary bills. But we go on the supposition that the estimates of the Departments will be followed by all our committees. On that ground, we have followed the estimates, which is the usual way. We did not see the necessity of waiting for the action of other committees. It is just as right that they should conform to our estimates of what money should be appropriated, as that we should conform to their estimates of the number of men required. We think that the Army called for by the Secretary of War and the President should be granted, and that the House ought to conform to their requisition. If the Military Committee report a bill recommending a greater or less force, I think the bill ought to be rejected. Hence we have reported a bill in accordance with the recommendation of the Executive, being disposed, in these war times, to give to the Government all they ask, and as they asked it, in the hope that another half year will not pass away without something being done, through the use of this army, to terminate this extraordinary rebellion.

As regards the increase of the Army, I have to say that I think it at this time very necessary. We do not know exactly how long this war will continue. The importance of having old disciplined troops as a nucleus for all new troops to rally around is so obvious to every gentleman, and must be especially so to my friend from Illinois, that it hardly requires any other argument. If this Army be found too large after this rebellion is suppressed, it is very easy for Congress to repeal that law and reduce the Army to a peace standard. This is the war standard of the Army. This is the standard which we think, in the present time, having a vast country to subdue, it is necessary for us to have. When peace is upon us, I shall, if I happen to be here, go as far as the gentleman to reduce the expenses by reducing the Army to the peace standard. But I do not think fifty thousand men too large a standing Army as a war standard. Hence I hope this bill will pass as it has been reported.

Mr. VALLANDIGHAM. I move to amend the amendment, by striking out the words "and

fifty-eight," in the fifteenth line. I desire to call the attention of the committee to the fact that this paragraph of the bill makes provision for the increase of the standing Army, as ordered by executive proclamation, and without the authority of Congress; and, as the gentleman from Kentucky has said, in anticipation of any action looking to the possible ratification—if it be possible to ratify it—of the act of the President. I trust we shall be allowed a vote by yeas and nays in the House on this proposition. Believing the act of the President to be unconstitutional, I am opposed to the proposition; and if I did not so believe, I would be opposed to it also on the ground suggested by the gentleman from Illinois, [Mr. LOVEJOY.] It would be far preferable, in my judgment, to have the officers of the regular Army distributed fairly among the volunteer regiments, instead of taking all the Army officers, who have been educated at the expense of the United States, and then going to civil life for the purpose of bringing in a very large proportion also, and thus making up an increase of the regular service. It seems to me that some of the disasters and mismanagements that have already occurred in the course of these hostilities are attributable directly to the fact that raw and incompetent officers from civil life have been in command.

I rose, however, not to discuss this matter at length, but simply to express the hope that we shall be allowed a vote on it. While up, I desire to say that I regretted hearing the chairman of the Committee of Ways and Means say that his object was simply to carry out blindly the recommendations of the Executive Departments. As one whose position is well understood in regard to this war, I have this to say: inasmuch as the war is to be waged—there is no doubt that it will go on for the present—I ask the majority in this House and in the Senate to take charge of it, so that it may be waged under the auspices of Congress. It is well known that I have not the utmost confidence in the party that is predominant here and in the other wing of the Capitol; but I would a thousand times rather trust them—without reference to the individuals who compose the Administration—than trust the Administration itself, or any Administration, from Washington's down. Let them, then, take charge of this war. Let it be carried on in all respects—except its mere execution—by the representatives of the States and of the people, and not merely by the Executive.

I protest, then, against the proposition that we shall agree to whatever is asked of us by the Executive Departments.

Mr. BLAIR, of Missouri. I do not understand that this section of the bill, as reported, authorizes the addition of new regiments to the regular force of the Army. I understand it simply to authorize the payment of a certain amount for recruiting these regiments. I have risen now merely to respond to something that fell from the chairman of the Committee of Ways and Means, in regard to the manner in which the Military Committee has discharged its duties. The Committee on Military Affairs has had under consideration the subject of adding these new regiments to the regular Army; but it has not as yet thought proper to authorize any bill on this subject. I do not know what it will decide in regard to it. It is certainly a subject of vast importance to the country; and we are entitled, I presume, to have some little time in which to consider it, and to gather the opinions of those who are well acquainted with the subject.

But I see no objection to this section of the bill. I do not see that it will authorize the addition of these regiments to the regular force of the Army. But in case Congress does authorize the increase, it authorizes the Secretary of War to pay this sum for recruiting these regiments. If Congress shall not order this addition, then, as a matter of course, this section will fall, and be of no practical effect. I therefore see no objection to the section.

The question was taken on Mr. VALLANDIGHAM's amendment to the amendment; and it was rejected.

The question recurred on Mr. LOVEJOY's amendment.

Mr. LOVEJOY. I move to amend by striking out "twenty-four" and inserting "twenty-five," in line ten, so as to make it twenty-five thousand two hundred and eighty-five men.

The CHAIRMAN. The Chair gives notice that members must confine themselves strictly to their amendments.

Mr. LOVEJOY. I simply want to say, in response to the chairman of the Committee of Ways and Means, when he says that this is a war measure, that the very idea of making it a permanent thing, implies that it is not a war measure, but a peace measure.

The CHAIRMAN. The gentleman from Illinois must confine himself to his amendment, and state the reason why twenty-five should be inserted instead of twenty-four.

Mr. LOVEJOY. Because I think, if we are going to do anything in that way, we ought to do it on a larger scale. This House, I suppose, is of one opinion in regard to voting all that is desired for the war, whether it is four hundred thousand men and $400,000,000, as asked for by the President, or five hundred thousand men and $500,000,000. But I am not prepared, with my present convictions, to vote more than double, nearly treble, the present standing Army, which is not a war measure, but a peace measure. I ask leave to withdraw my amendment.

Mr. McCLERNAND. With the view to submit a few remarks, I move to amend the amendment by reducing the appropriation in the fifteenth line to $8,000.

Mr. Chairman, the gentleman from Ohio, [Mr. VALLANDIGHAM,] and other gentlemen who have spoken against this clause of the bill, have assumed, as the basis of their objections, that it authorizes an increase of the regular Army to the extent of twenty-four thousand men, or some eleven regiments in all. This is a mistake. This is an appropriation bill, and not a bill to raise any military force. True, it proceeds upon the idea that the regular Army will be increased; but it does not, of itself, increase it. Its object is simply to provide for the payment of the expenses which may be necessarily incurred in making such increase, if, hereafter, Congress shall authorize the increase; and the judgment of Congress will determine that question. The chairman of the Committee on Military Affairs [Mr. BLAIR] has already informed us that the question now engages the attention of that committee, and that they will report upon it at an early day. If the committee should report against any increase of the regular Army, then this appropriation would necessarily lapse for want of an object to which to apply it; or, if the committee should report in favor of substituting volunteers for regulars, and provide in the same bill for the application of the appropriation accordingly, it would be so applied, and the objections I am combating would be obviated.

All who are in favor of a vigorous and successful prosecution of this war until rebellion and treason shall be crushed out; all who are in favor of this—and I am one of them; all such persons—and they are overwhelmingly in the majority—are in favor of an increase of the military force, in such form and proportions as will insure this most important and desirable result.

But, sir, what of this clamor about the increase of the regular Army and a standing Army? Has it been too large? Will the proposed addition make it too large? I assert, sir, that it has been too small for ten or fifteen years—ever since the close of the Mexican war; and I think that must be the judgment of all intelligent men who have carefully reflected upon the subject. Had our standing Army, after the close of that war, been raised to the standard required by the new order of things, many Indian forays might have been averted, and much human blood saved from being shed upon the borders of Texas, and our dependant Territories, by the savage tomahawk and butcher knife.

Again, sir, what was the state of the case at the time this unholy rebellion broke out? The regular Army had been dispersed all over the country in small bodies. If the purpose had been to place them out of the way, so as to enable premeditated rebellion to make head against the Government, it could not have been more effectually accomplished. And even had they been concentrated, so limited as their numbers were, could they have arrested the progress and development of a conspiracy which included the rulers of several States?

Circumstances have changed. We are no longer an infant and small nation. We have come to be a great empire—a Republic of thirty-four States, and some thirty or more million people; and an Army of fourteen or fifteen thousand men is not a sufficient military police to preserve order everywhere within our extended dominions, and to restrain Indian hostilities along our extended and exposed borders. It appears to me that every gentleman must see this.

[Here the hammer fell.]

Mr. BURNETT. I had thought, not like the honorable gentleman from Illinois, that this was not a great empire, but a Confederacy of sovereign and coequal States. I had thought that this was a Government resting for its support upon the affections and the consent of the governed; that it did not require a standing Army to keep the people in order; that it did not require even fourteen or fifteen thousand men as a police to keep the people of this country in order. I may not be as well informed as the gentleman from Illinois. But, sir, I do know that the fathers of this Republic, that the great men who have illustrated its history, who have done as much perhaps for the country as any other set of men in giving it its greatness and its importance, have always been jealous of a standing army. The greatest of the past Administrations and of past parties in the country have always opposed regular standing armies. But whatever view gentlemen may take in regard to the putting down of this rebellion, or revolution, as it is called, surely the wisdom of this House will urge each one of us to concur in the opinion stated by the gentleman from Illinois now in my eye, [Mr. LOVEJOY,] that if this rebellion is to be put down by armed force, it should not be done by an increase of the regular Army, but by the volunteers of the country.

Mr. McCLERNAND. I desire to ask the gentleman from Kentucky one question. Will he vote for a volunteer force to put down this rebellion?

Mr. BURNETT. Not for one man. I am not willing to vote for them, for I do not believe that you can hold this Government together at the point of the bayonet or at the cannon's mouth. I believe, with that distinguished Senator whose eulogy has been pronounced in this House during the present week, that the drawing of the sword and the arraying of hostile armies between the two sections of this country is the death knell of our republican form of government. These, sir, are the sentiments expressed by the late Senator Douglas, on the floor of the Senate, and they are my sentiments. You can no more hold this Government at the mouth of the cannon, or at the point of the bayonet, than you can hold the lightnings of heaven or gather the winds in the hollow of your hands.

No, sir; I say to the gentleman now, and I say it in the fullness of my heart, that five hundred thousand men and $500,000,000, if raised by this House for the subjugation of a portion of this country, will not accomplish that purpose. They may desolate the country; they may lay waste cities and towns; but when they meet here again on the first Monday in December next, they will find their $500,000,000 gone; they will find their five hundred thousand soldiers still in the field; but no nearer a peace than now.

This much, sir, I desire to say, and these are the reasons why I will not vote for men or money. I have, from the commencement, been for a peaceful solution of this struggle, and I am for it now. I have been published to the country as a secessionist; but, sir, in the last speech which I had the honor to make upon this floor, I announced my opinion that there was no warrant in the Constitution for the doctrine of secession.

Sir, I do not believe in it, as a constitutional doctrine; I believe it is the theory of our Government that it rests for its support upon the affections and the consent of the governed. I do regard, as one of the citizens of this country, and one of the representatives of the people, that the resort to armies and navies and the horrors of war will sound the death knell of the Republic; and for that reason I enter my solemn protest against this whole measure.

Mr. McCLERNAND. I ask the unanimous consent of the House for leave to withdraw my amendment.

There was no objection; and the amendment was accordingly withdrawn.

Mr. McCLERNAND. I now move, *pro forma*, that the appropriation be increased $8,000.

The CHAIRMAN. The Chair would suggest to the gentleman from Illinois that he must confine himself strictly to the amendment he has offered.

Mr. VALLANDIGHAM. If the gentleman will permit me, I will submit an amendment, which the gentleman from Illinois can oppose, and in that way attain the object he seeks.

The CHAIRMAN. The Chair trusts that the gentleman will confine his remarks to the amendment increasing the appropriation.

Mr. McCLERNAND. I will try to do so. It is important, however, that I should first notice what has fallen from the gentleman from Kentucky. He very candidly informs the House, and through the House the country, that not one dollar will he vote to put down, either by regular or volunteer force, this rebellion against the country. Sir, when he took his seat upon this floor, he took upon himself a solemn obligation, sanctioned by an oath in the sight of the country and before God, that he would support the Constitution. Can he do so by folding his arms while the batteries of rebellion are leveled at the capital? Is that the way he proposes to discharge his obligation? I leave it for all impartial men to decide whether it is the proper way. The gentleman says that he is opposed to the prosecution of this war, because it cannot eventuate in the re-establishment of the Federal authority. Is the wish father to the opinion—the declaration? I will not say so.

The gentleman assumes that the people of the seceded States——

The CHAIRMAN. The gentleman from Illinois must confine his remarks to his amendment.

Mr. McCLERNAND. I am just coming to it. [Laughter.]

The gentleman assumes—he must assume as the basis of his assertion—that all of the seceded States are disloyal. I respectfully deny the correctness of the assumption. On the contrary, I assert, and with entire confidence, that just as the Federal flag advances towards the heart of this rebellion, thousands and tens of thousands of loyal men in the seceded States will be found rallying around it, ready to uphold it. I also deny, sir, that this is a war of conquest. Far from it. It is a war to put down rebels and rebellion, and to guaranty security of person and property to the Union men of those States; it is a war waged in behalf of the Constitution and laws. This is its purpose and mission; and it will fulfill it, with the blessing of God. Nor is there one of those States in which there are not ample numbers of Union men to maintain a State government after the rebellion shall have been put down. How is it in the State of Kentucky, in part represented by the gentleman himself? It was lately asserted that that State would go out of the Union, and yet the verdict of her people at the last election, by a majority of more than fifty thousand, was against it and in favor of the Union; and I honor them for it. Clay was no follower of Calhoun in the scheme of nullification, nor is Kentucky a follower of South Carolina in the scheme of secession.

The CHAIRMAN. The gentleman is not in order. He is not speaking to his amendment, and the rule of the House is imperative. It is a proper rule, and ought to be enforced.

Mr. McCLERNAND. What I have said has been preliminary only to what I shall now say. [Laughter.] We must appropriate a sufficient amount of money and raise a sufficient military force to put down this rebellion; otherwise its evils must become more and more aggravated and calamitous. That is a reason for making the appropriation, if not increasing it. The gentleman says that a standing army is condemned by the teachings of the fathers—that the fathers were opposed to a standing army in this country. Now, sir, there has not been a time since the formation of the Government when there was not a standing army in this country.

Mr. BURNETT. I stated that the policy of the Government never was in favor of keeping up a large standing army.

Mr. McCLERNAND. Would this proposed increase make a large standing army for this country? The gentleman might think so, while, on the contrary, I might think otherwise. We have a great many Indian tribes inhabiting the country between the Mississippi river and the Rocky mountains and the region beyond. They have to be kept in subjection. We have various forts to occupy. We have diversified military service to perform. I say that fourteen thousand men is not a force sufficient to watch those Indians and to restrain their occasional warfare upon our frontier settlements; to take care of our forts and arsenals; and to secure the country against the evils of rebellion and revolution. It is an insufficient force and ought to be increased, so as to correspond in magnitude with our population and public necessities, and so the war minister under successive Administrations has from time to time suggested and recommended.

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. McCLERNAND. The Chairman has not allowed me a very good chance even in those five minutes.

Mr. BURNETT. The honorable gentleman from Illinois was pleased to refer to the fact that, a few days ago, with himself and the other members upon this floor, I took an oath to support the Constitution of the United States. Yes, sir, I did take that oath. I took it with as clear a conscience, and as firm and fixed a determination to stand by that instrument, as any member upon this floor. I understand the breadth and scope of that obligation, and I do not recognize the right of the member from Illinois to become my censor in reference to the discharge of my duties in this House. I am the representative of the people of Kentucky, who sent me here, and I am responsible to them and my country, and to nobody else, for what I do here.

The CHAIRMAN. The gentleman's remarks are not in order. He must confine them to the pending amendment.

Mr. BURNETT. That much I was forced to say in response to the gentleman from Illinois. One other remark, and I shall take my seat. Each man must judge for himself as to what his duties are under the oath he has taken. I believe, sir, that I am best subserving the interests of my country, the cause of constitutional representative government, and the prosperity and happiness of this great people, by advocating a peaceful solution of our present troubles.

Mr. McCLERNAND. Will the gentleman allow me to ask him one question? The gentleman proposes a peaceful solution of our troubles. That is a very generic assertion, and I want to know upon what basis?

The CHAIRMAN. The Chair does not think this discussion is in order.

Mr. McCLERNAND. Does he mean a peaceful solution by a recognition of the southern confederacy?

Mr. BURNETT. I must be the judge of the character of my answer. Will the Chairman permit me to answer the gentleman?

The CHAIRMAN. The Chair will permit the gentleman from Kentucky to answer anything which the gentleman from Illinois has said in support of his amendment.

Mr. BURNETT. Well, I will proceed. I say I think I would best be subserving the interest of what I believe to be the cause of my country, by settling this question in a peaceful, and not in a warlike mode. Hence I oppose this amendment; and hence I oppose this section of the bill which looks to an increase and enlargement of the Federal Army; and, if I have time, the gentleman will hear from me, humble as I am, before this session closes, of the mode and manner in which I, as one of the Representatives on this floor, would settle our disputes. I have no concealment. I intend to give a full, fair, and candid exposition of what I believe to be the best interests of this country, as connected with the action of this House, before this session closes, and then I will answer the gentleman from Illinois.

Mr. McCLERNAND (by unanimous consent) withdrew his amendment.

Mr. HICKMAN. I go for the largest expenditure.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. HICKMAN. I move to increase the amount of appropriation proposed in lines sixteen and seventeen, by adding $10,000.

The CHAIRMAN. The Chair would state that the committee has not yet reached that portion of the bill.

Mr. HICKMAN. Then I move to increase the appropriation contained in line fifteen, $20,000. I am in favor of the largest expenditure of money necessary, because I am in favor of the employment of the largest number of troops necessary. If it be asserted with any degree of authority by the gentleman from Kentucky that five hundred thousand men will not be able to subdue the rebellion in the southern disloyal States, then I am for employing twice five hundred thousand men, and the eighteen States of the North are in favor of doing the same thing. We intend that the Constitution and the Union shall be maintained; and we intend that rebellion, come in what shape it may, and backed by what numbers it may be, shall not be enabled to destroy either the one or the other. I trust in God, that the gentleman from Kentucky does not speak even the sentiment of his own section, much less the sentiment of his State; but whether he does or does not, permit me to say to him here, very frankly, that it matters not to those who are engaged in this work of preservation whether he does or not; for, no matter what their opinion may be, this Government will be preserved, and the gallows will eventually perform its office. [Immense applause in the galleries.]

The CHAIRMAN. By the rules of the House, the Chairman of the Committee of the Whole is invested with the same power as the Speaker in relation to the preservation of order; and he now gives notice that, if there shall be another violation of the rules of the House by the galleries, he will order them to be cleared.

Mr. HICKMAN. We have met here, being entirely cognizant of the fact that certain gentlemen have come into this Hall for the purpose of paralyzing the arm of legitimate power; but we have met here for the purpose of strengthening that arm. We have met here for the purpose of teaching those men that they cannot paralyze that arm, or diminish its power.

Mr. BURNETT. I rise to a question of order. It is, that no member has a right to call in question the motives of any member upon this floor.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HICKMAN. Then I will not call in question the motives of the gentleman from Kentucky, inasmuch as he seems to apprehend that my remarks are directed especially to him; but I repeat here everything I have said, and I declare my convictions now, as I did more than two years since, that this Union will be sustained; that it is not in the power of armed rebellion, either in one State or in many States, to destroy the Government under which we live, and which gives its security to that gentleman as well as to me. I vote, therefore, for the largest appropriation of money and of men.

Mr. LOVEJOY obtained the floor.

Mr. BURNETT. The gentleman from Illinois can accomplish the object for which he rises at another time, while I cannot, and therefore I appeal to him to yield me the floor at this particular moment.

Mr. LOVEJOY. I will yield to the gentleman.

Mr. BURNETT. The gentleman from Pennsylvania who has just addressed the committee, has dealt in a general sort of extravagant talk in regard to the power and the purposes of the Government in relation to this unfortunate condition of our country. And let me say to that gentleman, and to this House, that I point with pride to the past history and loyalty to this Government of the State which I have the honor to represent in part upon this floor; and as one of her Representatives, let me say, once for all, that however much my individual opinions might differ with Kentucky, I am a native of that State, and I trust a loyal son to her; and whatever position Kentucky may take in this unfortunate condition of our country, I intend to stand by that position. I recognize my obligation of loyalty to my immediate State; and I am one of that class of politicians who recognize loyalty to the State as above their loyalty to the Federal Government, and I say so candidly and frankly.

What else. I was not discussing the result of this condition of things. I tell northern gentlemen now, that I do not call in question either the bravery or the gallantry of their men. I have seen their services upon the battle-fields of the country. I know their vast resources, and I know their prowess as a section of the Confederacy. I un-

derstand well, too, the gallantry and bravery of those who are in rebellion, as it is called, against this Government, and now in a condition of revolution; and I tell gentlemen now, carry out the picture painted in full; carry on this war; drench this country in blood; have your armed five hundred thousand men in the field; desolate the fair fields of both sections of the country; let the streams run with blood; let all that the gentleman from Pennsylvania can desire be accomplished; and then tell me, will you, what your country is worth when the *finale* comes? Tell me, will you, what will your Government be worth when you have accomplished all that you ask shall be done? Sir, when the pen of the historian shall come to write the history of the times in which we live, I tell gentlemen upon this floor now, there will be a fearful accountability for some of us to render. Sir, when the gentleman tells me that this war must be prosecuted, I say, go on; you have the power; I prefer peace to war, but I am powerless here. Let me remind him that when my venerable colleague [Mr. CRITTENDEN] and other southern men in this House, and at the other end of the Capitol, were begging you at the last session of Congress, on bended knees, and with tears in our eyes, to give us something to restore peace and fraternity to our common country, and to stay this revolution, all those appeals and entreaties were not only resisted, but treated with silent contempt and indignant scorn; and all propositions looking to that end were voted down; and now, by the act of the President of the United States, without authority of law, and in violation of the Constitution, war has been inaugurated; and here, as one of the people's Representatives, I boldly enter my solemn protest against it.

Mr. HICKMAN. I withdraw my amendment.

Mr. LOVEJOY. I move to strike out "twenty-four thousand," and insert "five thousand," in the tenth line. I do not think it fair for the gentleman from Pennsylvania, or any other gentleman, to make up a false issue in regard to this measure. It is not a question whether this war, or this suppression of rebellion, shall be carried on, and carried on till the stars and stripes float in every place where they have a right to float. The question is, who is to do it? The question is, shall it be done by the increase of the regular Army, or whether you will take these patriotic volunteers, who have flocked here in thousands and thousands, and let the citizen soldier accomplish this, his appropriate work? That is the question, and I will not allow the issue to be changed. Take your men, in God's name. You can have half a million or a million of them; you can have four or five hundred million dollars. The people are pressing the bit like a restive horse to put down this rebellion. I am willing to carry on this war until, if it is necessary, some future historian shall write of us as Tacitus wrote of the Romans: *Solitudinem faciant et pacem appellant.* Ay, sir, if there is no other way to quell this rebellion, we will make a solitude, and call it peace. And I tell the gentleman from Kentucky that he need not make any appeals to us about peace; he need not talk to us about the shedding of blood and the burning of houses and villages and cities. "There is no peace to the wicked, saith my God;" there is no peace to these rebels and traitors, who have raised their hands against the Government. We will carry on this war; the people will carry it on; the citizen soldier will fight this battle. He is impatient to do it now; but we do not want—certainly not now—to increase the regular Army.

Who are the officers of these traitors and rebels? They are men who were educated by the nation, who were officers of the regular Army, and who, in the hour of their country's peril, abandoned it, abjured their oath, and are now leading rebel forces in the sacrilegeous work of attempting to destroy the Government. Let us keep the real question in mind. It is simply whether we shall increase the standing Army, and not at all as to the amount of men and money we will place at the disposal of the Administration. I will vote the highest number of men and the largest amount of money that can be mentioned; and so, as far as I know, will my constituents, without distinction of party. The people are terribly in earnest. They mean to put down this rebellion at any cost. The only point is, shall we have a standing Army of fifty thousand? I have always advocated the theory that the volunteer force would always fight the battles of their country. They always have; and the present unparalleled uprising demonstrates that they always will. The people will never alienate the privilege of defending the Union. If we are to increase our martial peace establishlishment, let us do it after we have passed through the present contest. But, Mr. Chairman, I did not mean to detain the committee. I am not responsible for this discursive debate. I made my first motion in good faith, and confined my remarks strictly to the subject, to wit, the increase of the standing Army.

Mr. JACKSON. I desire, Mr. Chairman, to say a single word in response to the remarks made by my colleague, [Mr. BURNETT.] My colleague does not represent the sentiments of the people of Kentucky. *He* will not vote a man or a dollar to this war—Kentucky will give all she has to defend the Government and support the Constitution. My colleague declares that he does not recognize or believe in the right of secession: herein Kentucky agrees with him; but he intimated that he recognized the right of revolution, and I infer from his declarations that he justifies this revolution—but Kentucky condemns it as wicked and unnecessary. My colleague says further, that the destiny of Kentucky shall be his destiny. I do not yield to any man in loyalty to Kentucky; but I declare—and I believe that in so doing I utter the sentiment of a large majority of the people of my State—that, under no circumstances, nor at any hazard, will I ever raise my arm for the destruction of the Federal Union. [Suppressed applause.] And I say further, in relation to his declaration touching State sovereignty, that we in Kentucky believe that the Federal laws, passed in pursuance of the Constitution and the Federal Government, within its sphere are supreme, and that the State laws and State government are subordinate. I have felt it necessary to say thus much in reply to the declarations which my colleague made.

Mr. LOVEJOY's amendment was disagreed to.

Mr. HICKMAN. I move to amend by increasing the number of men to thirty-five thousand.

Mr. Chairman, I did not, then, misapprehend the position of the gentleman from Kentucky. His fortunes are identified, as his affections are enlisted, upon the side of his State, no matter what side that State may be on, whether for or against the Government under which we live. If she is for rebellion, then the Representative is for rebellion; but if the loyal men of that State shall be strong enough to counteract the influences adverse to them, then he will be upon the side of loyalty. I did not misapprehend him. According to his own showing, his position here is a most equivocal one, to say the least of it. He is not averse to rebellion; although, perhaps, he might prefer loyalty. I should like him to be more distinct in his utterances, so that we might be able to determine to a certainty in what direction his particular affections lie. But, sir, allow me to say to him, and to all who may be affected like him, that if he is afraid of rivers of blood and burning villages and of general desolation, let him take care and see to it that he does not bring about the very calamities which he so much fears.

Sir, it is no longer a question in the United States of North America whether there are enough men, and whether there is enough money, to put down rebellion. Nor is it a question, either, as to the existence of the determination to do it. They have resolved, and re-resolved; and the war is upon us. That war will be persevered in by the grants alike of men and money, until those who have questioned the courage of the North will be willing to admit it in other places than here. Sir, I have never before heard it admitted on this floor that the North had any courage; but now, at last, at the eleventh hour, yea, at five minutes before high noon, comes the admission that the North has some courage. Let the gentleman from Kentucky look to it that that northern courage, which he now admits, does not bring on him and his the desolation he fears.

Mr. BURNETT obtained the floor.

Mr. VALLANDIGHAM. I must rise to a question of order. I desire that the debate shall be confined henceforward strictly to the question whether the regular Army shall be increased or not? A large latitude has been allowed, and gentlemen have spoken at considerable length, without perhaps that good feeling which might have been exhibited.

The CHAIRMAN. The Chair has endeavored to confine gentlemen to the amendments, but it seems impossible to do so. It is very difficult to draw the line; but the Chair hopes that gentlemen will confine themselves as strictly as possible to the amendments.

Mr. VALLANDIGHAM. I understand the question to be the one I have just presented—whether the regular Army shall be increased or not?

The CHAIRMAN. The amendment of the gentleman from Pennsylvania, to which the gentleman from Kentucky rises to speak in opposition, is in regard to the increase of the amount. It is difficult to say, under an amendment of that kind, how far a speaker can properly go, under the rules.

Mr. VALLANDIGHAM. What I desire is, that we shall have a direct vote on this question.

The CHAIRMAN. The committee will see that if this latitude of debate be indulged in, we can never get through with the bill in the regular course of legislation.

Mr. STEVENS. I want to say that, as soon as the gentleman from Kentucky shall have finished his remarks, I shall, if I can get the floor, move that the committee rise, so as to limit debate on this section. We are, in effect, going into a general debate of everything. I want to say further, that there will be an opportunity of discussing all these questions in a more regular manner than now. I therefore hope that gentlemen will refrain from these long, rambling discussions, which are not to the point of the bill; and I will ask, after the gentleman from Kentucky closes, that the committee rise for the purpose of closing debate.

Mr. McCLERNAND. I rise to a question of order. The gentleman from Kentucky has occupied the floor three several times; and the gentleman from Pennsylvania [Mr. HICKMAN] has also occupied it several times. If the gentleman from Kentucky shall be allowed to indulge in general debate again, I wish to reserve to myself the privilege of indulging in the same character of debate. I have restrained myself from saying something which I desired to say, in consequence of the intimation from the Chair.

The CHAIRMAN. The gentleman from Kentucky rises to reply to the remarks of the gentleman from Pennsylvania, [Mr. HICKMAN,] and the Chair holds that it is but fair that the gentleman from Kentucky should have the same latitude as the gentleman from Pennsylvania has had.

Mr. BURNETT. The older members of this House, Mr. Chairman, will bear me witness that in the discussions of all subjects in which I have participated during my six years' service on this floor, my course has been, at least, marked with courtesy and respect. I have never permitted myself to indulge in impugning the motives of members, nor called in question their conscientious convictions of what they might deem to be their duty as members of this House. Neither do I recognize the right—and members might as well understand it—of any member on this floor to call in question either my motives or my actions as one of the independent Representatives of the people.

And, sir, in response to the member from Pennsylvania, [Mr. HICKMAN,] permit me to say to him that, in connection with our services on this floor, and with our desires for the preservation of this Government and the Union of these States intact—the upholding and preservation of the Constitution of our fathers—my record may bear favorable comparison with his. That record is covered all over with efforts to sustain the present condition of the country; efforts—humble though they may have been—to remove all causes of offense and irritation, and to spread abroad in both sections of the country the spirit of fraternity and love. These have been my efforts. Let the gentleman look to it, and see, and answer to his own conscience and to his country, how much he has contributed to bring about the present unhappy and unfortunate condition of our common country. Let me tell him and others, now, once for all, that so far as my efforts are concerned here, there is no man on this floor who will go further, and make more surrender of his own private views and opinions, to reconstruct this Govern-

ment and to reunite the family of States, than the Representative from the first congressional district of Kentucky. I represent that district. I am the agent of the people of that district, and speak for them. I do not claim to speak the sentiments of Kentucky; and I presume that my friend and colleague [Mr. JACKSON] would not depart from his sphere by speaking for all the districts in the State.

The gentleman from Pennsylvania tells me to "look to it that you and yours are not swept with the besom of destruction in this revolution which is now raging." I know not whether, in mere brute courage, mere physical courage, I am equal to the gentleman from Pennsylvania; but I have a moral courage which rises above mere physical courage, and which leads me to do my duty here, let the consequences be what they may, so far as I am personally concerned. That duty, I tell the member from Pennsylvania, shall be discharged fearlessly, and with a due regard not only to the rights of the people whom I represent, but to the rights of others.

This much I desired to-day. I have not sought to interfere with the business of the House, or to retard its progress. I intend to throw no obstacle in the way of those who will be responsible for its legislation, and who have the numbers here. But, in the discharge of the duties which I owe to my own conscience and to the country, I shall speak here; and I tell the gentleman once for all that his warning voice falls on heedless ears.

The question being on Mr. HICKMAN's amendment, Mr. HICKMAN, by unanimous consent, withdrew it.

Mr. STEVENS. For the purpose of limiting debate, I move that the committee rise.

Mr. COX. Before that motion is put, I desire to ask the chairman of the Committee of Ways and Means a question which is pertinent to the first section of the bill.

The CHAIRMAN. It cannot be done, unless the gentleman from Pennsylvania withdraws his motion.

Mr. STEVENS. I do not withdraw it. The gentleman can ask his question again.

Mr. COX. It is a simple question, and can be answered in three words.

Mr. STEVENS. Yes; but to do so I would have to withdraw my motion.

The question was taken on Mr. STEVENS's motion; and it was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE reported that the Committee of the Whole on the state of the Union had had under consideration, according to order, the Army appropriation bill, and had come to no conclusion thereon.

Mr. STEVENS. I move that all debate on this section be terminated in one minute after it shall be resumed in Committee of the Whole on the state of the Union.

Mr. VALLANDIGHAM. I desire merely to call the attention of the chairman of the Committee of Ways and Means to the fact that I understand the general order of the War Department to which this paragraph refers is numbered fifteen instead of sixteen.

The SPEAKER. The Chair will state that no debate is in order on the motion of the gentleman from Pennsylvania.

Mr. RICHARDSON. I wish to ask the gentleman from Pennsylvania to extend the time for debate on this section to twenty minutes. There is a portion of it that ought to be discussed. All the morning has been taken up with everything else except the subject under consideration.

The SPEAKER. Does the gentleman from Pennsylvania agree to the proposition of the gentleman from Illinois?

Mr. STEVENS. No, sir.

Mr. RICHARDSON. I will compromise on ten minutes, if the gentleman will allow that.

Mr. STEVENS. I prefer the motion as I have offered it.

The motion was agreed to.

Mr. STEVENS moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE in the chair,) and resumed the consideration of the additional Army appropriation bill.

Mr. RICHARDSON. I move to strike from the paragraph the words "as per General Orders No. 16, dated War Department, Adjutant General's Office, Washington, May 4, 1861." I have no doubt about the necessity of increasing the regular Army; but this is not the proper time to do it. Now, if you do not amend the bill directing the appropriation, you make the increase now. I am not opposed to the regular Army. I know its superiority, where you have educated officers, and give them time to drill and discipline the troops; but this force, which you choose to call regular, is really nothing more nor less than undisciplined volunteers with their officers, or a large proportion of them, as raw and inexperienced as they can be. I think the proper time to increase the Army is at the termination of the war, when you will have it in your power to reward the services of men who have, in the volunteer force, distinguished themselves on the field of battle. But if you make the increase now, you hold out no inducements to men to distinguish themselves in the volunteer service.

[Here the hammer fell.]

The CHAIRMAN announced that all debate upon this section of the bill had terminated by the order of the House.

The amendment was disagreed to.

Mr. COX. I wish to inquire, by the consent of the committee, whether any expenses have already been incurred in reference to the troops this appropriation is to pay for calling into service; whether any of the officers have actually been appointed; and whether they have not already received some portion of their pay as officers of the regular Army, before the assembling of Congress, or any inquiry had been made by the Committee on Military Affairs as to the propriety of calling them into service?

Mr. STEVENS. I believe the gentleman's inquiries should, to some extent, be answered in the affirmative; and it is to meet these circumstances that there is pending, in the other end of the Capitol, what is called the indemnity bill.

The question being on the amendment offered by Mr. LOVEJOY,

Mr. LOVEJOY called for tellers.

Tellers were not ordered.

Mr. VALLANDIGHAM. I submit the proposition that, by unanimous consent, a vote be ordered by yeas and nays upon this amendment in the House.

Mr. BINGHAM. I object.

The amendment was disagreed to.

Mr. STEVENS. I move to amend, in the thirtieth line, by inserting the words "two and" before the word "three;" so that it will read:

For pay of the two and three years' volunteers, $55,000,000.

It is perfectly well understood, although not mentioned in the official report, that many of the volunteers are called into service for two years. It is to provide for that class of volunteers that I offer the amendment, and I move that the same change may be made in the paragraphs following, referring to the three years' volunteers.

The amendment was agreed to.

Mr. ALLEN. I desire to inquire of the chairman of the Committee of Ways and Means if the estimates furnished by the Department for the expenses of the Army are based upon the probable expenses of the Army as it now exists, or upon the probable expenses of the Army when it shall be increased as proposed by the Administration?

Mr. STEVENS. They are based upon the Army as it is supposed to exist if the wishes of the Administration are carried out.

Mr. ALLEN. Then the Committee of Ways and Means has anticipated the action of Congress in this respect.

Mr. STEVENS. The Administration have required a certain number of men in addition, and this appropriation is based upon the requirement of the Administration.

Mr. LEHMAN. I move to amend in the one hundred and sixty-sixth line by adding:

Fort Delaware, Delaware river, $50,000.

I move to include this fortification among those on which repairs are to be made; because it is the only important one guarding the access to the second city in importance in the Union; and I submit to this body that it should be well protected, especially taking into view the manifestations of loyalty to the Union in this crisis, the city which I in part represent having sent into the field some sixteen thousand volunteers to aid in the support of the Government.

Mr. SPAULDING. I will merely remark that this fortification was not included in the estimates of the Department, and was not, therefore, included in the bill.

The amendment was disagreed to.

Mr. WICKLIFFE. I desire to inquire of the chairman of the Committee of Ways and Means whether, at this time, when we are under the necessity of borrowing money in large amounts for higher purposes, involving the probable necessity of resorting to direct taxation, there is an absolute requirement that these fortifications and works of defense shall be carried on to their completion, abstracting a still further amount from the Treasury? If it is not absolutely necessary that these forts shall be pressed on to completion at this time, I will move to strike out the appropriations for them.

Mr. SPAULDING. I will say to the gentleman that the reason why they have been included in this bill is, that they have been estimated for by the Department, and sent to us to be included.

Mr. WICKLIFFE. I will move, then, to strike out the whole series of appropriations for fortifications, and leave them for the action of a regular session of Congress. This Congress was called together for a specific purpose, and I do not believe it is necessary at this time that the work on these national fortifications shall be progressed with.

The CHAIRMAN. The Chair will state that it is too late to make that motion now. The reading of the bill has passed beyond the portion the gentleman proposes to strike out.

Mr. WICKLIFFE. Very well; I will make the motion in the House.

Mr. FISHER. I offer the following amendment:

For Fort Delaware, Delaware river, State of Delaware, $50,000.

Mr. MORRILL, of Vermont. Mr. Chairman, it must be obvious to the House why these appropriations are called for. They have been estimated for and recommended by the Topographical bureau. Many of these forts are in an incomplete state, requiring considerable repairs. They furnish convenient depots for our troops. It is known, too, that what is called the southern confederacy has issued letters of marque to privateers, and that those privateers are now prowling about our coasts. It is almost as necessary that those fortifications should be taken care of and put in an effective condition as if we were at this moment at war with a foreign Power.

The question was taken; and the amendment was rejected.

Mr. TROWBRIDGE. I offer the following amendment:

For completing the defensive works already commenced on the south side of the Potomac, and for the construction of similar works on the north side of the city of Washington, $1,000,000.

Mr. Chairman, I had the honor a few days ago to offer a resolution in this House requesting the Secretary of War to furnish us with information on this subject, which, however, has not yet been responded to. I can, therefore, in support of my amendment, only refer to the information which I have received from an officer of the engineer corps. He tells me that the defensive works which have already been commenced on the other side of the river may be completed for $500,000; and, further, that similar works may be constructed upon the north side of this city which will enable the Government to reduce the force necessary for the defense of this capital at least one half. Now, sir, when we recollect the thrill of anxiety which passed through this whole country when we supposed that this capital was taken—that it was in imminent danger at one time we all know—I think it will be conceded to be proper that we should do all in our power to satisfy our people of its ability to repel any attack. We do not know what may happen in reference to our own people and to foreign nations. I trust, therefore, that the amendment will be agreed to.

The question was taken; and the amendment was disagreed to.

Mr. RICE, of Massachusetts. I offer the following amendment:

For repairs and completion of Fort Warren, in Boston harbor, $50,000.

Mr. Chairman, that fort commands the entrance of Boston harbor. It has never been completed, and I offer this amendment that it may be. It is now occupied by Federal troops.

Mr. MORRILL, of Vermont. In line one hundred and eighty-four there is an appropriation of $30,000 for contingent expenses. If any repairs are needed at Fort Warren, they can be made out of that appropriation. I oppose the amendment as unnecessary, and hope that it will not be adopted.

The question was taken; and the amendment was rejected.

PAY OF VOLUNTEERS, ETC.

The committee rose informally; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had passed the bill (H. R. No. 15) to provide for payment of the militia and volunteers called into the service of the United States by proclamation of the President, dated April, 1861, from the time they were called into service until the 30th of June, 1861, with amendments, in which he was directed to ask the concurrence of the House.

Mr. STEVENS. I move that the bill and amendments be referred to the Committee of Ways and Means.

There was no objection; and it was ordered accordingly.

ARMY APPROPRIATION BILL—AGAIN.

The committee then resumed its session, (Mr. WASHBURNE in the chair.)

Mr. VALLANDIGHAM. I offer the following proviso, to come in at the end of the bill:

Provided, however, That no part of the money hereby appropriated shall be employed in subjugating, or holding as a conquered province, any sovereign State now or lately one of the United States; nor in abolishing or interfering with African slavery in any of the States.

Mr. Chairman, my purpose in offering that proviso is to disabuse the minds of any who may possibly misunderstand the purpose of the war; or if there be any improper purpose in the minds of any one in power in regard to it, that the action of this House may remove the possibility of any misuse of the power we are conferring upon the Administration. I desire to say further, that, for so much of this bill as provides for the pay and subsistence of the three-months volunteers, I would gladly vote, if I were permitted to vote on it alone; but as it is united with a provision exceedingly obnoxious, as the ratification of an unconstitutional act of the Executive, I shall be obliged to vote against the whole measure. I present my amendment to the consideration of the House.

Mr. WICKLIFFE. I ask my friend from Ohio not to press his amendment to this bill. Let us bring the question it presents naked and unencumbered before the House at another time. He must be satisfied that as an amendment to this bill it will be voted down, and then the impression will go out that it is the intention of the Government to use the Army and to expend the money provided for it in the way he suggests. I hope to hear from my friends on the other side of the House, at a proper time, a declaration that it is not the intention of the Government to subjugate any of the States, or to interfere with their domestic institutions, but rather to restore the authority of the Federal Government, and to protect the citizens of all the States in the enjoyment of all their rights under the Constitution and the laws. I hope, therefore, that the gentleman will withdraw his amendment.

Mr. VALLANDIGHAM. With the permission of the committee, I will say a single word in reply. I should gladly comply with the request of the gentleman from Kentucky; but nothing except what is done in connection with the appropriation itself would be operative. I offer the proposition as a limitation of the appropriation. If it be understood that hereafter, on a direct question, the sense of the House may be taken on a similar proposition, I have no objection to that course being taken; but if I understand the resolution adopted a few days ago, no independent proposition will be in order, expressing the purport of that which I have just submitted.

I do not think I ought, under the circumstances, to withdraw the amendment, without some understanding upon this question. The committee can vote it down; and if the direct question is presented to the House, and the sense of the House is in favor of that proviso, there can be no misunderstanding.

Mr. McCLERNAND. I rise to a question of order. Is that amendment in order?

The CHAIRMAN. The Chair thinks it is in order, as it is a proviso limiting the appropriation.

Mr. McCLERNAND. I am not prepared to sit here, being, as I am, in favor of the vigorous prosecution of this war, and allow gentlemen, in violation of the rules of the House, to offer amendments which carry an implication with them that the object of this war is very different from the design of those prosecuting it. I have heard no respectable man, or set of men, say that the object of this war is to subjugate the seceding States and hold them as conquered provinces. I have heard no responsible authority say that the object of this war is to abolish slavery in the States where it exists. Some anti-slavery editor or visionary Abolitionist may have said so, but that is all. It is all an illusion in the mind of the gentleman from Ohio. My friend from Ohio says he has heard some one say so.

Mr. COX. A member of this House.

Mr. McCLERNAND. And did he speak for the country, or for those who are prosecuting this war? I am for prosecuting this war for the purpose of vindicating the Federal authority and putting down rebellion, and not for the purpose of subjugating the seceding States and holding them as conquered provinces; not for the purpose of abolishing slavery; and I repudiate all reflections of that kind. The imputation is unjust to the friends of this war, and unjust to those who are in favor of vindicating the authority of the Government.

The question was then taken on the amendment of Mr. VALLANDIGHAM, and it was not agreed to.

Mr. STEVENS. I move that the bill be laid aside, to be reported to the House with a recommendation that it do pass.

The motion was agreed to.

NAVAL SERVICE.

Mr. STEVENS. I move now to take up bill No. 19, making additional appropriations for the naval service for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

The motion was agreed to; and the bill was accordingly taken up for consideration.

The bill was read through, and was then read by clauses for amendment.

When the following clause was read:

For the purchase of hemp and other materials for the Navy, $300,000.

Mr. MALLORY moved to amend, by adding:

Provided, That such hemp shall be of domestic production and manufacture.

The CHAIRMAN. The Chair rules the amendment out of order, as it changes existing laws.

The reading of the bill having been finished,

Mr. MORRILL, of Vermont, moved that the committee rise, and report the bill to the House.

Mr. VALLANDIGHAM. Before that motion is put, I would inquire of the gentleman from Vermont what is the amount of the appropriation made by the bill?

Mr. McKNIGHT. I will say to the gentleman that it is a little over thirty million dollars.

The motion of Mr. MORRILL was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WASHBURNE reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bills Nos. 18 and 19, and had directed him to report the same to the House, with a recommendation that they both do pass.

ARMY APPROPRIATION BILL.

The bill (H. R. No 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861, was then ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MORRILL, of Vermont, moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. BURNETT called for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was then passed.

Mr. MORRILL, of Vermont, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

The bill (H. R. No. 19) making additional appropriations for the naval service for the year ending 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861, being the next bill in order, was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MORRILL, of Vermont, called the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. BURNETT demanded the yeas and nays.

The yeas and nays were not ordered.

The bill was then passed.

Mr. MORRILL, of Vermont, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAYMENT OF MILITIA, ETC.

Mr. MORRILL, of Vermont. I am directed by the Committee of Ways and Means to report back to the House Senate amendments to the bill (H. R. No. 15) providing for the payment of the militia and volunteers called into the service of the United States by proclamation of the President, dated April, 1861, from the time they were called into service to the 30th of June, 1861, with a recommendation that the amendments be concurred in. I will say that the amendments are merely verbal, reducing the appropriation some $260,000, and amending the title.

The Senate amendments were severally concurred in.

Mr. MORRILL, of Vermont, moved to reconsider the votes by which the several amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States, in answer to the resolution of the House, of the 9th instant, requesting a copy of the correspondence upon the subject of the annexation of the Dominican Republic to the Spanish monarchy; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. ALDRICH asked and obtained leave to withdraw from the files of the House the papers relating to the claim of Quindaro Nancy Guthrie.

Mr. CLARK, of New York, also asked and obtained leave to withdraw from the files of the House the papers relating to the claim of George J. Knight.

Mr. WASHBURNE. The usual practice has been, on withdrawal, to leave copies of the papers in the Clerk's office.

The SPEAKER. The Chair understands that leave is granted on the usual conditions.

UNITED STATES ARMORY.

Mr. STRATTON, by unanimous consent, presented the joint resolution of the State of New Jersey, recommending the construction of a United States armory; which was referred to the select committee ordered yesterday upon that subject.

And then, on motion of Mr. COX, (at three o'clock and ten minutes, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *July* 12, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. TRUMBULL. I desire to present the petition of Daniel H. Whitney, of Belvidere, in the State of Illinois, asking to have the pay of the common soldier increased to twenty dollars in money and ten dollars in clothing and rations per month. I move that it be referred to the Committee on Military Affairs and the Militia.

It was so referred.

Mr. SUMNER. I offer a memorial of Edward Jarvis and others, citizens of Massachusetts, in which they ask that Congress will sanction the volunteer sanitary commission recently established by the Secretary of War, and also that they will establish a board of military health, and provide for the appointment of sanitary officers in sufficient numbers to accompany the divisions of the Army, clothed with all the power in regard to the health of the troops that is consistent with proper discipline. This is a very elaborate paper, carefully drawn up by distinguished gentlemen familiar with the subject. I shall therefore not content myself by the simple reference of it to the committee, but shall ask that it be printed for the use of the Senate, and that it be referred to the Committee on Military Affairs and the Militia. I hope there will be unanimous consent to the printing.

The VICE PRESIDENT. The memorial will be referred to the Committee on Military Affairs and the Militia. The question now is on printing it.

Mr. HALE. That goes to the Committee on Printing.

Mr. SUMNER. Let there be unanimous consent.

Mr. BAKER. I hope that will be given.

Mr. COLLAMER. I am unwilling to have the precedent established of printing memorials; but at the same time I do not mean to be understood that I would not print any memorials. There may be peculiar papers, containing important details and facts and material statements, that it would be of advantage to us to have printed. Now I want to know what the character of this is.

Mr. SUMNER. It is a memorial signed by three distinguished gentlemen of science in Massachusetts, with reference to the health of our troops, full of facts and statistics, and written with care and skill; and on that account I think it is important that we should have the advantage of it without delay.

Mr. GRIMES. I understand that it is the business of the Committee on Printing to investigate this very subject, and see whether the public interests will be promoted by the printing of any document that may be referred to them.

The VICE PRESIDENT. The motion to print goes to the Committee on Printing.

Mr. SUMNER. If there is any objection to it, very well.

The motion to print was referred to the Committee on Printing.

Mr. SUMNER. I have another memorial, which is in the following words:

To the United States Senate and House of Representatives in Congress assembled:

The undersigned, a portion of the loyal people of the United States, lamenting, in common with many others, the numerous evils of civil war, respectfully petition that you will take such immediate measures for the entire removal of the cause of this war—being in our view, the continued permission of slavery—as the wisdom and patriotism of your honorable bodies may devise.

The Senate, sir, has already shown its disposition to limit its action at this session to such measures as contribute directly to the prosecution of the war; and in that policy, I most cordially concur. Therefore, while presenting this memorial, I content myself with asking that it lie on the table, well aware that in this short session and with the urgent measures before us, the proposition in the memorial cannot be practically treated.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. CHANDLER presented the petition of citizens of Detroit, Michigan, praying that a pension may be granted to Clementine Fink, widow of Captain Theodore Fink, who died in the military service of the United States; which was referred to the Committee on Pensions.

NOTICE OF A BILL.

Mr. WILSON gave notice of his intention to ask leave to introduce a bill to authorize the Federal Government to take personal property in the disloyal States for public uses, and to forfeit the same if the owners are found in open rebellion against the Government.

BILLS INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 18) relative to the sanitary commission; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. GRIMES, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 19) to establish a national armory on Rock Island, in the State of Illinois; which was read twice by its title.

Mr. GRIMES. Mr. President, there are two departments of the Government deeply interested in the fabrication of arms, each of them represented by a committee in this body—the Committee on Military Affairs and the Committee on Naval Affairs. In consequence of the overwhelming press of business that is thrown upon the Committee on Military Affairs, I move that this bill be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. It will be so referred if there be no objection.

Mr. SAULSBURY, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution (S. No. 4) proposing certain amendments to the Constitution of the United States, with a view to the peaceable adjustment of our national difficulties; which was read twice by its title.

Mr. SAULSBURY. I ask now that it be put upon the Calendar, and be printed.

The VICE PRESIDENT. The Senator moves that the joint resolution be placed on the Calendar, and be printed.

Mr. SUMNER. It had better be referred to a committee.

The question being put, a division was called for.

Mr. SAULSBURY. Let us have the yeas and nays.

Mr. COLLAMER. Is it not proposed to refer it?

Mr. SAULSBURY. No, sir; I want it put on the Calendar.

Mr. WILSON. What is the motion?

Mr. SAULSBURY. The motion is, that the joint resolution be placed on the Calendar, and be printed.

Mr. HALE. I thought the motion was to refer.

Mr. SAULSBURY. No; I did not make that motion.

Mr. HALE. I thought the Senator from Massachusetts did.

The VICE PRESIDENT. The question is on ordering the resolution to be printed, and placing it on the Calendar.

Mr. HALE. It was on the question to refer to a committee that I asked for a division. A motion was made by the Senator from Massachusetts to refer it to a committee.

Mr. SUMNER. The Senator is entirely mistaken. I made no such motion.

The VICE PRESIDENT. The question before the Senate is on placing the joint resolution on the Calendar.

Mr. BRIGHT. On that the Senator from Delaware asks for the yeas and nays.

Mr. SAULSBURY. There is no objection, I suppose, on the other side.

The VICE PRESIDENT. Are the yeas and nays demanded?

Mr. SAULSBURY. No, sir.

The VICE PRESIDENT put the question on the motion to order the joint resolution to be printed and placed on the Calendar, and there were, on a division—ayes 16, noes 2; no quorum voting.

Mr. TRUMBULL. There is manifestly a quorum here. There is a misunderstanding about the question. There is no objection to its going on the Calendar and being printed.

Mr. SAULSBURY. I will explain to Senators on the other side. I made the motion that it be simply read a first and second time, with a view of going on the Calendar and being printed. That was my motion, and all my motion.

Mr. TRUMBULL. Nobody objects to that.

Mr. SAULSBURY. Very well.

The VICE PRESIDENT. Is the call for a division withdrawn?

Several SENATORS. Yes.

The joint resolution was ordered to be placed on the Calendar, and printed.

SPIRITUOUS LIQUORS TO THE TROOPS.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire and report to the Senate what legislation, if any, is necessarily properly to restrict the sale of spirituous liquors in the District of Columbia during the existence of troops in said District.

ARMY CONTRACTS.

Mr. TRUMBULL. I offer a resolution of inquiry, which, if there be no objection, I desire to have considered at this time:

Resolved, That the Secretary of War be directed to inform the Senate whether any contracts or purchases have been made by him or under his authority, for or on account of the Army or forces in the service of the United States, except through its regular officers of the Commissary and Quartermaster's departments, or without advertisement, since the 4th day of March last; and if so, to lay before the Senate a full statement of all such contracts or purchases either made directly by himself or under his authority and sanction, including all contracts for supplies and transportation by land or water, by whom and with whom made; and also whether any contracts or purchases have been made for or on account of the forces in the service of the United States without the authority of the War Department; and if so, by and with whom, with such a particular statement in each case as shall enable the Senate to see the comparative cost in each case, in reference to former purchases of the same kind.

The resolution was considered, by unanimous consent, and agreed to.

NAVY RATION.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the bill (S. No. 9) to alter and regulate the Navy ration, have instructed me to report the same back, with a recommendation that it do pass, with two amendments, which the Secretary will read; and I am instructed further by the Committee to ask the Senate to consider the bill now.

There being no objection, the bill (S. No. 9) to alter and regulate the Navy ration, was considered as in Committee of the Whole. It provides that the Navy ration shall be computed at thirty cents, and its component parts apportioned accordingly, and shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour, and two ounces of dried apples, or other dried fruit; or three quarters of a pound of preserved meat, with half a pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potato; together with fourteen ounces of biscuit, one quarter of an ounce of tea, or one ounce of coffee, or cocoa, two ounces of sugar, and a gill of spirits; and a weekly allowance of half a pound of pickles, half a pint of molasses, and half a pint of vinegar.

It is further provided that fresh or preserved meat may be substituted for salt beef or pork, and vegetables for the other articles usually issued with the salted meats; allowing one and a quarter pound of fresh, or three quarters of a pound of preserved meat, for one pound of salted beef or pork; and regulating the quantity of vegetables so as to equal the value of the articles for which they may be substituted. In case it should be necessary to vary the daily allowance, one pound of soft bread, or one pound of flour, or half a pound of rice, may be substituted for fourteen ounces of biscuit; half a pint of wine for a gill of spirits; half a pound of rice for half a pint of beans or peas; half a pint of beans or peas for half a pound of rice. In case of necessity, the daily allowance of provisions may be diminished or varied by the discretion of the senior officer present in command; but payment is to be made to the persons whose allowance shall be thus diminished, according to the scale of prices which

may be established. No commissioned or warrant officer, or any person under twenty-one years of age, is to be allowed to draw the spirit part of the daily ration; and all other persons may relinquish that part of their rations under such restriction as the President of the United States may authorize: and the spirit portion of the daily ration may be suspended or stopped by the commanding officer, whenever, in his opinion, it shall be expedient, for cause of drunkenness; and to any person who is prohibited from drawing, or who may relinquish the spirit part of his ration, there shall be paid, in lieu of it, four cents per day.

The first amendment reported by the committee was, in section one, lines three and four, to strike out "shall be computed at thirty cents, and its component parts apportioned accordingly, and;" so that the clause would read "that the navy ration shall consist of the following daily allowance of provisions to each person," &c.

The amendment was agreed to.

The next amendment of the committee is to strike out the sixth section, in the following words:

"SEC. 6. *And be it further enacted*, That the Secretary of the Navy be authorized to procure the preserved meats, pickles, butter, and desiccated vegetables, in such manner, and under such restrictions and guarantees, as in his opinion will best insure the good quality of said articles."

Mr. HALE. Right here, upon that amendment, I will make a brief explanation, not only of the amendment, but of the whole bill. The object of the bill is to improve the Navy ration and substitute for salt meat the use of preserved meats, which are preserved in air-tight cans, and desiccated vegetables, which is thought to be for the comfort and health of the sailor, leaving the price of the ration and everything else just as it is now. It has been prepared with reference to the comfort and health of the sailor. The section which is now proposed to be stricken out authorized the Secretary of the Navy to procure these preserved meats, butter, and desiccated vegetables, where he could and at such prices as he pleased. The Committee on Naval Affairs thought it was vesting too wide a discretion in the Secretary, and that it would be well to require him to purchase these preserved meats and desiccated vegetables as he does everything else, under the general law; and therefore recommended the striking out of this section. That is the whole case.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

PAYMASTERS IN THE NAVY.

Mr. HALE. The same committee, to whom was referred Senate bill No. 13, have had the same under consideration, and instructed me to report it back to the Senate, with a recommendation that it pass, with amendments. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 13) to increase the number of paymasters in the Navy, and to provide for the appointment of assistant paymasters.

The bill was read. It proposes to authorize the appointment of six paymasters in the Navy of the United States in addition to the number now allowed by law. It also proposes to establish the grade of assistant paymaster in the Navy, and to authorize the President, by and with the advice and consent of the Senate, to appoint assistant paymasters from time to time, as they shall be needed for active service in the Navy, not exceeding thirty in number. Every person who shall be appointed assistant paymaster shall, at the time of his appointment, be not less than twenty-one years of age, nor more than twenty-six; and previous to his appointment his physical, mental, and moral qualifications are to be inquired into and favorably reported upon by a board of paymasters appointed for that purpose by the Secretary of the Navy, and under such regulations as he may prescribe.

The annual pay of assistant paymasters is to be as follows, viz: On duty at sea, for the first five years after date of commission, $1,300; after five years from date of commission, $1,500. On other duty, for the first five years after date of commission, $1,000; after five years from date of commission, $1,200. On leave of absence or waiting orders, for the first five years after date of commission, $800; after five years from date of commission, $1,000; and when attached to vessels for sea-service, each assistant paymaster shall be entitled to one ration per day.

Hereafter no commanding officer of any vessel in the Navy is to be required to perform the duties of paymaster or assistant paymaster; and when such office becomes vacant, by death or otherwise, in ships at sea or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person to perform the duties until another paymaster or assistant paymaster shall report for duty. Each assistant paymaster, upon his appointment, is to enter into bonds in the amount of $10,000, with at least two good and sufficient securities, for the faithful performance of his duties; and assistant paymasters are to have rank and precedence with assistant surgeons not passed; and all appointments to fill vacancies in the corps of paymasters are to be made by regular promotion from the list of assistant paymasters.

The first amendment of the committee was to strike out the first section after the enacting clause, in the following words:

"That the appointment of six paymasters in the Navy of the United States be authorized in addition to the number now allowed by law."

Mr. FOSTER. That is a pretty important bill, and I think it had better lie over until to-morrow.

Mr. HALE. Let me explain the bill. If objection is made to it, of course I cannot.

Mr. CLARK. That does not carry it over now.

The VICE PRESIDENT. The Senator asked unanimous consent for its consideration, and the Chair heard no objection. The bill was directed to be read to the Senate, and it is now before the Senate as in Committee of the Whole.

Mr. HALE. I will make a statement of what the bill is, and then if the Senator from Connecticut wants it to lie over, I shall have no objection.

The VICE PRESIDENT. It will require a motion to postpone it now.

Mr. HALE. If the Senate will give me their ear for a few minutes, I will explain the bill, and then if gentlemen insist upon postponing it, I shall make no objection; but as the law now is, the Secretary of the Navy is empowered to appoint sixty-four pursers, or paymasters, as they are called. This bill proposed to raise the number to seventy; but the committee move to strike out that increase and leave the number as it now is. The bill, however, proposes to create an additional corps of thirty-six assistant paymasters, who shall be appointed from ages not less than twenty-one nor more than twenty-six. That is the substance of the bill.

The necessity for additional paymasters has been felt by the Department for a great many years, and they have been constantly asking Congress for it, but Congress has refused. In the present state of things, the necessity has been found to be so urgent that they have actually been compelled to appoint acting paymasters without any authority of law. Under the law, as it has existed for years back, the necessities of the service have been found such that they have had to devolve the duty of pursers, or paymasters, on the commanders themselves; and since I have been a member of this Congress, I have actually seen a payment made by the captain and then approved by the same individual as purser, so that the captain has paid out the money as captain and approved the payment as purser. But the necessity of the service now is absolute; and instead of increasing the actual pursers, we propose to take assistant pursers, and provide that the corps shall be filled up from them. Then there is an additional section reported by the committee, that after the suppression of the present insurrection this corps shall be reduced down to seventy-five.

That is the whole bill, and I hope the Senator from Connecticut will not insist upon his objection.

The amendment was agreed to.

The next amendment was, in section two, line seven, after the word "thirty," to insert "six;" so as to make it read:

The President of the United States, by and with the advice and consent of the Senate, may appoint assistant paymasters from time to time, as they shall be needed for active service in the Navy, not exceeding thirty-six in number.

The amendment was agreed to.

The next amendment was to strike out the seventh section, in the following words:

SEC. 7. *And be it further enacted*, That in vessels with the complement of one hundred and over, a clerk to the assistant paymaster shall be allowed, whose annual pay shall be $550: *Provided*, That the annual pay of the clerk to paymaster shall hereafter be $550 in vessels of less than three hundred complement; and in vessels having the complement of three hundred and over, it shall be $700.

Mr. HALE. The amendment is to strike out that section entirely, and leave the law on that subject as it now is.

The amendment was agreed to.

The next amendment was to add, as a new section:

And be it further enacted, That within six months after the expiration of the present insurrection, the corps of paymasters and assistant paymasters shall be reduced to the number of seventy-five in the whole.

The amendment was agreed to.

The bill was reported to the Senate, as amended; and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

The title of the bill was amended, so as to read, "An act to provide for the appointment of assistant paymasters in the Navy."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861; and

A bill (No. 19) making additional appropriations for the naval service for the ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 15) to provide for the payment of the militia and volunteers called into the service of the United States from the time they were called into the service to the 30th day of June, 1861.

The message further announced that the House had passed a resolution directing the return to the Senate of the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, in pursuance of its request.

ENROLLED BILL SIGNED.

The message also announced that the Speaker had signed an enrolled bill (H. R. No. 15) to provide for the payment of the militia and volunteers called into the service of the United States from the time they were called into service to the 30th day of June, 1861; and it was signed by the Vice President.

NAVAL ACADEMY.

Mr. HALE. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. No. 3) in relation to the Naval Academy, to report it back to the Senate, with a recommendation that it be indefinitely postponed; and I ask for the consideration of that report now.

The VICE PRESIDENT. The question is on concurring in the report of the committee that this joint resolution be indefinitely postponed.

The report was concurred in.

APPOINTMENT OF MESSENGERS.

Mr. HALE. I offer the following resolution; and if there be no objection, I ask for its present consideration:

Resolved, That the resolution of the Senate of March 16, 1860, in relation to the appointment of Senate messengers, be, and the same is hereby, repealed.

I will state to the Senate the character of that resolution. It is in these words:

"*Resolved*, That any vacancies now existing, or which shall hereafter occur, in the places of messengers of the Senate, by death, resignation, removal, or otherwise, such vacancy so existing or occurring shall not be filled by the appointment of other messengers until it is so ordered by the Senate."

There have been some vacancies created here;

and it is impossible to fill them while that resolution stands on the statute-book. If that resolution should be repealed, there is still another existing in full force, which forbids the Secretary of the Senate or the Sergeant-at-Arms from making any changes without submitting them to the Vice President for his approval. I do not propose to meddle with that.

Mr. JOHNSON, of Tennessee. I think this resolution had better be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HALE. Very well. I am content that it should go to that committee.

Mr. JOHNSON, of Tennessee. The object of it is to create more offices; that is all.

Mr. HALE. Well, sir, let it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be so referred, if there be no objection. The Chair hears none.

THE VOLUNTEER BILL.

Mr. WILSON. Mr. President, the House of Representatives have returned to us the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property. I move to reconsider the votes by which the bill was passed and ordered to be engrossed and read a third time, for the purpose of proposing some amendments to it.

The VICE PRESIDENT. The first question will be on reconsidering the vote by which the bill was passed.

The motion was agreed to.

The VICE PRESIDENT. The Senator from Massachusetts further moves to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

The motion was agreed to.

The VICE PRESIDENT. The bill is now open to amendment.

Mr. WILSON. I move to strike out the first section of the bill, and insert what I send to the Chair:

That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property. The volunteers mustered into the service under this act shall serve for the term of three years, unless sooner discharged by the President; but nothing in this section shall affect enlistments for a shorter period of volunteers already mustered into the service. Before receiving into service any number of volunteers exceeding those now called for and accepted, the President shall, from time to time, issue his proclamation stating the number desired, either as cavalry, infantry, or artillery, and the States from which they are to be furnished, having reference in any such requisition to the number then in service from the several States, and equalizing, as far as practicable, the number furnished by the several States according to the Federal population.

The section proposed to be stricken out is in the following words:

That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property.

The amendment was agreed to.

Mr. WILSON. I now propose further to amend the bill by adding to the fourth section the following:

The Governors of the States furnishing volunteers under this act shall commission the field, staff, and company officers requisite for the said volunteers; but in cases where the said authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff, and company officers.

So that the section will read:

SEC. 4. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the forces provided for in this act, a number of major generals, not exceeding six, and a number of brigadier generals, not exceeding eighteen, and the other division and brigade officers required for the organization of these forces, except the aides-de-camp, who shall be selected by their respective generals from the subaltern officers of the Army or volunteer corps. The Governors of the States furnishing volunteers under this act shall commission the field, staff, and company officers requisite for the said volunteers; but in cases where the said authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff, and company officers.

Mr. GRIMES. I move to insert, after the words "field, staff, and company officers," the words "and brigade officers." I understand that the bill, as it stood before it was proposed to be amended by the Senator from Massachusetts, authorized and directed the President only to appoint the brigade and division officers. Now, I want to have it so that the Governor of the State can appoint the brigade officers if he chooses, subject to the confirmation of the President of the United States. The bill limits these appointments solely to the line of the service. They must all be taken, as I understand it, from the line of the service.

Mr. WILSON. Oh, no.

Mr. GRIMES. Your bill says so.

Mr. WILSON. Only the staff officers.

Mr. GRIMES. Then I am laboring under a misapprehension. If it only includes the staff officers, I am satisfied.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. WILSON. I now move to reconsider the vote by which the words "shall receive the pay and allowance of a captain of cavalry" were stricken out from the ninth section in relation to the pay of chaplains, and the words "those now serving in the regular Army" inserted. The reason I make this motion is this: in the call made by the President for volunteers, it was provided that each regiment should have a chaplain, and that the compensation should be the pay of a captain of cavalry. These regiments have chosen their chaplains; they are in the service; they came in under the plighted faith of the nation in this respect; and, under these circumstances, I think we had better adhere to the pledge we gave the country. I hope, therefore, that the Senate will reconsider the vote on this amendment, and that we shall restore the bill as it stood, giving these chaplains the compensation of a captain of cavalry, instead of placing them on the same footing as chaplains in the regular Army. I make the motion to reconsider for that purpose.

Mr. HOWE. I should like to ask the chairman of the Committee on Military Affairs, what the pay of a captain of cavalry is?

Mr. WILSON. I have not looked to see precisely what it is. It is at least fifteen hundred dollars—pay and emoluments.

Mr. HOWE. Is it not over two thousand dollars?

Mr. WILSON. I think not. The Senator from Iowa has the book in his hand, and can answer.

Mr. GRIMES. One hundred and forty-five dollars and fifty cents per month, and then some allowances besides.

Mr. HOWE. What are those allowances?

Mr. GRIMES. Nobody can tell. They depend on where their quarters are, the amount of fuel used, &c.

Mr. HOWE. You have the statement there.

Mr. GRIMES. No, sir; it is not stated here.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts.

Mr. HOWE. Well, sir, I hope the amendment will not be adopted. I think there should be some sort of consistency and uniformity in the regulation of these salaries. I do not know of any peculiar sacrifice or hardship made by this class of volunteers; and I believe that the pay of chaplain in the Army, as the service is now regulated, is quite equal to the pay of clergymen by their parishes generally throughout the country, and I do not see any reason for increasing it.

Mr. COLLAMER. It seems to me the honorable Senator has hardly paid attention to the statement which the chairman of the committee presented to us. The fact is, many of these chaplains who have come on with the volunteers, and are now with them, were very active men in getting up the volunteers, in preparing the public mind, the public taste, and inclination, and have been as active, perhaps, and as efficient, as any men among them. The regiments selected their chaplains, and they have come here. Now, they came here, as has been said, under an assurance they were to have the pay of a captain of cavalry. It seems to me that the plighted faith of the nation requires that we should carry that out unless we intend to repudiate the assurances under which those gentlemen came. I am for carrying it out.

Mr. HOWE. Mr. President, I will only add one word. Certainly, if the faith of the country is pledged to this rate of compensation, I do not wish to see the honor of the country disgraced; but, as for the suggestion submitted by the Senator from Vermont, that they have any peculiar claim upon the country by reason of the missionary efforts they have performed in getting up these volunteers, I must say I do not think that well founded, for I do not think there was any missionary effort called for. I believe the country came itself; and when the necessity, the occasion, offered and was perceived, the soldiers themselves were as ready as any other class of our community.

Mr. WILSON. The only ground on which I make this motion is, that I consider the faith of the nation pledged to the men who have gone into the regiments at the call of the President. Men have left salaries of $2,000 to act as chaplains to these regiments, where they cannot, by any possibility, obtain so large a salary. Such men will have to make sacrifices. The pay, I think, will be fifteen or sixteen hundred dollars a year, if we restore the clause to its original form. It is about eleven hundred dollars now, including what they receive in every way. If this were an original question; if the Government had not fixed the compensation when it invited these men into the service, I should certainly be willing to fix it at a less rate; but as we have pledged the country, and as there will not and cannot be a large number of these men, I think we had better stand by the pledges of the Government, reconsider our action, and place them on the footing proposed by the President when he made the call.

The VICE PRESIDENT. The Secretary will read the amendment.

The ACTING SECRETARY. The amendment proposed to be reconsidered is as follows:

In line eight, of section nine, strike out "a captain of cavalry," and insert "those now serving in the regular Army;" so as to make the clause read:

That there shall be allowed to each regiment one chaplain, who shall be appointed by the regimental commander, on the vote of the field officers and company commanders on duty with the regiment at the time the appointment shall be made. The chaplain so appointed must be a regular ordained minister of a Christian denomination, and shall receive the pay and allowances of those now serving in the regular Army.

Mr. COLLAMER. That is not the amendment. It is just the reverse of that. The bill now stands, that they shall have the pay of the present chaplains; the proposition is to strike that out, and give them the pay of a captain of cavalry.

The VICE PRESIDENT. The question is on reconsidering the vote by which the Senate adopted an amendment fixing the pay of chaplains.

Mr. POWELL. If the Senator from Massachusetts will allow me, I will inquire of him whether these chaplains were appointed for the three-years or the three-months volunteers?

Mr. WILSON. The three-years men.

Mr. POWELL. If appointed for the three-years volunteers, I do not think the argument that the faith of the nation is pledged ought to have any force whatever; because there was no authority under the Constitution to raise those men.

Mr. KING. The bill providing for the organization of these volunteers is designed to organize them upon the terms and conditions declared in the President's proclamation, as to pay and emoluments, whether they have volunteered for three years or two years, or for whatever period of time; under the laws of their States, they came into the service of the United States. Some of the States—one has, at any rate, that I know, whose law was passed before the proclamation was issued—have volunteers here for two years. The bill provides that they shall serve upon precisely the same general conditions as if they were for three years, making no difference between them on account of the term of service. The only change from the proclamation which has been proposed is this amendment made in the Senate reducing the pay of the chaplains. I think we had better, as there

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. SATURDAY, JULY 13, 1861. NEW SERIES....No. 6.

is certainly a question of faith in relation to the acceptance of the service, pursue uniformly the practice on which we set out, of organizing this volunteer force upon the terms and conditions declared in the proclamation, and then there will be no mistake or misunderstanding about it. The chaplain is the only officer as to whom an exception has been made. I am decidedly in favor of the reconsideration, although the amount to be allowed is perhaps more than I would otherwise consent to allow.

Mr. BRECKINRIDGE. As I understand it, the provision in the bill at present is, that the chaplains of volunteers shall receive the same compensation as chaplains of the regular Army. It is proposed to amend it by giving them the compensation and allowances of a captain of cavalry.

Mr. WILSON. The bill, as originally reported by the committee, followed the proclamation of the President, and fixed the pay and allowances of a captain of cavalry as the compensation for a chaplain. On the motion of the Senator from Minnesota, I think, without much reflection—at any rate I did not consider it much myself—the Senate changed it, and determined to give these chaplains the same compensation as those in the regular service. What is now proposed is to reconsider that vote, and restore the bill to the shape in which it was originally reported, allowing them the compensation of a captain of cavalry; and the reason given is mainly and chiefly that, in calling out these men, this was the compensation fixed in the proclamation.

Mr. BRECKINRIDGE. It is as I supposed. My only object in rising was to inquire of the chairman of the Committee on Military Affairs what becomes of the chaplains of the regular Army, and whether any discrimination is to be made between them and the chaplains of volunteers?

Mr. WILSON. In the regular Army, I understand the compensation to be about eleven hundred and fifty dollars a year. This will be three or four hundred dollars more.

Mr. BRECKINRIDGE. There is that difference, then, between the two classes of chaplains?

The motion to reconsider was agreed to; there being, on a division—ayes 25, noes 11.

The VICE PRESIDENT. The question again recurs on adopting the amendment; and if it be rejected, the bill will be left, in this respect, as it was reported by the committee.

Mr. McDOUGALL. I would ask the chairman of the Committee on Military Affairs whether the chaplains belonging to the regular service and those of the volunteer corps ought not to be put on the same footing; and whether an amendment of that kind ought not to be made?

Mr. WILSON. I think not.

Mr. McDOUGALL. I have not considered the matter, but it strikes me that there should be no discrimination.

Mr. JOHNSON, of Tennessee. I desire to ask the Senator from Massachusetts how much the pay of these chaplains will amount to? Will it not be something like eighteen hundred dollars a year? Can he inform me what the aggregate sum will be?

Mr. WILSON. I think the pay in the regular Army is about eleven hundred and fifty dollars. It is not proposed to change that. This applies only to the volunteers.

Mr. JOHNSON, of Tennessee. But I understand this runs it up to about eighteen hundred dollars a year.

Mr. WILSON. I do not know precisely the sum, but it is the pay and allowances of a captain of cavalry. I have not gone into the calculation.

Mr. JOHNSON, of Tennessee. Will it not amount to something like $900,000 for the whole number of regiments?

Mr. WILSON. I do not know; but I should think not.

Mr. SHERMAN. I dislike very much, on a matter of this kind, to interpose; but I look upon this war rather in a financial than a physical point of view. In a physical point of view, I believe it will be soon determined. As a financial one, if we waste our treasure it will not be determined. It is proposed by the Senator from Massachusetts to pay at the rate of $900,000 a year for chaplains to these volunteers. There are five hundred regiments provided for by this bill—five hundred thousand men. Five hundred chaplains, at $1,800 a year, certainly approximates an aggregate of $900,000.

I think it is an absurd proposition. If this money is to be given to clergymen, let us divide it among the clergymen of the country, and not give it merely to those who may be chaplains of regiments. I think, at any rate, that a chaplain to a regiment is out of place. I would not vote for a chaplain to a regiment. I think if they were left at home to carry on their duties, it would be much better for them. At any rate, there are enough who would be very glad to perform the duties for the pay of an Army chaplain. On the simple score of economy, therefore, I shall vote against the amendment of the Senator from Massachusetts.

Mr. TEN EYCK. I have no idea, sir, that there will be five hundred regiments called into the field; and I have no idea that $900,000 a year will be required to pay the salaries of these chaplains. But, sir, if there should be this number of regiments, and this number of men, and this amount of money required to the extent of $900,000, I am willing to vote it, although it may go into the pockets of clergymen. These men, upon the call of their country, have left their parishes and their churches, and they had a right to understand, as they were taught, that the "laborer is worthy of his hire;" and they had a right to suppose, and so understood, that their pay would be in accordance with what it had been heretofore in the Army. If the chaplains are to cost eight or nine hundred thousand dollars a year, I do not know what the cost of the regular Army is to be: it will run beyond all limit. But let it go to any extent necessary, I am ready to pledge all the means within the power of the people of the State that I have the honor in part to represent, to discharge this duty to the chaplain as well as to the common soldier. We are ready, sir, to go to the extent of all that we have, and all that we are, whether it be to maintain arms in the hands of our soldiers, or the Gospel in the hands of our chaplains; whether it be to pay those men who wield the sword, whether of steel or of the spirit—those who fight our battles or visit our camps and endeavor to restrain them from license, and call the attention of the troops to other duties than simply those of arms. We are ready and willing to pay those men who gladly seek and stand by the dying soldier who falls a victim to his country's quarrel, and soothes his spirit in the final hour. I think, sir, we ought not to regard the expense in this aggravated point of view. I have no idea that the amount will run up to the enormous sum that the Senator from Ohio thinks; but if it does, there must be a corresponding amount to defray the expenses of the Army, and that must be untold millions. Sir, the expense will be corresponding. I hope the bill, as reported, will pass.

Mr. BROWNING. Mr. President, I suppose the Army depends almost as much upon the moral condition of the soldiers as upon their physical condition and training; and for one, I do not hesitate to say that, in my opinion, whatever the amount may be that is paid to chaplains of the Army, there will be a larger corresponding amount of service rendered and benefit derived from them than from any other given number of men receiving an equal amount of pay. I do think, sir, that the chaplains in the Army are among the most valuable of those who give their services to their country, in this time of its peril and danger; and I should be exceedingly reluctant to see a refusal on the part of Congress to make to them an allowance, not adequate to the services that they render—not at all adequate, I think, to the services that they render their country—but to some extent approximating a compensation. There is a very manifest reason why, even if the compensation that is proposed to the chaplains in the volunteer service does exceed that paid to the chaplains in the regular Army, it should be so. The chaplains in the volunteer service surrender eligible and desirable situations at home to go temporarily into the public service, and not permanently; whilst those who are in the regular Army are there permanently. They are appointed for life, receiving their pay continually year after year, and upon which they may rely during the whole period of their lives; but in the volunteer service, they may be disbanded in one year's time. The war we trust will be brought to a happy conclusion before the expiration of the three years for which they have tendered or will tender their services to the country, and then they are thrown out of employment; they are thrown back into the community to begin again the struggle of life for the subsistence of themselves and their families. If the chaplains are possessed of such qualifications as chaplains ought to have, I do not hesitate to repeat as my opinion, that they will render a greater proportion of efficient service, do the country more good, than any other equal number of men that there will be in the service, either of officers or soldiers, and I am decidedly in favor of the amendment proposed by the chairman of the Committee on Military Affairs. I think, sir, we ought not to hesitate to pay them, and pay them liberally. If they are fitted for the positions which they fill, they contribute more than all others united to the preservation of the moral condition of the Army, which is as necessary to the efficiency of the Army as its physical condition can be.

Mr. HOWE. This discussion was inaugurated by some objections that I started myself. I had got over my objections in consideration of what was said by the chairman of the Committee on Military Affairs, seconded by the Senator from Vermont, to the effect that the faith of the nation was pledged to this rate of compensation contemplated by the amendment offered by the chairman of the Committee on Military Affairs——

Mr. COLLAMER. Allow me one moment? I meant to be understood that I considered it so in relation to those who have already come in. Hereafter you may make the pay as you please; but as to those to whom the proposition was made, who have accepted it, and who are actually doing the duty, the faith of the nation is pledged that they shall receive a certain amount of pay.

Mr. HOWE. I am not going to advocate the forfeiture of any part of the faith which the country has pledged to any class of persons engaged in this conflict; but I arose for the purpose of saying, in justice to myself, that I am not here to underrate the value of the services rendered, or which ought to be rendered, by this class of officers. I think I have as high an estimation of it as the Senator from Illinois, or any other Senator upon this floor; but I think the Senator from Illinois, and every other Senator, will admit that the services to be rendered by the chaplains appointed for these volunteer regiments are not more important than those rendered by the chaplains in the regular service; and so far as the value of the services are concerned, the rate of compensation should be no higher.

Now, sir, there is something in the argument urged here, that these chaplains are taken from parishes, taken from employments where they surrendered salaries for a temporary service, and that when this temporary service is concluded, they will be thrown back again to look for parishes. I presented the same argument yesterday to the Senate, when I asked that the compensation of your assistant surgeons—a laborious class of servitors in this contest, if it is to be a severe contest—should be raised from $53 33 a month. If they are fit for the places to which they are assigned, they are taken from a practice which they may have spent years to secure. They are employed for a short time, and under the bill as it now

stands, they are employed at $53 33 per month; and then they are sent back to look up another practice. The Senate did not agree to the force of that argument yesterday in reference to assistant surgeons, and it does not strike me as more forcible when urged in behalf of this class of officers than the other, for I think a practice is quite as difficult to secure by surgeons and physicians as parishes are to be secured by clergymen.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GRIMES. I understand that places it in exactly the condition the President proposed.

The VICE PRESIDENT. The Senate adopted an amendment striking out certain words reported by the committee, and inserting others. A motion has been made to reconsider that vote, and that reconsideration has been made; and now the question is again on restoring the very same words. That is the amendment before the Senate.

The amendment was rejected.

The VICE PRESIDENT. The bill is still open to amendment.

Mr. HOWE. I will propose a brief amendment. I do not see any objection to it, but if there is, the chairman can state it. I move to strike out of the fourth section all the words following "general," in the eighth line, so as to leave the generals at liberty to select their aids without being compelled to resort to the regular Army or to the volunteer corps.

Mr. WILSON. I hope the Senator from Wisconsin will not insist on the amendment which he has suggested. That provision was put in the bill for the purpose of preventing general officers from selecting favorites that would be imposed upon them, or who would impose themselves upon them, and require them to appoint their aids from the line of the Army, or from the officers already enrolled in the volunteers. And let me say, sir, that it is of vital importance that it should be so; that these militia generals, these civilians, should be required to go to the line of the Army to obtain the officers who have the ability to instruct them in the necessary details, or that they should go to the men who have enrolled themselves as officers in the volunteers, and are in the field. A general ought not to be allowed, the moment he is appointed, to cast about among some of his cousins, relations, and friends, and pick up some favorite, and carry him into the field utterly unqualified for the place. This provision is necessary, in my judgment, for the good of the public service; and I therefore hope the Senator will not press his amendment.

Mr. HOWE. I will submit just one consideration, Mr. President, and then, if the chairman wishes, I will withdraw the amendment. I desire to suggest that the officers of the volunteer corps from whom, as the bill stands, the generals are authorized to select, have just received their commissions from the different Governors of the States; and if it is believed that there you are sure of getting effective aids, and that the generals will not get them if they go outside of that line, I shall not insist on my motion.

Mr. WILSON. If the general is a wise man, and looks to the public interest and his own reputation, he will undoubtedly take the officers from the line of the Army; but we have given him the privilege of taking the officer from the line of the Army, or from the line of the volunteers. I would not have gone that far, but it was thought to be rather hard to make a distinction between the volunteers and the Army. But I do hope these general officers will not have the privilege of picking up any newspaper reporter, or any favorite about them, and imposing him upon the country. I think we have had a few specimens of that, for I understand that in one case a general officer has been in the field and brought around him a staff dressed out in the finest manner, making the finest parade, who, when they heard the guns of the enemy, were swift in going from the field. I hope that the bill will stand as it is; and I hope further that general officers who may be appointed will have the good sense to go to the line of the Army and select men of experience and talent to have about them to aid them in their services.

Mr. HOWE. I withdraw the amendment.

Mr. GRIMES. I renew it. I renew it merely to enable me to address an inquiry to the chairman of the Committee on Military Affairs. There are so many of these military bills that I cannot keep the run of them. We have authorized the creation of a great many volunteer generals, both brigadier and division generals, and we are to authorize the creation of a great many similar officers in the regular Army. The Senator has had a bill passed through the Senate, and it has become a law, perhaps, allowing to each one of these division generals one additional aid. Now, each of these major generals is to have three aids, to be taken from the line. The Senator insists that it shall pass; and I suppose, as we are to pass everything that comes from the Committee on Military Affairs, it is destined to pass and become a law. He has given also to each brigadier general, both of the volunteers and of the regular line, two aids. Now, what I want to get at is this: how many aids is the Senator going to take from the regular line of the Army, from their legitimate duties, and give to these brigadier and division generals? And when he takes them away, how is he going to have his regular line officered? I wish to know whether the Senator has given any reflection to that aspect of the case?

Mr. WILSON. The bill to which the Senator from Iowa refers has not been acted upon. It is before us.

Mr. GRIMES. It has been reported from your committee.

Mr. WILSON. It has been reported from our committee. It is before the Senate; and when it is called up, I know the Senator from Iowa will criticise it sharply, and he can certainly make any motion he desires to make in regard to it. I am sure it will be criticised; for I believe if we introduced the Lord's Prayer here, there would be a large number of amendments proposed to it. [Laughter.] But, sir, in regard to this matter, I will simply say, that we have authorized in this bill the appointment of six major generals, and they are entitled to three aids each; and eighteen brigadier generals, with two aids each. We give these major and these brigadier generals the privilege of going to the line of the Army, or to the line of the volunteers, or to both, to select their aids. For the interest of the country and for the reputation of the officers, I think they should go to the line of the Army; but they will probably go to both, and have a portion of Army officers and a portion of volunteer officers. I think we had better let the bill stand as it is, pass it, and when the other bill comes up, if the Senator thinks that a major general in the field ought not to have three aids, or a brigadier general two, let him move an amendment to carry out his views. I think if he were a brigadier general, (and I am sure he would make a very good one, certainly better than many who are likely to be appointed,) he would like to have about him two good aids, and to have men who had devoted years of their lives to the study of matters connected with the art of war.

The VICE PRESIDENT. Does the Senator from Iowa withdraw his amendment?

Mr. GRIMES. Yes, sir.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. POLK. When this bill was upon its passage before, I asked for the yeas and nays, which was accorded by the Senate; and inasmuch as some of the amendments that have been just now adopted, especially the first one, have damaged the bill a good deal, I ask for the yeas and nays again.

The yeas and nays were ordered; and being taken; resulted—yeas 35, nays 4; as follows:

YEAS—Messrs. Anthony, Baker, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, and Wilson—35.

NAYS—Messrs. Breckinridge, Johnson of Missouri, Polk, and Powell—4.

So the bill was passed.

SENATOR FROM KANSAS.

Mr. FOOT. I hold in my hand what purports to be the credentials of an executive appointment by the Governor of Kansas of Hon. Frederick P. Stanton as Senator upon this floor in the place of Hon. Mr. LANE, now holding a seat here under legislative election. I also hold and present a memorial from Mr. Stanton, setting forth his claim to the seat under this appointment. I present these papers as a matter of courtesy, without expressing any opinion upon the questions involved; and, without reading, I move their reference to the Committee on the Judiciary.

The VICE PRESIDENT. They will be so referred, if there be no objection.

Mr. LANE, of Kansas. The papers presented by the honorable Senator from Vermont look to me a good deal like an attempt to bury a man before he is dead. I desire to state, however, for the information of the Senate and of the country, that, under an order from the Secretary of War, I am now engaged, through my colonels, in organizing a brigade in the State of Kansas. A paper has been handed to me by the Secretary of War, evidencing his purpose to appoint me a brigadier general in the volunteer service. When the brigade that I design to command is full, I shall consider the question of accepting a commission from the General Government. I will not, however, even consider the subject until the question has been submitted to the brigade—to the men whom it is proposed I shall command—and they by their votes sanction the proposition; as I believe, with all due deference to the opinion of Senators, that no volunteer corps can be formed as a volunteer corps should be formed, unless the officers that are placed over them have their entire confidence, both as to their courage and their skill. When, I say, the brigade is full, and they have sanctioned the proposition of the General Government, I will accept the command of the Kansas brigade. When accepted, I will carry out the known wishes of the people of Kansas, and surrender the certificate by which I hold a seat upon this floor; not to a Governor, who is controlled alone by vindictive personal feelings, but to the Legislature of my State, that with great unanimity elected me to my position upon this floor. I want the people of Kansas, through their regularly elected representatives, to select my successor. When that is done, I venture the assertion that this Senate floor will have upon it in my place, a man true to the Union, and true to the cause of human freedom.

PAY OF SENATOR DOUGLAS.

Mr. BROWNING. I ask leave to offer a resolution, which I should like to have considered now:

Resolved, That the Secretary of the Treasury be, and is hereby, required to pay to the widow of the late Stephen A. Douglas, late a Senator of the United States, the amount of compensation due to him up to the time of his death, being $1,834, out of any money in the Treasury not otherwise appropriated.

Mr. HALE. I would suggest to the Senator from Illinois that he strike out the sum, and let it be computed by the Secretary, because the Senate will have to pass on it without knowing what it is. Let the proper officers settle the amount.

Mr. McDOUGALL. I will state that the amount named in the resolution is the amount of Mr. Douglas's mileage and per diem up to the day of his death, as computed in the office of the Secretary of the Senate. The whole matter is taken from the act of Congress, assuming mileage to be due.

Mr. HALE. I would suggest that this should be done according to precedent, by joint resolution.

Mr. McDOUGALL. This is a joint resolution.

Mr. HALE. I am not opposed to it at all; but I want it done in the usual form. I think, however, the sum had better be stricken out, and let it be computed by the proper officer.

Mr. BROWNING. I will state that I have no personal knowledge at all of the amount due, or of the basis on which to compute the amount. The friends of Senator Douglas took the pains to go to the Secretary of the Senate and have the amount computed, prepared the resolution, and requested me to present it for the consideration of the Senate, which I did with a great deal of pleasure; and I shall be very glad to see a resolution passed authorizing whatever amount is due to be paid to the widow of the deceased Senator. I have no personal knowledge of the amount that is due; and as the resolution was prepared by his friends, and placed in my hands with a request that I should offer it, I cannot consent that the amount be stricken out; but I shall submit to any order that the Senate choose to take.

Mr. HALE. Of course, I am not opposed to the resolution. I am in favor of it; but I want

it to follow the precedents; and with that view, I move that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

The resolution being put in the form of a joint resolution, the Journal entry is as follows:

"Mr. BROWNING asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death; which was read twice by its title, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate."

PACIFIC RAILROAD.

Mr. McDOUGALL. I offer the following resolution:

Resolved, That a railway from the terminus of railway communication west of the Mississippi to the Pacific coast, is at the present time demanded as a military work; and also from political considerations growing out of our present disturbances.

I submit the resolution now, and ask that it may be laid on the table until to-morrow, when I shall call it up, and move its reference to a special committee.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were read twice by their titles, and referred to the Committee on Finance:

A bill (No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861; and

A bill (No. 19) making additional appropriations for the naval service for the year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861.

COLLECTION OF DUTIES.

Mr. CHANDLER. I move to take up the bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes. It will not occupy much of the time of the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Acting Secretary proceeded to read the bill.

The VICE PRESIDENT. If there be no desire to have the bill reread, the Chair, understanding that it has already been read, will direct the further reading to be dispensed with.

Mr. HALE. I have no such desire; but I want to call the attention of the chairman of the Committee on Commerce, who has this bill under consideration, to the sixth section, which is as follows:

SEC. 6. *And be it further enacted*, That from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this bill, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

Now, as I read that section, if any portion of a vessel belongs to any citizen of such a State, no matter how loyal he may be, though he may be as sound on all these questions as the Senator from Michigan himself—and that is giving very high praise—yet the fact that he has an interest in that vessel in the port of Boston, New York, or anywhere else, subjects the whole vessel to confiscation. I should like to have that section amended.

Mr. CHANDLER. Another section gives the Secretary of the Treasury full discretion with regard to these fines and penalties. He has the power to remit them in case the owner of a vessel should be a loyal citizen, and he would undoubtedly do so.

Mr. HALE. I did not see that; but if it is so, I think it is an unsound and unsafe principle of legislation to confiscate a man's vessel, and then, when he presents the case, to say that it may be released by the Secretary. It is so in regard to every forfeiture; the Secretary has that power. The section to which the Senator from Michigan refers, I suppose, is this:

SEC. 8. *And be it further enacted*, That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March 3, 1797, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

But, sir, it condemns every vessel of the kind indicated, no matter where it is found. After you have deprived and divested a loyal citizen of his property, and confiscated it, it is no remedy to tell him that you turn him over to the Secretary of the Treasury, who may remit the penalty if he sees proper. That is the way it strikes me.

Mr. CHANDLER. If the Senator proposes an amendment, I shall be very happy to hear it; but I think the bill is right.

Mr. HALE. I merely wanted to call the attention of the distinguished Senator to this point.

Mr. CHANDLER. It is true, it might be a hard measure under some circumstances; but the Senator has read the clause giving the Secretary of the Treasury power to remit any penalties and fines imposed under the bill, and I think it is as well as it stands.

Mr. HALE. I do not wish to be pertinacious, and I yield with great pleasure to the Senator from Michigan. Is it a safe and sound principle of legislation to condemn a man without cause, and then give him no remedy in the courts, no remedy in law, but turn him over to the discretion of the Secretary, under an act sixty or seventy years old? That is the question. This is a Government of laws, and it should be so; and property should be holden by the tenure of law, and not upon the will and pleasure of any officer of the Government. It strikes me that the bill is fatally defective in this respect.

Mr. COLLAMER. I am inclined to the opinion that if the whole bill be read through, and this section be read in the relationship which it sustains to the rest of the bill, it will hardly be regarded as obnoxious to the objection which the Senator from New Hampshire starts to it by itself.

This bill is drawn with various provisions intended to provide for executing the laws, and especially for collecting the revenue, in various different aspects of public violence. The first part of the bill provides that, if the revenue cannot be collected at a port of entry, in any district, in consequence of public violence, the President may remove the port of entry to a port of delivery in the same district. The next provision is, that if he cannot collect the revenue in consequence of public violence by doing this, then and in that case, he shall be at liberty to remove the custom-house to a public vessel—there comes the force bill which is ingrafted on it. It then further provides that, if he cannot collect the revenue in either of these modes, by removing the port of entry to a port of delivery, or by establishing the custom-house on board a vessel; if the degree of violence is so great that he cannot do either of these things, then he may discontinue the ports of entry in that district altogether, and thereupon foreign ships, or any ships containing property that is subject to duty, shall not enter.

But there is a higher order of violence, which may, and occasionally does arise. When an insurrection exists, it may be of such a character and kind (although the war which grows out of and connected with it is, by the laws of nations in modern times, as holden by all writers, to be conducted according to the usages of civilized war) that the Executive could never use against it those powers which are incident to a condition of war, unless you give it locality. Suppose there was a war of factions all over this whole land; that political parties were not merely divided, but were in hostile array: under such circumstances there could not be a blockade; it would not be adapted to the case; the usual means of prosecuting or defending against a war could not be applied. But if the insurrection be of a local kind, the means which are ordinarily used under the laws of war for carrying on a war can be made to apply to it; but you must first give it locality. The truth is—and the whole history of the world shows it—that it is utterly impracticable ever to put down a local insurrection by any sort of withholding intercourse incident to war, unless you withhold all intercourse from that section of country. You cannot carry supplies to a people and not carry supplies to the insurgents whom they maintain. It is impracticable. The degree of violence may be of such a character, and the insurrection may take such a form, that it may become necessary to use the means which are applicable to that mode of war; but the great difficulty that arises in the mind is, to ascertain under what circumstances we may declare it to be local in its character. It would not do to say that when Shay's rebellion existed in Massachusetts, Massachusetts was in a state of insurrection. If the Senator will take the section preceding the one to which he has referred, he will find that it goes on to provide that if the President, under the act of 1795, shall call out the militia to suppress an insurrection, and the insurgents do not disperse by the time the President directs, then if those insurgents claim to act under the authority of a State, and the State authorities do not disclaim it, and do not suppress it, the President may declare that the inhabitants and people of that State are in a state of insurrection, or the inhabitants of any section of that State; and "thereupon," that is, upon the issuing of that proclamation, all intercourse between that section or State so declared to be in insurrection, and the remainder of the United States, shall cease. That is a condition of war—local war; and in that case all goods, wares, and merchandise of every kind, going to it or coming from it, together with the vessels or vehicles by which they are conveyed, shall all be forfeited to the United States.

If we undertake to accept this means of stopping intercourse and exercising the powers incident to a state of war when it has locality assigned to it, can we do it and yet let these people go where they please with their ships and vessels? Can we allow them to go where they choose on the high seas; hold intercourse with the rest of the world; get supplies of powder, and everything else that they want? Certainly not; it defeats the whole purpose utterly. There is a further provision, that after the proclamation of the President declaring this condition of things, declaring that all intercourse shall cease, if any of their vessels are found on the high seas or in our ports, after having had fifteen days' notice, they shall be subject to capture. Why not? Can we say, "you shall not carry by railroads whole trains of powder into South Carolina to sell to the people, and they to sell to the insurgents, but you may go abroad with your ships on the high seas?" The provision which the gentleman has read is nothing more, nothing less, than a carrying out of the previous provision to which I have referred. It is simply carrying it out in relation to the high seas, or where their ships are in our ports and remain in them after due notice of fifteen days. Within that time they may go where they please with their ships; but if they will come to our ports, and will undertake to hold intercourse with us, and will go abroad, then, most clearly, if we are going to carry out our condition of war, we must stop those ships abroad, and stop the intercourse at home. There is no other way to carry it through. That is the explanation of the provision to which attention has been called. It is part and parcel of the system which the previous section points out.

Mr. HALE. I do not want to be factious about this matter. I think the section goes a great deal further than the Senator from Vermont intimates. I agree with everything he says; but let me take an instance: here is a line of steamers running from Fall river, in Massachusetts, to the city of New York, in New York, owned by a company, and in shares. Under the provisions of this bill, if one of the most loyal citizens in Virginia or Tennessee, or any of the seceded States, owns a share in these vessels, they are confiscated absolutely, entirely, and totally. I think that the bill ought to be so framed as to guard against anything of that sort; because it goes a great deal further than the premises laid down by the Senator from Vermont. It provides:

"That from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this bill, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State, or part of a State, whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States."

The commercial relations of this country have been so extended that there are probably a great many lines of vessels in which shares are owned in some of the seceded States. This bill confiscates the whole property in every line of steamers or sailing vessels of any sort, where the minutest share is owned by a citizen of one of those States.

If the Senate understand that, and think that is necessary to maintain the Union, I shall not oppose it; but I shall have discharged my duty when I bring it to the consideration of the Senate, and express the purpose, which I certainly must entertain with my present conviction, of voting against the bill if that provision is contained in it.

Mr. COLLAMER. The gentleman seems to me to be just in the position of a man who, having once taken a position, finds it difficult ever to see that it ought to be abandoned. When we undertake to stop intercourse with a rebellious people, most clearly it must be stopped entirely; but it is very obvious that we cannot distinguish between men who are loyal and men who are not loyal in the same State. That cannot be done if we mean to stop the intercourse. But every precaution was taken in the bill, as the gentleman will find by examination, that could practically be effected.

Although it is provided in this bill that intercourse shall cease between the proclaimed sections and the rest of the country, yet, after all, in modern international law it is holden that the power to make war is a power that may modify that war. By the international law, all the inhabitants of the two belligerent parties become personally the enemies of each other, and all intercourse between them becomes illegal. Now, this being part of the country, it needed a law to make that so here; and in that the gentleman says he agrees with me. But there may be parts of a State that are loyal to this country; there may be particular sections that are so; there may be particular branches of trade which it may be advisable to continue, and it may be advisable to continue them by particular people; and therefore the bill provides that, though intercourse shall cease, and the vessels and property owned in the rebellious States be confiscated, yet, after all, the President may issue a license to such persons and to such parts of that country, and in such articles as he, in his discretion, shall consider proper, that intercourse may be carried on under rules and regulations prescribed by the Secretary of the Treasury. As I before remarked, we cannot make provision for having their ships seized and confiscated unless you declare it so. There would be no use of declaring a stoppage of intercourse with them if they could carry it on with their ships where they pleased. Hence, a provision was made for arresting their ships in due time after the proclamation. It is true, there may be a case where some loyal men have a ship, or it may turn out that the ship itself was only employed in the intercourse between other harbors of the United States, and not with that part of the country, or that but a small share of it is owned there. It is apparent that all this must be left to the Secretary of the Treasury, as seizures under our revenue laws now are, and it is left so with a view of making provision for these things. We cannot provide for particulars in all respects in a bill. The only practicable method in such cases is to leave somebody with power to provide for them, and that is done in this bill. In short, sir, I do not see how it can be made any better.

Mr. HALE. I want to ask the Senator from Vermont, as he has looked at the subject, if it would be practicable to provide for the confiscation of the interest of the owners only, without confiscating the whole joint property?

Mr. COLLAMER. The question is new to me. I think it might be.

Mr. HALE. It seems to me if it could, that would be the wiser course.

Mr. COLLAMER. That never was suggested to me; but I will say to the gentleman that there is no practical difficulty in the case.

Mr. HALE. There may not be.

Mr. COLLAMER. There is none at all, because there is a provision now in the bill leaving a discretion for all these very cases, which we may imagine or suppose, in the Secretary of the Treasury.

The bill was reported to the Senate without amendment.

Mr. LATHAM. I understood the Senator from New Hampshire to offer an amendment in regard to the sixth section of the bill.

The PRESIDING OFFICER, (Mr. BINGHAM in the chair.) He has offered no amendment at all. The Chair is informed by the Secretary that a slight amendment is necessary in the third line of the sixth section. The word "bill" should be "act;" and, if there be no objection, it will be so modified.

Mr. SAULSBURY. Mr. President, if it is in order, I wish to make a motion to refer this bill to the Committee on the Judiciary. I am not opposed to the purposes of the bill at all, and I am not prepared to say that its provisions are not constitutional. I never saw it until this morning. Perhaps the Senator from Vermont—I was too far off to hear him distinctly before—will explain the fifth section of the bill to my satisfaction. That section reads:

SEC. 5. *And be it further enacted*, That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February 28, 1795, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then, and in such case, it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same, and the citizens thereof, and the citizens of the rest of the United States, shall cease and be unlawful so long as such condition of hostility shall continue, &c.

I have not had an opportunity of investigating the matter, but the doubt I have is, whether you can, consistently with the Constitution of the United States, prohibit commerce between the loyal citizens of this country, although those loyal citizens may live in a community governed by persons who are disloyal.

Mr. COLLAMER. The gentleman has stated the point very well, and I think I understand it. I merely say that I see no objection to it. The bill does profess to do that. I will only remark that this Government never can suppress an insurrection where a State countenances and supports it, but by virtue of such a law as this; and if we cannot make such a law, we must give up the doctrine that the United States can suppress an insurrection which a State countenances.

Mr. SAULSBURY. Mr. President, I am one of those who hold that this proceeding on the part of the southern States is rebellion against the laws and Constitution of the country. I admit that. It has now arrived at such proportions that it is revolutionary; but still, can you, in a case of that kind, even where a State is in rebellion, consistently with the provisions of the Constitution of the United States, deprive loyal citizens of a State, although that State may be in rebellion, of the benefit of trade and commerce with any other portion of the country? The Senator answers that if you cannot do that you cannot suppress the rebellion. I think the question is of such a grave character—the rights of the loyal citizens of this country who may be situated in disloyal States may be so greatly embarrassed by this provision in the bill, that we ought to take more time for its consideration, and not hurry it through on its passage this morning. Therefore, sir, I move that the bill be referred to the Committee on the Judiciary.

The motion was not agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. LATHAM. Let us have the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 6; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, Morrill, Nesmith, Pomeroy, Rice, Saulsbury, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—36.

NAYS—Messrs. Breckinridge, Bright, Johnson of Missouri, Kennedy, Polk, and Powell—6.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861; and

A bill (No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861.

ORGANIZATION OF THE ARMY.

Mr. WILSON. I move that the Senate now proceed to the consideration of the bill (S. No. 3) providing for the better organization of the military establishment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which authorizes the President to appoint, by and with the advice and consent of the Senate, an officer in the War Department, to be called the Assistant Secretary of War, whose salary shall be $3,000 per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall be prescribed by the Secretary of War, or as may be required by law. Hereafter the Adjutant General's department is to consist of the following officers, namely: one Adjutant General, with the rank, pay, and emoluments of a brigadier general; one assistant adjutant general, with the rank, pay, and emoluments of a colonel of cavalry; two assistant adjutants general, with the rank, pay, and emoluments each of a lieutenant colonel of cavalry; four assistant adjutants general, with the rank, pay, and emoluments each of a major of cavalry; and twelve assistant adjutants general, with the rank, pay, and emoluments each of a captain of cavalry; and there is to be added to the Subsistence department two commissaries of subsistence, with the rank, pay, and emoluments of majors of cavalry.

To the Quartermaster's department there are to be added as many master wagoners, with the rank, pay, and allowances of sergeants of cavalry, and as many wagoners, with the pay and allowances of corporals of cavalry, as the military service, in the judgment of the President, may render necessary.

To the Ordnance department of the United States Army, as now organized, there are to be added one chief of ordnance, with the rank, pay, emoluments, and allowances of the Quartermaster General of the Army; one colonel, one lieutenant colonel, and six second lieutenants; the chief and the field officers to be appointed by selection from the officers of the ordnance corps, and the second lieutenants from the graduates of the United States Military Academy, by transfer from the engineers, or the topographical engineers, or the artillery.

To the corps of engineers there are to be added, by regular promotion of its present officers, one brigadier general, one colonel, two lieutenant colonels, and two majors; but, hereafter, all promotions in that corps are to be by senority, inclusive of the highest grade; and all vacancies created by such promotions are to be filled by graduates of the Military Academy, recommended for such promotions by the academic board of that institution.

To the corps of engineers there are to be added three companies of engineer soldiers, to be commanded by appropriate officers of that corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits, in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May 16, 1846. These three companies are to be subject to the rules and articles of war; they are to be recruited in the same manner, and with the same limitation, be instructed in and perform the same duties and be liable to serve in the same way, and are to have their vehicles, pontons, tools, implements, arms, and other supplies regulated in the same manner, as the existing engineer company; and each of the four companies of engineer soldiers is hereafter to be composed of ten sergeants, ten corporals, two musicians, sixty-four privates of the first class, or artificers, and sixty-four privates of the second class—in all, one hundred and fifty men each.

The President is also to be authorized to add to the Medical department of the Army such number of surgeons, not exceeding ten, and of assistant surgeons, not exceeding twenty, as, in his judgment, may be required by the wants of the service; there are also to be added to the Medical department of the Army, by regular promotion, two assistant surgeon generals, with the rank, pay, and emoluments of lieutenant colonels of cavalry, who shall be inspectors of military hospitals; the officers so added to be appointed in the same manner, and to be, in all respects, on the same footing, according to rank, as the officers of that corps now authorized by law. The Surgeon General of the Army is to have the same rank, pay, and emoluments as a colonel of cavalry.

There is also to be added to the medical staff of the Army a corps of medical cadets, whose duty is to be to act as dressers in the general hospitals and ambulance attendants in the field, under the direction and control of the medical officers alone. They are to have the same rank and pay as the military cadets at West Point. Their number is to be regulated by the exigencies of service, but at no time to exceed fifty. It is to be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and have attended at least one course of lectures in a medical college. They are to enlist for one year, and be subject to the rules and articles of war. On the 15th day of the last month of their service the near approach of their discharge is to be reported to the Surgeon General, in order, if desired, that they may be relieved by another detail of applicants.

In general or permanent hospitals female nurses may be substituted for soldiers, when in the opinion of the Surgeon General or medical officer in charge it is expedient to do so; the number of female nurses to be indicated by the Surgeon General or surgeon in charge of the hospital. The nurses so employed are to receive forty cents a day and one ration in kind, or by commutation, in lieu of all emoluments except transportation in kind.

One chaplain is to be allowed to each regiment of the Army, to be selected and appointed as the President may direct; but none but regularly ordained ministers of some Christian denomination are to be eligible to selection or appointment. The pay and allowances of a chaplain are to be those of a captain of cavalry.

The President of the United States is to be authorized to fill any existing vacancies at the United States Military Academy from congressional districts for which no nominations are made by Representatives in Congress, by appointments from those districts, or from "at large;" and there is to be added to the number of cadets, as now authorized to be appointed from congressional districts and from "at large," two cadets from each State, to be appointed by nominations of Senators; but each of the additional cadets is to be an actual resident of the State from which nominated, and is to have the same qualifications for admission to the United States Military Academy as are now required for those appointed from congressional districts and from "at large."

The three months' extra pay allowed by the twenty-ninth section of the act of the 5th July, 1838, for reënlistments under certain conditions, the bounty granted by the third section of the act of the 17th June, 1850, for enlistments at remote and distant stations, and the premium now paid for bringing accepted recruits to the rendezvous, are to be abolished.

Hereafter two dollars per month are to be retained out of the monthly pay of each enlisted man in the regular Army, until the expiration of his time of service, instead of one dollar per month, as authorized by existing laws. The fifth section of the act approved September 28, 1850, requiring the Secretary of War to discharge from the Army all minors, is to be repealed.

In all cases of enlistment and reënlistment in the military service of the United States, the prescribed oath of allegiance is to be administered by any commissioned officer of the Army.

The two regiments of dragoons, the regiment of mounted riflemen, and the two regiments of cavalry, are hereafter to be known and recognized as the first, second, third, fourth, and fifth regiments of cavalry, respectively; the officers thereof to retain their present relative rank, and to be promoted as of one arm of service, according to existing law and established usage and regulation.

The Commissary General of Subsistence is to be authorized, under such regulations as the Secretary of War may prescribe, to vary the articles of subsistence whenever circumstances may render it advisable, by substituting fresh meats of any kind for salt meats; and also potatoes, or other fresh or desiccated vegetables, for those now constituting the regular ration; but the cost of the ration is not to be increased by such substitution. And there may be allowed in hospitals, to be provided under such rules as the Surgeon General of the Army, with the approval of the Secretary of War, may prescribe, such quantities of fresh or preserved fruits, milk or butter, and of eggs, as may be necessary for the proper diet of the sick.

The Committee on Military Affairs reported the bill back with several amendments. The first amendment of the committee was, in section two, line twelve, after the word "subsistence," to insert the word "each;" and in line thirteen of the same section, after the word "of," to insert the word "a;" so that the clause will read:

And that there shall be added to the Subsistence department two commissaries of subsistence, each with the rank, pay, and emoluments of a major of cavalry."

The amendment was agreed to.

The next amendment of the committee was, to add, at the end of section two, the following:

And four commissaries of subsistence, with the rank, pay, and emoluments each of a captain of cavalry, and to be taken from the line of the Army.

Mr. GRIMES. I move to amend that amendment by striking out all after the word "subsistence;" so that it will add the four commissaries of subsistence, if the Committee on Military Affairs think that is absolutely necessary, but will not increase their pay over the amount they are now receiving. My purpose is to follow this up by making another motion, that the words, "each with the rank, pay, and emoluments of a major of cavalry," in the twelfth and thirteenth lines, be also stricken out. The object is, to keep the pay of these officers where it now is as established by law. I do not think, sir, that this is a time when the country will justify us in attempting to raise the salaries of our military officers.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa, to the amendment of the Committee on Military Affairs.

The amendment to the amendment was agreed to; and the amendment, as amended, was adopted.

The VICE PRESIDENT. The Senator will now indicate his other amendment.

Mr. GRIMES. I move now to strike out in line three, of section two, the words, "one Adjutant General, with the rank, pay, and emoluments of a brigadier general;" and to insert the words, "one colonel."

For fourteen years, Mr. President, we have had at the head of the Adjutant General's bureau, in our Army, an officer, I believe, who discharged the duties of the position to the acceptance of the country, with no higher grade than that of colonel. He has resigned, and another gentleman has been substituted in his place. Now, I am not aware of any substantial reason why we should, at this particular juncture, reorganize this bureau, so as to put a brigadier general at the head of it, for the mere purpose, evidently, of conferring upon him emoluments that have never been enjoyed by his predecessors. At no time thus far, since the organization of the Government, has there been a brigadier general at the head of this bureau, and I hear no reason assigned by the Senator from Massachusetts, who represents the Committee on Military Affairs, why this change should now take place. It may be that we need more assistant adjutants general. I think we do. I am willing to agree and to vote for an addition to this bureau of certain lieutenants, who shall take the rank of captains in the Adjutant General's office; but I cannot conceive of any reason why, at this time, we should increase the superior officers in any of these bureaus.

The amendment was agreed to.

Mr. KING. I desire to offer an amendment.

The VICE PRESIDENT. There are further amendments reported from the committee, the Chair understands, which the Secretary will read.

The next amendment of the committee was to add, at the end of section five, the following:

The superintendent of the Military Academy shall be an officer of the Army, a graduate of the United States Military Academy, and distinguished for his scientific attainments. He shall have the local rank, pay, and allowances of a colonel of engineers, and be appointed by the President, by and with the advice and consent of the Senate.

Mr. GRIMES. Mr. President, the Military Academy has been established now nearly sixty years; and I believe it is the universal testimony of this country, and of foreign countries, or of the citizens of foreign countries who have been brought in contact with the officers who have been educated there, that some of the most accomplished officers the world has ever seen have been produced in that institution. I do not believe that there is any Army in the world that has, to-day, more accomplished officers than we have in the American Army, who have been educated at West Point. That institution, during this whole time, has been under the charge of the engineer corps of the Army, and under the charge of no other department. You know, sir, how that engineer corps is constituted. It is the *elite* of the service. Those who graduate at the head of their classes, are assigned to that particular department. They are men selected on account of their intellectual qualifications, on account of their application, and on account of the ability by which they have distinguished themselves while at the Academy. It is now proposed by this amendment to change this whole thing, and to open the West Point Academy to the superintendency of anybody who may, for the time being, be connected with our Army. I am opposed to it. I am opposed to it, because I have heard no substantial reason assigned why the change should take place; and we all know that the Academy has operated admirably thus far under the present system.

I fear, sir, that if we adopt this amendment, the Academy will become a sort of political institution; that we shall have men promoted who have been put into your ten regiments from civil life; who have no military qualifications, but who have been promoted to the distinguished positions which they are to occupy because they happen to have been favorite partisans of those who are in power; that they, after a while, will be placed in charge of your Military Academy for the purpose of influencing the political sentiments of the young men who may come into their hands as students. I think, Mr. President, that in regard to this Academy, we had better act upon the common sense principle of letting well enough alone; and therefore I hope the amendment will not be adopted.

Mr. WILSON. Mr. President, I think if the Senator from Iowa, who is usually so vigilant and careful in examining bills, had read this amendment, he would not have made the speech he has already made. He says that if this amendment is adopted, some of the civilians in the ten regiments may be appointed. Now, sir, they cannot be appointed under this amendment. It provides that the superintendent must be a graduate of the Military Academy. The amendment proposes that the superintendent of that Academy may be taken from the Army, but the person taken must be a graduate of that institution. This is the identical proposition reported in the bill of the Senate at the last session, assented to by the then chairman of the Military Committee, and by the Senator from Vermont, [Mr. Foot,] and agreed to by the commission that sat there six weeks examining this subject.

The Senator says, why not leave well enough alone? What is the fact to-day, sir? The selection of superintendent is confined to the engineer corps. It does not include the topographical corps or the ordnance corps. I should not object to having it confined to those three scientific corps. If Senators desire that, I will most cheerfully assent to it; but to confine it to the engineer corps is to shut out from selection some of the most eminent scientific men of the country. There is, to-day, complaint against the government and superintendency of that institution; the wife of the superintendent being an avowed and open secessionist, and teaching secession there in social life. Sir, if you would cast your eyes over the engineer corps, it would puzzle you or any man to select from it, to-day, a proper man to be placed at the head of that institution. There are men outside

of that corps, in the Army, infinitely better than the men that are left in the corps. We have selected some of the most eminent men of that corps and placed them in the line of the Army. You have made Captain Meigs, (a man of great ability—at any rate of great executive talent,) Quartermaster General; you have taken out Foster; you have taken out Franklin; and you have taken out other officers.

This amendment was taken from the bill reported last year. The Secretary of War is anxious that it should be adopted. He says that the good of that institution absolutely demands it. But if Senators do not desire this change, if they will move to amend it so as to confine it to the three scientific corps, the topographical corps, the ordinance corps, and the engineer corps, I will not object to that. I do not believe, however, with the Senator, because a man is from a scientific corps, that therefore he is the best fitted to preside over that institution. There is something besides science, something besides fortifications, something besides brick and mortar, necessary in the government of that institution. There is something required in regard to the government and control of men; and I believe the history of this country will show that the men having command of this corps have not been the most distinguished men in the field in handling men.

I hope, sir, that this amendment will not be voted down. I believe that the good of that institution to-day demands this change. I do not entertain the shadow of a doubt about it. I know that it is recommended by the Secretary of War, and that it is in accordance with a recommendation of a committee of our own appointment, a committee on which the Senator from Vermont, [Mr. FOOT,] Mr. Davis, of Maryland, and other gentlemen, sat; but if the Senator desires an amendment to confine it to the three scientific corps, I will not object to it. I hope, however, that the amendment itself will not be voted down.

Mr. HALE. Before the vote is taken on the motion to strike out, I desire to offer an amendment to the amendment of the committee. It is, in lines ten and eleven of the amendment, to strike out the following words: "a graduate of the United States Military Academy;" so that it will read:

The superintendent of the Military Academy shall be an officer of the Army distinguished for his scientific attainments, &c.

Now, sir, I put it to the Senate if it is fair, if there is an officer distinguished for his scientific attainments and fit to be appointed to that post, that it should be an eternal bar to him that he did not graduade at the Military Academy at West Point? The probability is that in most cases they would take the graduates of that Academy; but I think it would be an unjust discrimination to say to everybody else that goes into the Army: "No matter how well qualified you may be; no matter how distinguished in arms or science; no matter how eminent in all the attainments of a scientific officer and soldier and gentleman, you shall be eternally under the ban, and that shall be a closed portal to you forever, because you had not the good fortune to be a graduate of the Military Academy at West Point."

Mr. GRIMES. I wish to say one or two words in reply to the suggestions made by the Senator from Massachusetts. He insists that we should adopt this amendment because the Secretary of War wants it. Now, sir, I am willing to gratify the Secretary of War in everything that is reasonable. I am disposed to give him all the money and means necessary to prosecute the war that the country is carrying on efficiently and actively; but I must be permitted to exercise my own judgment in regard to this matter, especially when I am fortified by the experience of the last sixty years, that my judgment is right on the subject; and fortified also by the testimony of some of those very commissioners to whom the Senator from Massachusetts alludes as having been sent by the Senate and House of Representatives to West Point, a year ago this summer, to investigate this very subject. It is true that we appointed a commission, composed of two members of the Senate, two members of the House of Representatives, and two officers of the Army, to examine into this question, among others, and to report to the two Houses of Congress as to what should be the term of service at West Point; and they assumed the responsibility, and took upon themselves the right to instruct us upon that subject. But it is also true that that commission was not unanimous upon that subject; for I have seen a letter from Major Robert Anderson, now Colonel or General Anderson—I abuse no confidence when I say this—written to a gentleman in this city, in which he stated that he refused to sign the report of that committee, (and if you examine it you will find that his name is not appended to it,) for the very reason that this amendment was suggested; and yet, if it were adopted, it would open the superintendency of the Military Academy to him, and the corps of which he was a member. I would not object so much to the amendment, which the Senator himself says he would agree to, namely: to open the superintendency to the three scientific corps of the Army, to the two engineer corps, and to the ordnance corps; but I do insist that we shall confine it to those three, if we do not confine it to the engineer corps, where it has hitherto been.

Mr. FOOT. Mr. President, I feel rather called upon to correct the misapprehension or the misinformation under which the Senator from Iowa seems to be laboring in this matter, as far as relates to the actions and opinions of Colonel Anderson. Colonel Anderson was a member of that commission; from the commencement to the close of its session, participated in all the discussions and all the action of that commission upon the various questions before us, both in reference to the organization of the institution, in reference to the programme of the studies of the institution, and the system of discipline; and upon this question of opening the whole Army, all the corps, for the selection of the superintendent of that institution, Major Anderson was one of the most earnest advocates for that proposition. He himself, as is well known, belonged to the corps of artillery; and among other arguments adduced by him, and I recollect it very distinctly—I am not mistaken relative to the facts of which I speak—was this: that a jealousy prevailed in the Army among other corps at the exclusiveness, the discrimination, in confining the selection to the corps of engineers, even excluding the corps of topographical engineers, embracing, as is known to the country, some of the most scientific men in the Army of any corps.

I will only add that, upon this question, the commission—embracing two members of this body, two members of the House of Representatives, and two officers of the Army, Captain Humphreys and Major Anderson—were unanimous. The reasons that were satisfactory to me then in favoring that proposition are satisfactory to me still, and I shall therefore give my vote in favor of this amendment, opening the selection of a superintendent of West Point Academy, with the restriction that he must be a graduate of the institution, and distinguished for science.

Mr. GRIMES. Mr. President, I again repeat that I have seen in the hands of an officer of the Army a letter, dated at Fort Sumter last winter, and signed by Major Robert Anderson, then in command, in which he stated that for this reason and for one other, he refused to sign the report. I think his name is not appended to it. What course Major Anderson may have pursued, or whether he has changed his views or not, I cannot say. I only state that I have seen the letter in the hands of an officer of the Army.

Mr. FOOT. Major Anderson's name is not signed to the report, it is true. Major Anderson was at Fort Sumter when the report was signed, and not present to put his name to it. I cannot make an issue with the honorable Senator about the paper he has seen under the handwriting or signature of Major Anderson. I know the fact that Major Anderson advocated this very proposition to open the Army for the selection of a superintendent of the West Point Academy, and had more influence in controlling my judgment and my vote upon it than any other member of that commission.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire to the amendment of the committee.

Mr. HALE. Let us have the yeas and nays upon that.

The yeas and nays were ordered.

Mr. HALE. Now, Mr. President, while I am up, as I have offered this amendment, I will say a single word in regard to it, as I am told by some Senators that they did not hear my explanation before. The amendment, as it now stands, requires that the superintendent of that Academy shall be a graduate of West Point. No matter how well qualified he is, no matter how scientific he is, no matter if he is the best qualified man in the United States, if he has not had the good fortune to receive an education at the public expense at that Academy, he is to be forever and eternally debarred from being superintendent there. This is an odious distinction, which I hope will not be sanctioned by the Senate. My motion is to strike out this qualification.

The question being taken by yeas and nays, resulted—yeas 14, nays 27; as follows:

YEAS—Messrs. Bingham, Chandler, Cowan, Doolittle, Hale, Harlan, Johnson of Missouri, King, Lane of Indiana, Simmons, Trumbull, Wade, Wilkinson, and Wilmot—14.

NAYS—Messrs. Anthony, Bright, Browning, Clark, Collamer, Dixon, Fessenden, Foot, Foster, Grimes, Harris, Howe, Johnson of Tennessee, Kennedy, Lane of Kansas, Latham, McDougall, Morrill, Polk, Pomeroy, Powell, Rice, Sherman, Sumner, Ten Eyck, Thomson, and Wilson—27.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from Iowa.

Mr. WILSON. The Senator from Iowa moves to strike out the whole of this amendment. If the Senator will withdraw that proposition, I will move to amend it so that it shall include the engineer, topographical engineer, ordnance, and artillery corps, comprising the four scientific corps.

Mr. GRIMES. I withdraw my motion so as to have the amendment perfected in that way.

Mr. WILSON. Then I move that amendment: to insert, after the word "officer," the words "of the engineer, topographical engineer, ordnance, or artillery corps;" so that it will read:

The superintendent of the Military Academy shall be an officer of the engineer, topographical engineer, ordnance, or artillery corps of the Army, a graduate of the United States Military Academy, and distinguished for his scientific attainments, &c.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

The next amendment of the committee was, to add at the end of section six the following:

And that there shall be added to the corps of topographical engineers, by regular promotion of its present officers, one lieutenant colonel and two majors: *Provided*, That all vacancies created by such promotions shall be filled by graduates of the Military Academy, recommended for such promotion by the academic board of said institution.

Mr. WILSON. Mr. President, this corps of the Army is of great importance. There are too few of them. I think they ought to be increased, and increased to a larger number than is proposed. The persons connected with the corps have asked to have a brigadier general; they asked to have several officers, and to have their force increased, and increased to a considerable extent. I thought the Senate would not sustain it; and on consultation with several members of that corps, with a committee connected with it, we agreed on this proposition, which is a very small one, indeed. I will say in regard to this corps and the engineer corps, that, in my judgment, they ought to be merged together, and ought to be increased, and largely increased. The service is now suffering for the want of men of this class. I think, sir, that if we had had one of these gentlemen connected with General Pierce at Bethel, or with General Schenck at Vienna, the results would have been very different than they were. I have no doubt on that point. We have too few engineers. We ought this day to have added to the engineer corps of the country—we need them in the field, and especially with the volunteers we now have—at least one hundred officers, and the country is suffering for the want of them.

Mr. FESSENDEN. Mr. President, the difficulty with my friend's argument on this subject is, that it does not accomplish what he wishes. This increases the corps by only three, and they at the head of it—a lieutenant colonel and two majors. It is nothing but a contrivance to give additional rank to some officers. Of course we must supply their places by three more. I have

not examined the matter much, but the inclination of my mind is, that, as regards the inferior grades for active service in the field, it might be well to increase these corps, but not to increase the higher grades. That would amount to nothing. Those gentlemen of the very high grades of this corps do not render the service, in point of fact, in the field, that we want from officers of this description. We want, if we want anything, men actually in the field, and we would not get them by this provision. The corps, as it at present stands, is well enough organized. It has a colonel, a lieutenant colonel, and a major; and I suppose there is an unlimited power to confer brevets for distinguished services, or for length of years, which is all that is necessary. Now, then, if the honorable Senator from Massachusetts and the Committee on Military Affairs will show me, as perhaps they can—the opinion of my friend goes a great way with me—that the number of these officers in the inferior grades for the purpose of actual service in the field ought to be increased, I will vote for it with pleasure; but I do object entirely to seizing this opportunity, in the present state of excitement in the country with regard to the present difficulties, to swell the upper ranks of the Army by changing this corps, and making an additional number of generals, colonels, &c., &c., who really are not wanted. The corps is just as well commanded by a colonel as by a general, in my judgment, and perhaps better.

This looks to me very much like a seizing of the opportunity on the part of these gentlemen, for whom I have the highest respect to increase their own rank. I believe we want more scientific men, and they can be found in the ranks of the Army among our topographical engineers, in the ordnance corps, and perhaps in the artillery. Make them if we want them; put them into service, young, active men; but do not endeavor to accomplish it by beginning at the top with those who are more ready to retire from service than to render service. I therefore really am opposed to this provision, as I am to the other provisions with regard to increasing the rank of other officers of this corps. I believe it has worked well as it is; and I think we had better leave them under the command of colonels.

Mr. FOSTER. I agree with the Senator from Maine in what he says about increasing at the head of the corps; but if we increase, as, by passing over the fifth section, it seems to me we assent to increasing——

Mr. FESSENDEN. We are now only acting on the amendments of the committee. We shall come back to the sections again.

Mr. FOSTER. If it is understood that there is to be the same equality between the corps of engineers and topographical engineers, I have nothing to say; but if it is understood that we are to make a change in the corps of engineers we ought to make some relative change in the topographical engineers, or otherwise we shall create a jealousy which will be very injurious to the two arms of the service.

Mr. FESSENDEN. My understanding is that we are now merely acting on the amendments of the committee, and when they are disposed of we shall go back to the beginning of the bill and consider its provisions. If that is so, there is no difficulty.

Mr. FOSTER. Then I will waive anything I have to say on the subject.

The amendment was rejected.

The next amendment of the committee was, in section ten, lines five, six, and seven, to strike out the words, "the pay and allowances of a chaplain shall be those of a captain of cavalry;" so that the section will read:

SEC. 10. *And be it further enacted*, That one chaplain shall be allowed to each regiment of the Army, to be selected and appointed as the President may direct: *Provided*, That none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment.

The amendment was agreed to.

The next amendment of the committee was, to strike out section seventeen, after the enacting clause, in the following words:

"That the Commissary General of Subsistence be, and he is hereby, authorized, under such regulations as the Secretary of War may prescribe, to vary the articles of subsistence whenever circumstances may render it advisable, by substituting fresh meats of any kind for salt meats; and also potatoes, or other fresh or desiccated vegetables, for those now constituting the regular ration: *Provided*, That the cost of the ration shall not be increased by such substitution."

And to insert in lieu thereof the following:

That the Army ration shall be increased as follows, viz: twenty-two ounces of bread or flour, or one pound of hard bread, instead of the present issue; fresh beef shall be issued as often as the commanding officer of any detachment or regiment shall require it, when practicable, in place of salt meat; beans and rice shall be issued in the same ration in the proportions now provided by the regulation; and one pound of potatoes per man shall be issued at least three times a week, if practicable; and when these articles cannot be issued in these proportions, an equivalent in value shall be issued in some other proper food, and a ration of tea may be substituted for a ration of coffee, upon the requisition of the proper officer.

Mr. HALE. I want to ask the chairman of the Committee on Military Affairs if this will cause an increase of the price of the ration? I am in favor of the change; but is the price of the ration to be increased?

Mr. WILSON. I will state the difference. The Army ration now is, of soft bread, or flour, eighteen ounces. This amendment carries it up to twenty-two ounces, being an increase of four ounces of bread. Of hard bread, instead of three quarters of a pound, this proposes to give a pound. There is an increase there of a quarter of a pound, and of course that much increase of the cost. In regard to meats, it does not increase the cost in any way; but proposes to have more fresh and less salt meat. The proper officers have the power to do that now, but it is much easier to get barrels of pork, and roll them out and divide them among men, than it is to get fresh beef for them; and the officers are apt to neglect their duties in this respect. The object of the amendment is to have less salt pork, and more fresh beef, while the price will not be increased. Then the regulation now provides that there shall be so many pounds of beans or rice. This amendment proposes to make it beans and rice. In other words, it adds eight pounds of rice a week to a company; a very small matter in itself and of very little cost. The object was to furnish a greater amount of vegetables to the men for their own benefit. There is a call for it generally among them. Then the bill proposes that potatoes, where they can be obtained or when it is practicable, shall be distributed among the men three times a week. I am told, on examination, that this amendment will add about two cents a day to the ration of the men of the Army; but it is a vast improvement, and I believe it is for the interest of the Army that it should pass. It has been scanned, discussed, altered, and examined by a large number of gentlemen of the Army, and also a large number of gentlemen connected with the volunteer force; and I hope it will be sustained by the Senate.

Mr. GRIMES. I hope the amendment will be adopted; I am in favor of it, and I am going to vote for it; but I want Senators to remember, when I come to move, as I shall after a while, to reconsider the vote upon the bill which passed here to-day, fixing the Navy ration at twenty-five cents, that we are now fixing the Army ration at thirty-two cents; and I want to bring the Navy ration to correspond with the Army ration.

Mr. HALE. The Senator is a little mistaken in point of fact about that. The Army ration is fixed at thirty cents a day. The Navy ration is not fixed by law at all, but it is done by regulation of the Navy Department, and is fixed at twenty-five cents. In the bill which we passed this morning, and which underwent the examination of the Naval Committee, we left that subject without legislating upon it; so that the ration in the Navy is left untouched, and subject to the regulation of the Navy Department. We struck out that part of it which fixed it at thirty cents. That was stricken out on the report of the Committee on Naval Affairs, and upon the idea that, in the present condition of the country, when we are paying away so much money, it was not expedient. So that, although the thing substantially is as the Senator from Iowa says, it is not, in fact, so; because in the Navy the ration is not fixed by law, but is subject to regulation; and we refused this morning to put it at thirty cents. I am in favor of this amendment, and think it ought to be adopted.

The amendment was agreed to.

The VICE PRESIDENT. The amendments of the committee are now disposed of.

Mr. WILSON. I propose to strike out the fourth section of the bill, and to insert what I send to the Chair. I suppose there will be no objection to striking out the section, even if the Senate vote down what is proposed to be inserted. I propose to insert the following:

That there shall be added to the Ordnance department of the United States Army, as now organized, one chief of ordnance, with the rank, pay, emoluments, and allowances of the Quartermaster General of the Army, one colonel, and one lieutenant colonel, by regular promotions from the officers of the ordnance corps, and six second lieutenants, to be selected from the graduates of the United States Military Academy, by transfer from the engineers, or the topographical engineers, or the artillery.

Mr. KING. I call for a division of the motion of the Senator from Massachusetts.

The VICE PRESIDENT. It is not divisible.

Mr. FESSENDEN. I should like to inquire how we are to get at this section. I am in favor of striking out, but not in favor of putting anything in.

The VICE PRESIDENT. If this amendment is voted down, a motion to strike out the section would be in order.

Mr. FESSENDEN. If the motion of the Senator from Massachusetts is not divisible, I suppose we should vote against the whole of it, and then move afterwards to strike out.

Mr. HALE. That would be the best way.

The amendment was rejected.

Mr. WILSON. I have another amendment to propose, adding several additional sections to the bill. I hope this will not be opposed; for instead of increasing the expenditures, it cuts them down.

The Secretary read the amendment, to add the following additional sections to the bill:

SEC. 19. *And be it further enacted*, That so much of the sixth section of the act of August 23, 1842, as allows additional or double rations to generals or other officers commanding geographical departments or divisions, or to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

SEC. 20. *And be it further enacted*, That officers having brevet commissions shall not be entitled to any increase of pay or emoluments because of the exercise of command according to their brevet rank.

SEC. 21. *And be it further enacted*, That officers entitled to forage for horses shall not be allowed to commute it, but shall draw the allowance in kind for each horse actually kept by them as authorized by existing laws; and that all forage, whether drawn for public or private horses, shall be regarded as public property, and if not consumed within the month for which it was issued shall be returned to the quartermaster, and be taken up in his quarterly returns.

SEC. 22. *And be it further enacted*, That officers of the Army, when absent from their appropriate duties for a period exceeding six months, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel and quarters, either in kind or in commutation, nor shall any allowance for servants or horses be hereafter made, either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct.

SEC. 23. *And be it further enacted*, That there shall be appointed by the Secretary of War, on the recommendation of the council of administration and the approval of the commanding officer, as many sutlers as the exigencies of the service may require, not to exceed one to each military post.

Mr. LANE, of Kansas. I desire to say to the Senate that section twenty-one of these amendments is a discrimination against officers in the frontier service. It is known to members of the Senate that upon the frontier there are several months in the year when we are not called upon to draw forage for our horses; but the pay is commuted. It is known to Senators that the commutation pay is a part of the pay of officers of the regular Army; and I trust that this discrimination will not be made against officers on the frontier service. It is a harder service than any other. I ask that a separate vote be taken on section twenty-one. I should like to have the opportunity of voting against it.

Mr. FESSENDEN. I do not exactly understand the objection raised. If that section makes any unjust discrimination, of course I should be opposed to it; but I really do not understand how it operates in that way. If I understand the section, it is simply a provision that they shall receive just what they need, according to the horses they keep for their use; and that all forage shall be regarded as public property, and if not used shall be returned. Why is that unjust in any particular?

Mr. LANE, of Kansas. It is taking from us an advantage we now have. The Quartermaster's department does not furnish us forage during the grass season upon the prairie. Our horses feed upon the prairie grass. I desire to say to the Sen-

ator from Maine that our horses belong to the officers, and are thereby more exposed to disease than where the regular feed is furnished by the United States Army; and while the commutation pay is an advantage, their exposure to disease is a corresponding disadvantage. For a few months we have the prairie grass, and in lieu of the prairie grass we draw the commutation pay. I am at any time perfectly willing to vote to strike down every dollar of commutation pay from all the officers, and fix their salaries specifically; but it has grown up now to be a part of the salaries of the officers.

Mr. FESSENDEN. I do not see that it works any inequality. Officers who happen to be stationed on the frontier are not stationed there always. They happen to be there for the time. They are changed for others. Each one takes his turn, perhaps, and therefore each one has his advantage or disadvantage, according to the place where he is. Now, it strikes me that if an advantage is to be gained—if money is to be saved by the fact that there is prairie grass about—it is open to everybody, instead of that going into the pockets of the officers, the Government should be saved just so much. That is the reasonable interpretation, I think, instead of its giving some officers an advantage over others.

The VICE PRESIDENT. The question is on striking out the section.

Mr. LANE, of Kansas. I want the yeas and nays, if I can have them.

The yeas and nays were not ordered.

The motion to strike out was not agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the amendment.

The amendment was agreed to.

Mr. WILSON. I now move to amend the seventh section in the twelfth, thirteenth, and fourteenth lines, by striking out these words:

"And that the Surgeon General of the Army shall have the same rank, pay, and emoluments as a colonel of cavalry."

I offer this amendment in order to make the bill in harmony with what our friends think in regard to increasing pay.

The amendment was agreed to.

Mr. HALE. I move to strike out all of that section after the fifth line. The words to be stricken out are:

"There shall also be added to the Medical department of the Army, by regular promotion, two assistant surgeon generals, with the rank, pay, and emoluments of lieutenant colonels of cavalry, who shall be inspectors of military hospitals; the officers so added to be appointed in the same manner, and to be, in all respects, on the same footing, according to rank, as the officers of that corps now authorized by law."

I want to say a single word in relation to that, and it will govern me in relation to some other motions that I shall make. I do not deem this an appropriate time to make a permanent addition to the Army. If this were a mere war measure, with a provision that when the present emergency was over these offices should cease, I would go for the increase; but I think there is a taking of undue advantage of the present state of affairs to saddle the country with a great and permanent increase of these several offices. I am opposed to it. I do not mean that the Senator from Massachusetts means to take any undue advantage.

Mr. WILSON. I shall not oppose this motion; but I will state that the Surgeon General, the surgeons of the Army, all who are interested and connected with it, have urged us, and furnished statistics to sustain their opinion, have begged and pleaded with us that we would increase their force, and increase it largely. We have been besought to add men with the rank of colonels, lieutenant colonels, and majors, and assign them to important offices. It was urged by this department, and by the Adjutant General's department, as a thing necessary, that there should be two surgeons appointed for the purpose of inspecting the hospitals of the country; two high officers who should have power to examine the hospitals, see that the men employed in that department were managing these hospitals in the interests of the country and of humanity; and in reporting this bill we gave them these two officers, who are to act as inspectors. That is the whole of it. If Senators do not desire it, I care nothing about it; I am perfectly willing that it shall be stricken out.

Mr. FESSENDEN. I should like to ask the Senator from Massachusetts whether there is the slightest difficulty in the world, if they want hospitals inspected, in detailing one of the surgeons in the Army for that purpose, and directing him to make an examination and report. What is the trouble?

Mr. WILSON. I apprehend there is no trouble about it; but "what is everybody's business is nobody's." The object is, to create these two offices, and have them attend to that specially.

Mr. FESSENDEN. If they do not have it attended to, they do not do their duty; they are not fit for their offices. Is there any motion to strike out?

Mr. HALE. All after the fifth line.

Mr. FESSENDEN. The words "the officers so added to be appointed in the same manner, and to be in all respects on the same footing, according to rank, as the officers of that corps now authorized by law," ought to be left in. You have stricken out the clause succeeding. All you want to strike out is, beginning with the fifth line, and ending with the word "hospitals," in the ninth line.

Mr. HALE. I agree to that modification.

The amendment, as modified, was agreed to.

Mr. GRIMES. I move to strike out the fourth section. This is the section which proposes to increase by a very considerable amount the ordnance corps of the Army. I have simply to say that these ordnance officers are ordinarily stationed at the arsenals and armories of the United States; that the ordnance corps, as it is now organized, has hitherto been considered amply sufficient for the purpose of taking charge of the arsenals; and now, when we are bereft of at least one half of them, and do not therefore need any officers to supervise and direct and control them, it seems to me that there is hardly any occasion for increasing the corps.

The VICE PRESIDENT. The Secretary will read the words proposed to be stricken out.

The Secretary read, as follows:

"SEC. 4. *And be it further enacted*, That there shall be added to the Ordnance department of the United States Army, as now organized, one chief of ordnance, with the rank, pay, emoluments, and allowances of the Quartermaster General of the Army; one colonel, one lieutenant colonel, and six second lieutenants; the chief and the field officers to be appointed by selection from the officers of the ordnance corps, and the second lieutenants from the graduates of the United States Military Academy, by transfer from the engineers, or the topographical engineers, or the artillery."

The motion to strike out was agreed to.

Mr. HARRIS. I desire to offer an amendment to the eleventh section, to be inserted at the end of the section:

And provided further, That any cadet who shall hereafter be reported deficient, either in conduct or studies, shall be discharged from the Academy, and shall not be returned or reappointed except upon the recommendation of the academic board of the Academy.

Mr. President, I desire to say a word in respect to this. I hope, by the adoption of this amendment, to reach and to remedy, if possible, a very great evil in this institution. It is well known that it is a great privilege to a young man to procure an appointment as a cadet at West Point. He ought to understand that he takes that appointment upon the condition that he shall meet the requirements of the institution both in conduct and in study; and if, upon deliberate examination, he is found deficient in either respect, in conduct or in attainments, he ought to be discharged, and there ought to be no appeal from the decision of the academic board. As it is now, we witness almost daily applications of mothers and fathers and influential friends to reinstate young men who have been found deficient; and these applications are too often successful. I, myself, know of instances of the most gross character. There is now at the institution a young man appointed from one of the western States under these circumstances.

In 1858 a young man was appointed a cadet from a congressional district in a western State. In 1859 he was found deficient, and discharged. In 1859 the brother of that young man was appointed. He, too, was found deficient at the succeeding examination, and discharged. In 1860 the young man who had been appointed in 1858 was again appointed, and was found deficient; and now the young man who was appointed in 1859 is reappointed and sent back by the same member of Congress. Thus we have the fact that for four years two brothers, of the same family, have been supported by the Government at that institution, and the Government has derived no benefit from them. It is time this thing was stopped. It is time there was an end of all this sort of favoritism. It is time there was an end to all this sort of political influence here at Washington to retain incompetent young men in the institution. I hope this amendment will be adopted; it will prevent a very great evil.

Mr. HALE. I am in favor of it; but I am not certain that it goes quite far enough. I can tell the honorable Senator of a vastly worse case than that which he has mentioned, and one that received the sanction of a majority of this body not a great while ago. I will call attention to it again, for I do not want it to be forgotten by the Senate or the country. There were a lot of young men at that Academy long since I have been on this floor, who, after being appointed there, were found deficient and were dismissed, I think, before the expiration of the first year of their time. They were content with it, and stayed out of the Academy four years. Just before their class graduated they set to work a system of machinery that is very influential in this city. A lot of ladies got around Senators and created an influence here, and these fair young men who were dismissed the service, incompetent for it, were nominated to the Army to rank their whole class that stayed the whole four years, and this Senate confirmed them.

Now, sir, I hope the Senator's amendment will go so far as to reach such cases; that it will not only prevent their being restored to their places, but will prevent their being placed over the heads of young men whom they were not found worthy to associate with in the Academy.

Mr. FESSENDEN. Read it again, and let us see whether it covers the case.

The amendment was again read.

Mr. FESSENDEN. The Senator wants to insert "or appointed to a place in the Army."

Several SENATORS. Oh, no!

Mr. HALE. Yes; I do. It ought to be so.

The VICE PRESIDENT. The Chair understands the Senator from New Hampshire to move that the amendment be amended by inserting the words "or appointed to any place in the Army;" so as to make it read:

And provided further, That any cadet who shall hereafter be reported deficient, either in conduct or studies, shall be discharged from the Academy, and shall not be returned or reappointed, or appointed to any place in the Army, except upon the recommendation of the academic board of the Academy.

Mr. WILSON. I hope that amendment will not prevail. I think it grossly unjust; I know it to be so. A young man may be turned out of the Academy for perhaps a small fault; he may devote his after life to study, toil, labor; but, unless the men who turned him out recommend him, he can never have a place in the Army of the United States. For that offense—an offense of boyhood—he is to be branded all the rest of his life. I will agree that he shall never be appointed to outrank his class; that would be right; but when you say that he shall not be appointed at all, you are putting a brand upon the young man. Why, sir, there is a young man in one of the regiments from my own State, who was dismissed from that institution for a boyish freak. He may be appointed, and probably will be appointed, a lieutenant colonel in a few days. He is the best drill officer in the Massachusetts forces to-day—a very accomplished man. I want to know why that man should be branded forever, unless the men who turned him out come forward and recommend him. There is a case of a young man in New York, living up on the Hudson river, who went to that institution—a man belonging to a military race, a family that has served the country in the wars of the past. He was turned out of that institution for no moral fault, and now he is seeking admission into the Army, and has devoted his life to study, and is unquestionably, intellectually and in culture, superior to many of the graduates of that institution. I will agree that a young man who has been turned out shall not outrank his class; but I object to putting upon him a brand of degradation forever.

Mr. HALE. I wish the Senator had remembered the spirit of those remarks a few minutes ago. He says that he knows some of the finest fellows almost on earth, some of the most accomplished

military men, who did not happen to graduate there. He has just voted to brand those men; he has voted that they shall never be appointed to superintend the Military Academy at West Point, because they did not graduate there; and now he gets up, and reads me a lecture of this sort. I wish he had remembered it before. I do not want to put any brand; but I have seen this abuse until I have been sick; I have been faint at heart at seeing men whom I was in the habit of looking at every day, and respecting their judgment, carried away by these influences, and putting idle boys, who had been loafing around the city for years, over the heads of industrious and studious young men who had been toiling four years at the Academy. I think this amendment is right, and ought to be adopted; and the amendment of the Senator from New York would be nothing, worse than nothing, without it; indeed, it would be almost an insult to say that these fellows should not be reappointed to the Academy, and yet may be appointed to the Army over the head of their class.

Mr. TRUMBULL. I am sorry to have to disagree with my friend from New Hampshire, who is so confident that the amendment of the Senator from New York is worthless without his own amendment. I think the amendment offered by the Senator from New York is eminently proper, that a young man who, at the institution, fails to come up to its requirements, either in scholarship or conduct, and is dismissed, ought not to be renominated by a member of Congress, and sent back there. It is a favor bestowed by the Government to educate young men at an institution established by the Government; but when you come to say, in the language of the amendment proposed by the Senator from New Hampshire, that, because a person has been dismissed from the Academy, he shall not, in a trying emergency in his country, in a time of war like this, be appointed to an office to outrank a man who is educated at that Academy, the proposition is to my mind monstrous. Ineligible to serve his country, though his talents and his qualifications and his bravery upon the field of battle may show that he is the very man to serve it! Sir, it never has been a very favorite idea with me that nobody can command an Army but a man who has been educated at West Point. The Lieutenant General who commands our armies did not receive his education there; and it is the case with several of the most distinguished commanders. The idea that, because a young man may have been at this institution, and may have been unable, from some cause or other, to pass an examination there, he is to be forever ineligible to a position above a person who happened to be in the Academy, and go through the regular course, seems to me to be carrying things altogether too far. I trust that amendment will not be adopted.

Mr. RICE. I hope the amendment will be adopted. I have seen cases where a boy who could not pass either the Military or Naval Academy and had no strong friends, was unable to get reinstated by the powers here; and I have seen, upon the other hand, that those who had strong friends here had no difficulty in obtaining the order to reinstate them. I think the amendment is sufficiently guarded; because if it should be proved that the reasons were such as could be overlooked, the board would recommend a reinstatement.

Mr. DOOLITTLE. There is one difficulty in this amendment offered by the Senator from New Hampshire that has been entirely overlooked. We have no constitutional power to limit the President on this subject. The power of appointment, under the Constitution, is with the President, and with the Senate to confirm, and we cannot, by law, say that any man shall be ineligible to an office in the Army. The Senate of the United States, in exercising their power of advising and consenting to the appointment, can decide, and very probably they ought in the case referred to by the honorable Senator from New Hampshire to have decided, that they should not have been appointed to those places; but, as a question of law, we have no power by legislation to say that any individual, because he has been expelled from a college, or been expelled from West Point, or been expelled from any other institution, is ineligible.

Mr. TRUMBULL. Not expelled.

Mr. DOOLITTLE. Well, if he is found deficient in his youth that he shall never be eligible afterwards to appointment in the Army. That is the proposition.

Mr. HALE. Mr. President, I am surprised to hear so good a lawyer and so sensible a man as my honorable friend from Wisconsin make such an objection. This morning we passed a bill unanimously, without any objection, disqualifying all the citizens of the United States, except thirty-six assistant pursers, from ever being appointed pursers in the Navy of the United States. We have exercised that right. We have told the President, notwithstanding he has the appointing power, that we designate to him thirty-six men, and he must select from them; and we have disqualified all the rest of the United States; and yet the Senator says we have no right to limit the President.

Mr. NESMITH. I concur in the amendment offered by the Senator from New York, and I shall vote for it. I believe it is very desirable, but I think the amendment of the Senator from New Hampshire goes too far. I do not see why any disqualification should be affixed. I think expulsion and a prohibition against a young man being reinstated at the Academy is perhaps sufficient punishment. We do know that young men are expelled from there for very trivial causes, and I think a prohibition against reappointment is sufficient punishment for whatever offense they may be expelled for. I think the prohibition of holding any office thereafter in the Army is too great a punishment. Besides, though not much of a lawyer myself, I concur with the Senator from Wisconsin; I do not believe Congress has the right to fix any such disqualification upon any man. If it has a right to disqualify him from holding a military office, it has a right to fix a disqualification upon him for any civil office. Why not extend it? If you desire to punish a man for having been expelled from West Point, and say he shall never be eligible to a position in the Army, why not heap on his head the utmost extent of punishment you can, and say that he shall not be eligible to any office?

Mr. FESSENDEN. I have been endeavoring to find some set of words that would meet the objection which seems to exist to the proposed provision. I take it there is one thing we all want to say; that is, not that they shall be forever disqualified from holding an office in the Army; that is not what we are driving at at all; but that they shall not take the precedence for a certain time of the class that they left. I at first suggested the words "in advance of their class," but that might apply to all future time, and provide that no such man at any future time should ever, under any circumstances, be placed in advance of one who was originally in his class. That is not what is meant. I therefore suggest that these words be inserted, "or appointed to any place in the Army before his class shall have left the Academy."

Mr. HALE. "And received their commissions."

Mr. FESSENDEN. Do they not receive them as a matter of course?

Mr. HALE. Not always. I accept the modification now suggested.

Mr. FESSENDEN. That I think would be just, because the abuse has been in putting these young men, who left for some reason that was not creditable, into the Army in advance of those who stayed through the course. That ought to be remedied.

The VICE PRESIDENT. The Senator from Maine proposes to amend the amendment——

Mr. HALE. I will accept the amendment of the Senator from Maine.

The VICE PRESIDENT. The Senator from New Hampshire proposes to amend the amendment of the Senator from New York by inserting, after the word "reappointed," the words "or appointed to any place in the Army before his class shall have left the Academy and received their commissions;" so that the amendment will read:

And provided further, That any cadet who shall hereafter be reported deficient either in conduct or studies, and shall be recommended to be discharged from the Academy, shall not be returned or reappointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions, except upon the recommendation of ths academic board of the Academy.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is upon the adoption of the amendment of the Senator from New York, as amended.

Mr. TEN EYCK. I have not had time to reflect on this subject; but it strikes me that the amendment as it now stands has the same effect as if the amendment of the Senator from New Hampshire had prevailed. If I am in error, I should like to be corrected. As I understand it, it provides that a cadet cannot be renominated or sent back until after his class shall have received their appointments in the Army. That requires a period of some four or five years, and will preclude the cadet from applying on account of age. The effect of the amendment, therefore, is precisely the same as that proposed by the Senator from New Hampshire.

Mr. FESSENDEN. It will depend altogether on the punctuation. It is put in the alternative that he shall not be appointed, or sent back to the Academy, or appointed to any place in the Army in advance of his class and before they have received their commissions—neither of these three—unless he is recommended by the academic board. That is the way it reads, I take it.

The amendment, as amended, was agreed to.

Mr. WADE. I move now to strike out the whole of the eleventh section. I am not very much in favor of increasing the number of cadets. I do not think the experience of the country has been such as should lead us to be in any great hurry to increase the number of cadets or to add to the patronage of the Military Academy. I cannot help thinking that there is something wrong about this whole institution. I do not believe that in the history of the world you can find as many men who have proved themselves utterly faithless to their oaths, ungrateful to the Government that has supported them, guilty of treason and a deliberate intention to overthrow that Government which has educated them and given them its support, as have emanated from this institution.

Now, sir, you propose by this section, in the first place, to authorize the President to appoint cadets from those States which are so disloyal, as States, that they refuse to recognize your authority and fail to appear here at all; for if they were loyal and would appear they would have the patronage. I think it will be soon enough to permit those States that profess to be out of the Union to have the benefits of this school when they shall see fit to elect members of Congress and send them here. They certainly have the right to place themselves in the same position with any other States in this respect. Why, then, should the President be empowered to exert this enormous patronage for the disloyal States? It may be one inducement to them to come back here, that by so doing they may have this benefit, as well as other benefits of the Government.

This section also empowers each Senator, as I understand it, to appoint one cadet. I do not like to be invested with that power myself. It will be found to be exceedingly troublesome and vexatious, if from three million people I am called upon to select one individual. I shall find it exceedingly invidious; and so will every other Senator. Nor do I believe that there is any necessity for the increase of the number of cadets. I believe there are too many of them already. I believe that from the idleness of these military-educated gentlemen this great treason was hatched. Of those who are employed actively in overthrowing your Government there are more from the graduates of this Academy than from any other class. These things admonish me, at all events, to be cautious how I go on to strengthen the influence of an institution that has thus far proved so bad.

I do not believe you derive as much benefit from the education and science of these gentlemen as you would from the laudable ambition of men employed in the Army, provided you left it open for any man to come up from the ranks according to his own merits. Then, sir, he would have an inducement to study military science, and he can find it at other places as well as at this military school. Then it would cease to be a monopoly, and men would study it; men would engage in active military life, and the result would be a great development of the genius of particular men in this line. In this way men would be able to render more eminent service to their country, in my judgment, than all you derive from

this close corporation, that stands in the way of all merit and all ambition in the lower ranks of the Army, so that they cannot rise to a higher position.

I am opposed to it. For aught I know, it may be a public necessity; but it is anomalous; it is at war with all the just principles of this republican Government, and I wish it could be entirely done away with. But if we cannot do that, this is certainly not the time when it should be increased and strengthened.

I hope the section will be stricken out. Let us deliberate longer; let us take calmer time; let us have an opportunity to investigate the causes which have led so many men that have come out of this institution to forget their duty and to endeavor to overturn the Government. Their education must have been radically wrong. If their morals had been well attended to, we should not find them by hundreds proving themselves to be utter traitors to the Government which educated and supported them.

Mr. RICE. I wish to offer an amendment to the amendment, if it is in order.

The VICE PRESIDENT. The Senator will state his amendment.

Mr. RICE. I propose, in the eleventh section, to strike out all after the word "that," in the first line, down to the word "that," in the sixth line. That will reduce the number provided for in this section, I think, something like fifty-five.

The VICE PRESIDENT. The Senator's motion is in order. The Secretary will read the words which the Senator from Minnesota proposes to strike out.

The Acting Secretary read, as follows:

"The President of the United States be, and he is hereby, authorized to fill any existing vacancies at the United States Military Academy from congressional districts, for which no nominations are made by Representatives in Congress, by appointments from those districts, or from 'at large,' and that"

Mr. FESSENDEN. I do not exactly understand that amendment.

Mr. RICE. I propose to strike out the clause giving the President these additional appointments.

Mr. WILSON. The Senate will pardon me for saying a few words in explanation of this section. The authorized force of cadets at West Point is over two hundred and forty. From fifty-five to sixty-five have left the institution. Now, this is a proposition authorizing the President to fill up these vacancies, and to fill them up from the congressional districts, if possible; and if it be not possible to do that, then to fill them up from the country at large. In other words, it is a proposition to keep the institution full. The board of visitors this year have recommended that the number of cadets shall be four hundred; which will be an increase of more than one hundred and fifty. That would require an addition to the buildings now occupied. I have consulted with several gentlemen connected with the institution, with professors, with officers of the engineer corps, and with other persons connected with the Army, and I have ascertained that we can add the number of sixty-eight to the institution without any increase of expense for buildings or quarters—the accommodations now there being adequate for that increased number; but if we go up to four hundred, we shall have to spend several thousand dollars in preparing buildings and quarters. I did not know any other way—I think the committee, after consultation, did not see any other way—by which these persons could be appointed, except by the Senators. I will say, for myself, that I do not desire to have the appointment. Since this matter has been discussed here, I have been run down with applicants who have come to me in person, or have sent their letters to me, requesting my influence to get them into the institution.

I am not particular about increasing the number this year, if Senators do not think it best; but I certainly think we had better have the institution filled up, and keep it full; and when cadets have withdrawn, if members of Congress will not reappoint others, then I say that I think we ought to authorize the President, either from those districts or from "at large," to keep the institution full; for certainly we need all the educated military talent that we can have in the country. I do not agree with the Senator from Ohio, that we have too many men educated at this institution. That many of them have turned traitors, no one can doubt; but many of the men who were sent there from the South, from the very States that have seceded from the Union, are to-day fighting under the flag of the country. If they had been educated entirely in their own section of country, I do not believe those men to-day would be following your flag. I believe, sir, that their education at West Point, their association there with men from other sections of the country, the ideas and sentiments imbibed there, have strengthened those men in their devotion to the flag of their country.

That many from a portion of the country have betrayed the flag; that they have done so in a manner that personally disgraces them; that they have falsified, cheated, robbed, lied, the evidence is before the country; and many of those men have disgraced themselves so that forever the brand of personal degradation, as well as of want of fidelity to the country, must attach to them. It is not so with all who have left. Some have left openly, manfully; but many have done so in a most disgraceful manner.

Mr. RICE. The amendment which I have proposed removes, to a great extent, the very evil the Senator is complaining of. The increase of cadets proposed in this bill is very great—over one hundred. I propose to reduce that number some fifty-five. It will then leave one for each Senator; and if the Senators find it so difficult to choose from the number of persons who will apply to them, how much more difficult must the President find it to choose from the thousands and tens of thousands whose names will be presented to him? I think that, in order to make the institution as perfect as possible, no cadet should be appointed unless he is vouched for by some one who knows him personally; and I think, to make it as equitable as possible, the cadets should be selected with some sort of system. I know very well, if this is left to the President, how your appointments will be made. The moment the bill passes, the halls of the White House will be crowded with the residents of this city and its immediate vicinity, and they will be taken from within a few miles of here. I am opposed to giving him that power. I think it wrong. I think it will prove an injury to the institution, and I know it must create great dissatisfaction throughout the country. Besides, I am opposed to giving the appointments to any section that is not patriotic enough to be represented upon this floor.

Mr. GRIMES. I do not sympathize very much in the opposition of the Senator from Ohio to the Military Academy; yet I shall vote to strike out this section, for the reason that I do not think the matter has been thoroughly digested by the committee that has reported it to the consideration of the Senate. I am not very much disposed, in the first place, to confer on the President of the United States this additional patronage. If we give it to him this year, it is going to be enjoyed by that functionary for all succeeding years. Then, in the next place, I do not wish to give to the Senators, the representatives of the States, the patronage that is to be bestowed by this section of the bill. I do not think it exactly fair that the State of Delaware, with one hundred and thirty thousand people, should have the same representation in the Military Academy with the State of Illinois, with one million eight hundred thousand people, which would be (so far as the senatorial representation goes, conferred by this bill) granted to Delaware as well as to any other State. It seems to me that this section had better be stricken out, and let the Committee on Military Affairs treat this subject of West Point in a bill by itself, and not complicate the measure.

Mr. DOOLITTLE. I suggest that this section, which provides the way to get men into the Army should be considered at the same time that we consider the other bill which is pending before the Senate, about getting men out of the Army. They ought to be considered together. The pressure from below and the pressure from above ought to be felt and considered all at the same time—the retiring out and the educating in—and I hope the Senator from Massachusetts will withdraw this section, and put it on the other bill.

Mr. SAULSBURY. I will say, in response to the remarks of the Senator from Iowa, that if one of the objects of his motion to strike out the eleventh section of the bill is to deprive Delaware of an equal representation in the Military Academy with any other State, he has appreciated very lightly what I presume was meant as a compliment by the President to Delaware, when he said in his message, that she was the only one of the slaveholding States whose authorities had sent a regiment in response to his call. If, however, the gentleman wishes to make that distinction in view of this very favorable notice that the President has taken of Delaware, in his message, I certainly have no objection. We can educate our own children.

Mr. GRIMES. I only used the case as an illustration, to show that we should have represented in the Military and Naval Academy, people and not States.

Mr. NESMITH. I do not understand that this section of the bill, as it now stands, confers any patronage whatever on the President, except in cases where members of Congress refuse to exercise it. I believe I am correct in that.

Mr. GRIMES. That covers the southern seceded States.

Mr. NESMITH. It cannot go to the President if the members return here. The power still reverts to them of making the appointments. The President only exercises this patronage in the absence of the members of Congress, or during their refusal to exercise it. It is no increase of the Military Academy. If the power is vested in the President of appointing that number at large to which the seceded States would be entitled, it does not increase the number. It is increased only by allowing each Senator to appoint. That increases each class some thirty-five or thirty-six.

Mr. WILSON. In accordance with the suggestion of several Senators about me, I will move to strike out the whole eleventh section of the bill, with a view of making an effort to see if we cannot improve the section at some subsequent day in a bill by itself.

Mr. RICE. I withdraw my amendment.

Mr. WILSON. I move to strike out the section for the purpose of taking up the whole question in regard to the institution in another bill, and seeing if we cannot agree upon some plan upon which we can all unite.

Mr. LATHAM. I suggest that the honorable Senator from New York make his amendment a distinct section to the bill; because I think the sooner we adopt the policy laid down by him in his proposed amendment, the better for the institution as well as for the country. If you strike out the whole of this section, of course his amendment goes with it.

Mr. FESSENDEN. Put it in some other place.

Mr. LATHAM. I suggest to the honorable Senator to put it as an additional section to the bill.

The VICE PRESIDENT. That will be in order after this motion shall be disposed of.

Mr. HARRIS. If the body of the eleventh section is stricken out, the amendment that I have proposed would scarcely be appropriate in the bill, as there would be no other provision in the bill relating to the West Point Academy. It would more properly belong to another bill which should provide for the appointment of cadets.

Mr. WILSON. Let me say to the Senator that he may make a separate section of it and put it in the bill now, or let it go to the committee and let us see what we can do with it. I think we can bring it in in another bill in a few days.

Mr. HARRIS. I am sorry that the chairman of the Committee on Military Affairs has made the suggestion. My own belief is, that there is no more appropriate place for the provision contained in the eleventh section than where you find it, and I am sorry to perceive so much opposition to the provisions of this section. It has been said by the Senator from Iowa that it is increasing, enlarging the patronage of the President. That suggestion has been very fully and I think properly met by the Senator from Oregon. It adds nothing to the patronage of the President; it merely substitutes him to represent, in the absence of the southern members of Congress, the districts which are entitled to be represented at the Military Academy. The provision of this section then merely adds to the number of cadets at the Academy, two from each State. It seems to me that this is necessary in order to supply the vacancies in our Army created by resignations,

and I may be allowed perhaps to say that I am the more in favor of this provision because those vacancies are now to be supplied by appointments from loyal States. I desire that it should be so, and that our Army should be replenished, and that these vacancies should be filled in such a way.

Mr. TRUMBULL. The Senator from New York will allow me. He is under a misapprehension in regard to the section. It does not require that they shall be filled from the loyal States. The requirement is, that they are to be filled by the President by appointment from those districts or from at large. As I understand the section, he is to go hunting about through South Carolina to find, if he can, six boys to educate, and if he cannot get them there, to appoint them at large.

Mr. HARRIS. Mr. President, I have not overlooked the fact suggested by the Senator from Illinois. I still insist that the effect of this provision is to fill up the West Point Academy by appointments from loyal States. No man supposes that the President will make any appointment, under the provisions of this section, from the State of South Carolina, or of Georgia, or of Alabama, or of Mississippi; on the contrary, appointments to represent the districts in those States will be made from loyal States. Every man necessarily supposes that that will be the result of this provision. We are therefore to have our Army replenished by loyal men appointed from loyal States, to fill up the places made vacant by those who have proved disloyal. This is a good opportunity to do it. I very much desire that it should be done, and it seems to me that this is the place for the Senate to enact that provision. I am opposed myself to undertaking to frame another bill on this subject. It is appropriate here; it belongs to this bill; and it seems to me that the provision should be retained.

Mr. GRIMES. I stated that this section would give an additional amount of patronage to the Executive. The Senator from New York says that that is not so; that it merely substitutes the President as the appointing power in place of the Representatives in Congress who ought to be here from some seven or eight States. Well, I should like to know the difference. Here are certain southern States that are entitled, through their Representatives, to appoint certain young men as cadets at the West Point Academy. Those Representatives are not here; they therefore do not make the appointments, and we confer upon the Chief Executive of the nation the patronage and power to do what these men were authorized to do. Does not that increase the patronage and power of the Executive? And how long is he to exercise it? Just so long as the condition of things exists in the southern States that exists there now. We are going to establish a precedent, not only in relation to this matter as it now exists, but we are going to establish the precedent that hereafter, whenever there shall be a vacancy at the West Point Academy, the President shall select in place of the Representative in Congress, or the man who ought to be here as the Representative in Congress, from a given district.

Thus we are not only giving the President the power to fill vacancies in the Army itself, but we are authorizing the President of the United States to educate an army up to his own liking for future exigencies. I am opposed to it; but I am especially opposed to that provision which confers this power on Senators. I do not think it ought to be granted to them. It belongs to the Representatives of the people, and not to the representatives of the States.

It is said we ought to do this because now is the best opportunity. Sir, it is our duty to be here and remain here and attend to the public business. We are sent here for that purpose. We are paid an annual, fixed stipend for doing it. The academic year commences next September. The chairman of the Committee on Military Affairs tells us that he will immediately take this subject under consideration and report to us a bill. I have no doubt he intends to do it, and that it will be done, and that we shall have some scheme for filling up the Academy that will be more acceptable to the majority of the Senate and to the people at large than the scheme that is now embraced in the eleventh section of this bill. I therefore hope that the motion of the chairman of the committee will be adopted, and that we shall be done with the subject at this time.

The VICE PRESIDENT. The question is on the motion to strike out the eleventh section.

The motion was agreed to.

Mr. GRIMES. I move to strike out all of the fifth section, after the word "enacted," down to the word "that," in the fourth line, and insert "the engineer" before "corps."

It is proposed by this section to create a brigadier general, an additional colonel, and two lieutenant colonels, and two majors, and add them to the engineer corps. If the chairman of the Military Committee will state to the Senate that it is necessary to add two or three officers to the engineer corps from below, of the rank of lieutenant, I shall with pleasure vote for such a proposition; but I am not quite prepared to vote for additional colonels, lieutenant colonels, and majors.

Mr. WILSON. This proposition was placed in the bill at the earnest solicitation of General Scott, who states that the engineer corps is altogether inadequate to the wants of the country. This section was prepared by him. It was recommended, too, very strongly by the Adjutant General. If the Senator insists upon striking it out, I hope we shall consolidate these two corps—the engineer and the topographical engineers, make a slight increase of the higher officers, and a considerable increase of the first and second lieutenants; and they are wanted at this time. We propose, in one of the sections of the bill, to add one hundred fifty men as sappers and miners and pontoniers—men that are absolutely needed in the service. In all the armies of Europe, taking them altogether, there is one engineer for every thirty men. One thirtieth part of the armies of Europe is made up of engineers; and this ratio would carry ours up to several hundred.

I am willing to strike this out; but I propose the consolidation of these two engineer corps that were separated in 1838, I think, without any cause, to unite them together, and make one corps of them. For that purpose, I propose to insert this clause:

That the two corps of engineers shall be united, and constitute one corps, to be composed of the following officers: one brigadier general, three colonels, five lieutenant colonels, ten majors, thirty-five captains, thirty-five first lieutenants, and thirty-five second lieutenants.

This adds one brigadier, one colonel, two lieutenant colonels, and two majors; does not change the number of captains, but adds some twelve or thirteen to the first lieutenants, and the same number to the second lieutenants. Let me state the reason for a brigadier general for the corps. This corps, be it remembered, is supposed to contain, and certainly would contain when united, the scientific portion of the Army. The advancement is very slow. These men are ten years on the average behind the rest of the Army in their advancement. I see no reason why every man in this corps should be thus prohibited forever from having the commission of a brigadier general. It will add very little to the expense. I propose to have only three or four more of the higher officers than there are now. I think these corps had better be consolidated and organized in this form, and I know that many of the best gentlemen connected with the corps, who look to the welfare of the country, desire it to be so. There are some men in the engineer corps who are opposed to it, because, perhaps, they think they may not be advanced quite so rapidly as they now are, by the union of the other corps with them; but there is no reason on earth why these corps should be separated. They ought to be together, and I hope Senators will consent to adopt this amendment.

The VICE PRESIDENT. The question before the Senate is on agreeing to the amendment of the Senator from Iowa.

Mr. KING. I ask that the amendment be read or stated. I am rather inclined to favor the proposition of the Senator from Massachusetts to consolidate the two corps; but I do not know what is the exact question pending.

Mr. GRIMES. I believe the question is on the proposition submitted by myself.

The VICE PRESIDENT. The Chair has so stated. The amendment will be read.

The Acting Secretary read it: to strike out, after the word "enacted," in the first line of the fifth section, down to, and including, the word "provided," in the fourth line, in the following words:

"That there shall be added to the corps of engineers, by regular promotion of its present officers, one brigadier general, one colonel, two lieutenant colonels, and two majors: *Provided.*"

And in line five, after the word "in," to strike out the word "said," and insert the words "the engineer;" so that the section will read:

SEC. 5. *And be it further enacted*, That, hereafter, all promotions in the engineer corps shall be by seniority, inclusive of the highest grade, and that all vacancies created by such promotions shall be filled by graduates of the Military Academy recommended for said promotions by the academic board of said institution.

Mr. FESSENDEN. I ask for the yeas and nays on the amendment. If we do not strike this out, we ought to restore all the others and not make this invidious distinction.

The yeas and nays were ordered.

Mr. FESSENDEN. Mr. President, we have already struck out this increased rank in the ordnance corps, and in the corps of topographical engineers. We therefore, to be consistent, should strike out the increase of rank here. Then, after we have reduced them all to the same level precisely, if the Senate see fit to adopt the suggestion of the Senator from Massachusetts, I am not sure that it would not be right and well to put the two corps together; but that should be considered by itself. We certainly should either restore what we have done in regard to the other corps if we want to preserve harmony in the Army, or strike them all out.

The question being taken by yeas and nays, resulted—yeas 17, nays 13; as follows:

YEAS—Messrs. Bingham, Chandler, Cowan, Dixon, Fessenden, Foster, Grimes, Harlan, Johnson of Tennessee, Lane of Kansas, Latham, Morrill, Sherman, Sumner, Trumbull, Wade, and Wilkinson—17.

NAYS—Messrs. Anthony, Browning, Clark, Foot, Harris, Howe, King, Lane of Indiana, McDougall, Pomeroy, Powell, Ten Eyck, and Wilson—13.

The VICE PRESIDENT. There appears to be no quorum of the Senate present.

Mr. FESSENDEN. It is very evident that there is not a quorum here, and will not be to-night. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 12, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, requested the House of Representatives to return to the Senate the bill of the Senate entitled "An act authorizing the employment of volunteers to aid in enforcing the laws and protecting public property."

The House subsequently ordered that the Clerk return said bill to the Senate.

APPOINTMENT OF SELECT COMMITTEES.

The SPEAKER appointed the following select committees ordered by the House:

Select committee to inquire relative to the establishment of a national armory west of the Alleghany mountains: Messrs. JAMES K. MOORHEAD of Pennsylvania, JOHN A. MCCLERNAND of Illinois, JOHN A. BINGHAM of Ohio, FRANCIS W. KELLOGG of Michigan, JOHN L. N. STRATTON of New Jersey, CHALES DELANO of Massachusetts, WILLIAM VANDEVER of Iowa, JAMES S. ROLLINS of Missouri, and JOHN W. WALLACE of Pennsylvania.

Committee to inquire relative to contracts made for supplies for the use of the Government: Messrs. CHARLES H. VAN WYCK of New York, ELLIHU B. WASHBURNE of Illinois, WILLIAM S. HOLMAN of Indiana, REUBEN E. FENTON of New York, HENRY L. DAWES of Massachusetts, WILLIAM G. STEELE of New Jersey, and JAMES S. JACKSON of Kentucky.

Committee on the Pacific railroad: Messrs. SAMUEL R. CURTIS of Iowa, JAMES H. CAMPBELL of Pennsylvania, JOHN B. ALLEY of Massachusetts, FRANCIS P. BLAIR of Missouri, SAMUEL S. COX of Ohio, EDWIN H. WEBSTER of

Maryland, RICHARD FRANCHOT of New York, ISAAC N. ARNOLD of Illinois, and A. J. THAYER of Oregon.

WRIT OF HABEAS CORPUS.

Mr. OLIN, by unanimous consent, introduced the following resolution:

Resolved, That the Attorney General be requested to lay before this House, at his earliest convenience, a copy of the opinion mentioned in the message of the President delivered to this House on the opening of its present session.

Mr. VALLANDIGHAM. I hope the gentleman from New York will allow the resolution also to include a copy of the general order suspending the writ of *habeas corpus*, to which reference was made. I have never seen it, and I should be glad to see it.

Mr. OLIN. I have no objection, and will modify my resolution accordingly.

The resolution, as modified, was adopted.

RATIONS FOR THE ARMY.

Mr. FRANCHOT, by unanimous consent, introduced the following resolution:

Resolved, That the Committee on Military Affairs are requested to report upon the propriety of so amending the present law in regard to Army rations, as to include butter, as recommended by the report of the sanitary commission, and as now provided for the Navy.

Mr. HUTCHINS. I move to amend by inserting "cheese."

Mr. FRANCHOT. I accept the amendment.

The resolution, as modified, was adopted.

CONTESTED-ELECTION CASE.

Mr. DAWES, from the Committee of Elections, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the certificates, documentary and other evidence, in the several contested-election cases referred to the Committee of Elections, be printed.

CHARLES D. ARTER.

Mr. LOGAN. I ask the unanimous consent of the House to introduce a bill of a private character, for the purpose of reference to the Committee on Military Affairs. It is a bill to pay Charles D. Arter for the destruction of property by the United States Government.

Mr. STEVENS. I must object.

Mr. LOGAN. If the gentleman from Pennsylvania will allow me to make a very brief statement in reference to the bill, I do not think he will object.

Mr. STEVENS. I think the bill is excluded by the rule adopted on motion of the gentleman from Indiana, [Mr. HOLMAN.]

The SPEAKER. The gentleman from Illinois desires to introduce the bill for reference only.

Mr. STEVENS. Is it not excluded by the rule?

Mr. LOGAN. I do not think it would be excluded by the rule, anyhow. It relates to Army operations.

Mr. STEVENS. If it is intended that the bill shall be acted on at this session, I must object.

Mr. LOGAN. I ask the unanimous consent of the House to make a statement in reference to the case.

Mr. STEVENS. I object.

Mr. VALLANDIGHAM. I call for the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports of a private character.

CLERK TO COMMITTEE OF ELECTIONS.

Mr. DAWES. I rise to a question of privilege. I am instructed by the Committee of Elections to report the following resolution:

Resolved, That the Committee of Elections be authorized to employ a clerk, at a compensation of four dollars a day during his service.

Mr. BURNETT. I desire to ask the gentleman from Kentucky whether it is the purpose of the committee to make any reports at this session—whether they are doing anything?

Mr. DAWES. I cannot say whether it is their purpose to make any reports. It is their purpose to proceed immediately to the consideration of the business referred to them.

Mr. WASHBURNE. I move to amend the resolution so as to include the Committee on Commerce and the Committee on Military Affairs, both of which committees have had to employ clerks already.

Mr. BURNETT. What committees do you propose to give clerks to?

Mr. WASHBURNE. The Committee on Commerce and the Committee on Military Affairs. The Committee on Commerce, I know, has had to employ a clerk; and I understand from the chairman of the Committee on Military Affairs, that he has had to do the same thing.

Mr. BLAIR, of Missouri. I have.

Mr. BURNETT. If that is to conclude the amendments to the resolution, I will not object.

Mr. WASHBURNE. I move the previous question.

Mr. BINGHAM. I move to amend the resolution so as to include the Committee on the Judiciary.

The SPEAKER. The amendment is not in order at this time. The House has not yet received the resolution. Is there objection?

Mr. BURNETT. I have no objection, and never have had any, to the employment of clerks by committees that really need them. I think the committees mentioned by the gentleman from Illinois do need them, and I will not, therefore, object to the resolution; but I hope the gentleman from Illinois will stand by his demand for the previous question, because it is on that condition that I refrain from objecting.

Mr. KELLOGG, of Illinois. Is it now in order to object to the introduction of the resolution?

The SPEAKER. The Chair thinks not at this time.

Mr. KELLOGG, of Illinois. When will be the time to object?

The SPEAKER. The Chair understood that there was no objection to the resolution.

Mr. KELLOGG, of Illinois. I made the objection just as soon as I obtained the attention of the Chair. I must object to the resolution unless it is so amended as to include the Committee on the Judiciary.

Mr. WASHBURNE. I will agree to the amendment of the gentleman from Ohio, [Mr. BINGHAM,] if he can make a statement similar to that made by myself and by the gentleman from Missouri, [Mr. BLAIR.]

Mr. KELLOGG, of Illinois. I can make the statement myself. The business now before the Judiciary Committee requires a clerk.

Mr. WASHBURNE. I withdraw the demand for the previous question for the purpose of enabling the gentleman from Ohio [Mr. BINGHAM] to answer my question. If he answers in the affirmative, I will agree to his amendment.

Mr. BURNETT. I rise to a question of order. I desire to state that it was upon the express understanding that the gentleman from Illinois would stand by the demand for the previous question, that I withdrew all objection to the introduction of the resolution.

Mr. WASHBURNE. If that was the gentleman's understanding it is incumbent upon me to insist on the demand for the previous question; and I do so.

Mr. KELLOGG of Illinois. Then I must insist on my objection to the resolution.

The SPEAKER. The Chair thinks the objection comes too late.

The previous question was seconded and the main question ordered.

Mr. WASHBURNE's amendment was agreed to.

The resolution, as amended, was then adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CONTESTED ELECTIONS.

The SPEAKER. The Chair asks the consent of the House that the papers in the contested-election cases from Pennsylvania, Oregon, Nebraska, and Virginia, left with the Clerk, be referred to the Committee of Elections.

It was so ordered.

NATIONAL ARMORY.

Mr. VANDEVER. I ask the consent of the House that the memorial from the State of Iowa in regard to a national armory, which was referred to the Committee on Military Affairs, be withdrawn from that committee and referred to the select committee raised yesterday in relation to the subject of a national armory.

It was so ordered.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to provide for the payment of the militia and volunteers called into the service of the United States, from the time they were called into service to the 30th day of June, 1861; when the Speaker signed the same.

QUALIFICATION OF MEMBERS.

Mr. VALLANDIGHAM. I rise to a question of privilege, relating to the qualifications of members of the House. I offer the following preamble and resolution:

Whereas it is rumored that GILMAN MARSTON of New Hampshire, JAMES E. KERRIGAN of New York, EDWARD MCPHERSON and CHARLES J. BIDDLE of Pennsylvania, and SAMUEL R. CURTIS of Iowa, holding seats in this House as members thereof, have been sworn into the military service of the United States, and hold military offices under the authority of the same; and whereas JAMES H. CAMPBELL of Pennsylvania, also holding a seat in this House as a member thereof, has admitted upon the floor of this House that he has been so sworn and does so hold office as aforesaid: Therefore,

Resolved, That the Committee of Elections be instructed to inquire, and without unnecessary delay to report, whether the gentlemen above named, or any others claiming or holding seats as members of this House, and at the same time holding any military office under the authority of the United States, are constitutionally disqualified to be members of this House by holding such military offices.

Mr. Speaker, in addition to the explicit terms of the Constitution, this question has been decided twice—solemnly decided as far back as 1802 in a contested-election case in which one Van Ness was a party, holding a commission in the militia of the District of Columbia. The House unanimously decided then, that to hold a military office under the authority of the United States was a disqualification of membership in this House and the Senate. And again in 1846, in the case of Colonel Baker of Illinois, the question was raised and referred to the Committee of Elections, and that committee made a unanimous report that Mr. Baker was disqualified by reason of holding a military office under the authority of the United States.

Mr. WASHBURNE. Is this resolution in order?

The SPEAKER. Yes. It is a question of privilege, affecting the seats of members.

Mr. VALLANDIGHAM. As soon as the question was raised, Mr. Baker resigned his seat in this House; but the Committee of Elections proceeded, nevertheless, to decide the question, and to report to the House; but no action was ever had in reference to it. I desire that the attention of the Committee of Elections may be called to this question. I do not propose to press the matter at this session; but it may go before the committee and remain there till the next.

I hope the gentleman from Illinois will not undertake to smother this resolution. We are all interested in having the question considered and decided according to the Constitution. There are reasons of the highest public policy why there should be this exclusion; but I will not trespass on the patience of the House this morning by entering into the discussion of it, as I propose to do hereafter. I must again express my regret that any member should attempt to prevent inquiry into this question—one of the gravest questions that can be submitted as to the qualifications of members of the House. It is simply a resolution of inquiry; and I trust that if the motion be made to lay it on the table, the House will refuse to sustain that motion, but will let the resolution go before the committee. I now demand the previous question.

Mr. LOVEJOY. I move to lay the resolution on the table.

The motion was not agreed to.

Mr. MCKNIGHT. I desire to offer an amendment.

The SPEAKER. The gentleman from Ohio demanded the previous question. The question is on seconding the previous question.

Mr. VALLANDIGHAM. I will hear the proposed amendment.

Mr. MCKNIGHT. I desire to move to amend the resolution by inserting the name of CLEMENT

L. VALLANDIGHAM of Ohio. I think that after the address which we heard from that gentleman the other day, the Committee of Elections should be instructed to look at the gentleman's credentials, and see whether he is accredited to this, or another *Congress*.

Mr. VALLANDIGHAM. I withdraw the demand for the previous question, for the purpose of saying to the member from Pennsylvania, that if he desires any personal controversy with me, he can have it outside of this House [calls to order] whenever and wherever he may choose to appoint; but he cannot have it on this floor. I come into this House to abide by the rules, usages, decorum, and courtesy, which ought to characterize a legislative body. I do not mean to violate them myself, nor to permit others to do so.

Mr. McKNIGHT. Neither do I.

The SPEAKER. This discussion is not in order. The demand for the previous question cuts off all debate.

The previous question was not seconded.

The question being on agreeing to the resolution,

Mr. CAMPBELL said: Before the question is put I want to say a word, as I suppose the general language of the resolution, if adopted, would preclude my right to a seat on this floor. I stated the other day, when a similar proposition was made to this House, that I was sworn into the service of the United States as an officer of the State militia of the Commonwealth of Pennsylvania. It does seem to me, that if the facts of the contest were understood, no gentleman who had any regard for his own professional reputation would make any question about it. I do not rise now for the purpose of forestalling the judgment of the House, because my fellow-members on this floor can judge for themselves. I feel entirely above and beyond the result that may be reached on the question. I hold a seat on this floor by virtue of the votes of the people of the eleventh congressional district of Pennsylvania, and I hold a commission under the broad seal of the Commonwealth of Pennsylvania, and the signature of her Governor, by which I am at present serving in the Army of the United States. I hold no two offices under the Government of the United States. I have taken an oath of allegiance to the Constitution and the laws; and the gentleman has done the same. This oath is equally binding on us both. But, sir, there is no possible conflict between these two positions. I hold one as member of this House, by virtue of an election under the laws of the United States; and the other under the seal of the Commonwealth of Pennsylvania and the signature of her Governor.

Now, Mr. Speaker, this question does not rise to the dignity of a legal question. The case of Baker, to which the gentleman refers, was one where he held his commission as an officer of the District militia, by virtue of a commission from the President, as I understand the case. But, whatever the result may be, I rise to say this: that if there is any conflict in these two positions, and if the House so decide, I would resign my seat on this floor to follow the flag of my country in the open field, wherever it may lead. [Applause.]

Mr. BINGHAM. Before I give my vote, I desire to have the resolution read.

The resolution was again read.

Mr. BINGHAM. I have only this to say about the resolution: that, touching Mr. CAMPBELL, the Representative from Pennsylvania, the resolution asserts, as a matter of fact, that which I do not understand to be the fact; namely, that he holds an office or commission under the Government or by the authority of the United States.

Mr. VALLANDIGHAM. The language of the resolution is copied from the Daily Globe.

Mr. BINGHAM. I will say to my colleague, however, that I cannot be controlled in my vote, touching a matter of fact, by anything reported in the Daily Globe, when my own information is original. Without raising any issue with my colleague about it, I do not understand the fact to be as stated in the resolution. On the contrary, I feel very confident that the fact is otherwise.

Mr. VALLANDIGHAM. I do not propose to prejudge any of these cases at all; and furthermore, I do not raise any question that the gentlemen from Iowa, Pennsylvania, New York, and New Hampshire, were all regularly elected members of the House. The question is not one of election, but of qualification. It is a very grave and important constitutional question; and I trust that, without further delay, the resolution will be adopted, and that the Committee of Elections will take charge of the question and report their views to the House. It will then come up for discussion. I repeat, that I do not desire to introduce the discussion at this present session; and furthermore, I have no sort of personal feeling whatever in connection with any member embraced in the resolution; and I believe that two or three out of the six are men of my own political party.

Mr. CURTIS. I understand, of course, that the gentleman from Ohio has no personal feeling in this matter, and I was, therefore, sorry to hear him say that a proposition from this side was a personal reflection on him.

Mr. VALLANDIGHAM. I do not understand the gentleman from Iowa, or else he has failed to comprehend me.

Mr. CURTIS. I understood the gentleman to say that a gentleman on this side of the House reflected on him.

Mr. VALLANDIGHAM. I rise simply to express my regret that the gentleman from Iowa should have misunderstood what I said. I raised no sort of personal question with respect to himself or others whose names are included in the resolution. I simply replied to an attempt to introduce my name in the resolution on a subject which had no sort of connection with it. I repeat, with the permission of the gentleman from Iowa, that two or three out of the six members named in the resolution are men of my own political party. My sole desire is to have this question settled as it ought to be.

Mr. CURTIS. Will the gentleman allow me to make an explanation? The position I take in regard to this matter is this: Of course I could not hold two offices at the same time under the Government of the United States. If I believed I did hold two offices at the present time under the United States, I should certainly resign one. It is a matter of too small importance to me. If both are offices under the United States Government, I should continue in the military service, if I were required for the defense of the country, and resign my position as a member of the House with pleasure. But, sir, my constituents require me to be here; and I have endeavored, therefore, for the time being, to discharge both duties. Now, sir, the position which I hold in the military service of the United States is that of a loan from the State of Iowa. The Governor of Iowa was called upon for troops, and I fell into the ranks. I was unanimously elected a colonel. I was commissioned by the Governor of Iowa, and I have tried to serve in that capacity. In my military position I am merely an officer of the State of Iowa, loaned for the time being to the United States—loaned for the purpose of sustaining the national flag—loaned to the United States for the purpose of sustaining the absolute supremacy of the laws, which it is the province of the United States to do. I do not, therefore, conceive that as a State officer serving for the State of Iowa in that capacity, I am in any way acting as an officer of the United States. I have no commission under the Government of the United States. I am not an officer of the United States. I am an officer of the State of Iowa.

Before I take my seat, I desire to inquire of the gentleman from Ohio whether he is not himself an officer in the militia of the State of Ohio?

Mr. VALLANDIGHAM. I do hold a commission under the State of Ohio.

Mr. CURTIS. Then I ask the gentleman from Ohio whether, in case of an invasion, or for any cause, he is not liable to be called out by the President, if the Government of the United States should take upon itself the duty of maintaining the rights and privileges of that State?

Mr. VALLANDIGHAM. Unquestionably; and I then should forfeit my right to a seat upon this floor.

Mr. CURTIS. I cannot see that.

Mr. VALLANDIGHAM. I should be compelled to choose between the two positions; and I would do precisely as the gentleman from Pennsylvania says he would do: select the military position in preference to the civil.

Mr. KELLOGG, of Illinois. Believing there is no incompatibility in the two positions of member of this House and an officer of State troops serving in the Army of the United States; and believing that the facts in the case are not those set forth in the resolution, I move to lay the resolution on the table.

Mr. VALLANDIGHAM. Upon that motion I demand the yeas and nays, and trust that we shall be allowed to have them.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 92, nays 51; as follows:

YEAS—Messrs. Aldrich, Allen, Appleton, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Conway, Curtis, Davis, Delano, Diven, Duell, Edwards, Eliot, Ely, Fenton, Fessenden, Fisher, Franchot, Frank, Gooch, Goodwin, Granger, Gurley, Hanchett, Harrison, Hickman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Sheffield, Shellabarger, Sherman, Sloan, Stevens, Stratton, Benjamin F. Thomas, Thayer, Trimble, Trowbridge, Upton, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Wallace, Charles W. Walton, E. P. Walton, Ward, Washburne, Wheeler, Whaley, Albert S. White, Windom, Worcester, and Wright—92.

NAYS—Messrs. Ancona, Burnett, Calvert, Cobb, Roscoe Conkling, Cooper, Corning, Cox, Cravens, Crisfield, Crittenden, Delaplaine, Dunlap, Dunn, English, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Leary, Logan, McKnight, McPherson, Morris, Noble, Noell, Norton, Odell, George H. Pendleton, Perry, Reid, Richardson, Robinson, James S. Rollins, Smith, John B. Steele, William G. Steele, Francis Thomas, Vallandigham, Vibbard, Voorhees, Wadsworth, Webster, Chilton A. White, Wickliffe, Wood, and Woodruff—51.

So the resolution was laid on the table.

TERMINATION OF DEBATE.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. And, pending that motion, I move that all general debate upon House bills Nos. 25 and 26 be terminated in one minute after the House shall go into the Committee of the Whole.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. COLFAX, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of the Mississippi and Missouri Railroad Company.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEVENS's first motion was then agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and proceeded to the consideration of House bill No. 25, making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861.

On motion of Mr. STEVENS, by unanimous consent, the first reading of the bill was dispensed with.

The bill was then read by paragraphs for amendment.

Mr. VALLANDIGHAM. I rise to a question of order, which, however, I do not intend to press at this time. This being Friday, by the rules of the House, private bills are the regular order of business, and cannot be superseded by other business except by a suspension of the rules by a two-thirds vote. I do not propose to press the point at this time, but I state it that it may be understood by the House, and may, perhaps, insist upon it in relation to some other bill.

The CHAIRMAN. This bill having been made a special order supersedes the consideration of private business.

No amendment having been offered, the bill was laid aside, to be reported to the House with a recommendation that it do pass.

CIVIL APPROPRIATION BILL.

The committee then proceeded to the consideration of House bill No. 26, making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862, and appropriations for arrearages for the year ending the 30th of June, 1861.

On motion of Mr. STEVENS, the first reading of the bill was dispensed with.

The bill was then read by paragraphs for amendment.

No amendments having been offered,

Mr. STEVENS moved that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bills Nos. 25 and 26, and had directed him to report the same to the House without amendment, and with the recommendation that the bills do pass.

The two bills reported were severally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the votes by which the bills were passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

VOLUNTEER BILL.

Mr. BLAIR, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering House bills Nos. 27 and 28.

The motion was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and proceeded to the consideration of House bill No. 28, to authorize the employment of volunteers to aid in supporting and defending the Government of the United States.

The bill was read at length.

The reading of the bill by paragraphs for amendment was then commenced.

Mr. ALLEN moved to strike out the word "three," in the fourteenth line, and insert in lieu thereof the word "one."

The paragraph would then read:

That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers as he may deem necessary, not exceeding five hundred thousand men, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property; and that the sum of $500,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to carry this act into effect: *Provided*, That the service of the volunteers shall be for such time as the President may direct, not exceeding one year; and they shall be disbanded at the end of the war.

Mr. ALLEN. I am one of those in favor of a vigorous prosecution of the war against the rebel forces until the rebellion is put down. If five hundred thousand men are necessary to suppress the rebellion, I will vote for that number. If more men are necessary, I will vote for raising them, and I have no doubt they can be obtained. But I believe if the Government can succeed in establishing its authority—of which I have no doubt—it can do so in a less time than three years. It may be claimed that by providing for a service of three years we show a greater determination to prosecute the war vigorously and to the end; but with the same propriety it may be claimed that we, by providing for so long a period of service, show a distrust in our ability to speedily compel the disloyal States to acknowledge allegiance to the General Government; which is the object of this war, as I understand it.

If at the end of one year hostilities to the Government still exist, there will be sufficient of those in service and out of service to fill the ranks of the volunteer force to the extent that may be required. If at the end of one year the triumph of the Government over rebellion is a doubtful question, it may be that some change of policy may be required at the hands of the Government. At least, before the close of the next session of Congress such further legislation may be had as may be deemed necessary, either by way of providing for an additional volunteer force, or for a longer term of enlistment, or, what is to be so much desired, for the conclusion of an honorable peace. I am opposed at all times to delegating the people's power for a longer time and to a greater extent than may be necessary to accomplish the desired object.

By shortening the term of service, volunteers can be more readily obtained than they can when the term may be protracted to three years. By shortening the term to one year, you will get men into the service who would be entirely unwilling to incur the uncertainty of obtaining good officers and kind treatment for so long a period. In my own district and State, I know many who would have willingly volunteered for a year, and incurred all the privations to which they might have been subjected, who were unwilling, after having been the victims of neglect and ill usage on the part of our State officials as some of our three-months soldiers were, to subject themselves to the hazards of similar treatment for a term of three years. If the term in this bill is extended to three years, it is most likely the War Department will put the term to the highest limit. At least, if, under a discretionary power, volunteers are received for one year by the Department, it will be left to the discretion of the Department as to what regiments shall be received for one year, thus leaving the door open for that sort of favoritism, which is sometimes carried on by all departments of Government. I trust the section may be modified as I have indicated.

Mr. BLAIR, of Missouri. I oppose the amendment of the gentleman from Ohio. The clause he proposes to modify provides that the President may, at his discretion, accept volunteers for any period not exceeding three years. All the objects sought to be attained by the gentleman's proposition are now provided for by the bill itself. It directs that the President may, in his discretion, accept the services of men for one year, or for two years, or three years, but for not exceeding three years. All of them have to be disbanded at the end of the war. There is not the least necessity for the amendment. The gentleman's object is already provided for by the clause which the gentleman moves to amend.

Mr. COX. I should like to put a question to the chairman of the Committee on Military Affairs. I suppose that his committee must have had some special reason for increasing the number of men and the amount of money recommended and asked for by the President in his message; and I think that it is perhaps proper for the gentlemen to give that reason to the House and to the country. Why is it that the bill provides for five hundred thousand men and appropriates $500,000,000, instead of $400,000,000 and four hundred thousand men?

Mr. BLAIR, of Missouri. Although not pertinent to the pending amendment, I will respond to the interrogatory of the gentleman from Ohio. The President asks for at least four hundred thousand men and $400,000,000. We have in this bill proposed the men and money which will cover fully the wants of the Administration. The committee are and have been actuated by the desire to do all that they can to strengthen the hands of the Government, in order to put down this most unrighteous rebellion. It was that desire that operated with the committee.

The question was taken, and the amendment was rejected.

Mr. BLAIR, of Missouri. I move to strike out the following words:

"And that the sum of $500,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to carry this act into effect."

Mr. Chairman, I move the amendment because bills have already passed this House making appropriations for this specific purpose, and therefore the appropriation provided in this bill is now unnecessary.

Mr. BURNETT. Before the question is put upon the gentleman's amendment, I desire to make an inquiry. I desire, as he has investigated this subject, and as I have had no opportunity to do so, that he will state whether the amount covered by the appropriations which have already been passed, and those which, I take it, will be passed hereafter, is absolutely required to maintain the army proposed to be raised for twelve months?

Mr. BLAIR, of Missouri. I do not know whether it would require that sum. I believe, however, that it would not. The idea of the committee was, that additional men and means might, under some circumstances, be required, and we were determined that the Administration should not want either men or means in upholding the Constitution and enforcing the laws. I cannot, at this time, go into all the details of the matter.

Mr. McCLERNAND. Mr. Chairman, I have given some attention to the President's message, and to the estimates of the Secretary of the Treasury. I find that the President recommends the appropriation of $400,000,000 and the raising of four hundred thousand men, and that the Secretary of the Treasury estimates that amount as necessary to cover the expenses of that number of men. The estimate of $400,000,000, in other words, is based upon raising and maintaining four hundred thousand men in the field. I suppose that the heads of Departments were advised upon the subjects upon which they have communicated to the House, and that $400,000,000 is all that is needed or required in this connection for the public service. I submit, therefore, to the chairman of the Committee on Military Affairs, whether it is advisable to transcend the responsible recommendations of the President and his ministers. Congress will meet again in December, and then we can provide for more money and more men, if necessary.

Mr. BLAIR, of Missouri. Mr. Chairman, I must give the same response to the gentleman from Illinois that I have already given to the gentleman from Ohio, [Mr. Cox.] I know that the President has recommended the raising of four hundred thousand men; and that the Secretary of the Treasury has estimated $400,000,000, based upon that number of men. I repeat again, that it was the desire of the committee to provide not only everything that was asked by the President, but for every conceivable contingency. If during the recess the Government should want additional men and more money, then, under this bill, they can be supplied. We have determined to do all that we can to enable the Government speedily and effectually to quell the insurrection now going on against its authority.

Mr. McCLERNAND. I have examined the estimates; and it occurs to me that they embrace every expenditure that may be needed. The bill would increase the public debt $100,000,000 more than is recommended by the President. It may in that regard be prejudicial to our credit. I submit, therefore, whether it is not better to limit ourselves to the recommendation of the Secretary of War and the estimates of the Secretary of the Treasury?

Mr. BLAIR, of Missouri. If the gentleman desires to test the sense of the House, let him submit an amendment reducing the appropriation $100,000,000.

Mr. McCLERNAND. I move that amendment, and hope that it will be adopted.

Mr. RICHARDSON. The amendment which was offered by the gentleman from Missouri, and which strikes out all this appropriation, has not been voted upon by the committee; that ought to be done before the amendment of the gentleman from Illinois is received.

The CHAIRMAN. The amendment offered by the gentleman from Illinois applies to a part of the text which precedes that which is proposed to be stricken out by the amendment of the gentleman from Missouri, and the Chair supposes that, by unanimous consent at least, the gentleman from Illinois would have the opportunity to perfect the text which precedes that part proposed to be stricken out by the gentleman from Missouri.

Mr. RICHARDSON. I think we would get along better by not going back and offering amendments to that part of the text which precedes that to which the gentleman from Missouri applies, until after a vote is taken upon his amendment.

Mr. McKNIGHT. I desire to ask the gentleman from Illinois to allow me to modify his amendment slightly. I prefer that the number of men should be four hundred thousand, with a provision that that number shall be kept up during the war. I think the number should not be below four hundred thousand.

Mr. McCLERNAND. My amendment is based upon the estimates of the Department, which will cover every conceivable contingency. It is assuming, upon our part, to judge that the reports of the Secretary of War and of the Treasury are not correct. It would be deciding that they do not understand what they are engaged in. I ask a vote upon my amendment.

Mr. McKNIGHT. I offer the following amendment to the amendment of the gentleman from Illinois: strike out "five hundred thousand" and insert "four hundred thousand, at the first call,

which complement may be maintained during the war by additional calls from time to time, as they shall be deemed necessary.

The CHAIRMAN. The Chair will put the amendments in the order in which they were offered.

The amendment offered by Mr. BLAIR, of Missouri, was agreed to.

The question recurred on the amendment to the amendment.

Mr. PENDLETON, of Ohio. I am opposed to the amendment of the gentleman from Pennsylvania. I desire, sir, to vote for all measures asked for to enable the Government to maintain its honor and dignity, which may be sanctioned by the Constitution, and by any reasonable view of the necessity of the case. I will heartily, zealously, gladly support any honest effort to maintain the Union, and reinvigorate the ties which bind these States together. But, sir, I am not willing to vote for more men or more money than the Administration asks; more than it can fairly use; more than General Scott, who advises and controls the Administration, tells us he thinks necessary. Neither will I vote for an increase of the regular Army; for this uprising of the people of the North shows that our brave and noble volunteers are ready and able to do the work now to be done, better than regulars can. And the only necessity of increasing the regular Army now, is to give patronage and power to the Administration, in the appointment of officers.

Neither, sir, will I vote for bills of indemnity to the President; for bills which are not intended to relieve the country from its difficulties, but to cover the acts and doings of the Administration from fair investigation and honest judgment. Nor will I vote for the suspension of those laws for the protection of personal liberty, which the President tells us were passed in too great tenderness of the rights of citizens. Nor will I close my lips, lest I may speak of usurpations, or corruptions and abuses, which are said to be rife in this city now, and the Government may be thereby weakened. Sir, let the Government depend for its strength upon the integrity of its motives and its adherence to the Constitution. I will vote for none of these measures; but I will do what is fairly necessary to give the Administration power to maintain the Government, and prevent disaster to its flag.

Mr. BLAIR, of Missouri. The amendment offered by the gentleman from Pennsylvania does not at all alter the amendment offered by the gentleman from Illinois. It has precisely the same effect.

And in regard to the amendment of the gentleman from Illinois, I beg leave to say that the estimates of the Department cover, not only four hundred thousand men as volunteers, but they cover twenty-four thousand regular troops added to the Army. The Congress of the United States may deem it unnecessary to grant these regular troops, and may prefer to confine themselves entirely to the employment of volunteer troops.

And in addition, I beg leave to say that I think it the duty of Congress to provide additional men to be called into service at the discretion of the President. If, after Congress shall have adjourned, it shall be found that more men are needed, I think it proper to put it in the power of the President to employ such increased number of men and to call them out. But it is not a supposable case that the President will call out the entire number of men authorized by this bill, unless such a course shall be found necessary for the defense of the public interest.

Mr. DIVEN. If I understand the objection made by the gentleman from Illinois to the provision of the bill authorizing one hundred thousand more men to be called for by the President, at his discretion, than he has asked for in his message, it is because he is willing to trust to the recommendation of the President. Then, if he is willing to trust to the discretion and justice of the President, as exhibited in his recommendation and in his annual message, surely he ought to be willing to trust to his discretion in using a greater latitude, if granted to him by Congress. It is difficult to determine what may transpire between this time and the meeting of Congress again. We want, at least, to put it beyond the necessity of again convening Congress before the time of its next regular session. Before that time, if ever, an increased force will be required. As soon as the early frosts of October shall justify placing troops in the cotton States, I trust the President, in his discretion, will see the propriety of placing a large army at Pensacola, Charleston, and other rebellious places in this Confederacy. And I, for one, fully respond to the sentiment of the gentleman from Pennsylvania yesterday, when he declared that if half a million of troops was not sufficient to put down this rebellion, then take a million. I, for myself, have confidence enough in the President and his council to give the broadest discretion to him; and if I were to recommend any amendment, it would be, not to limit, but to extend that discretion. Gentlemen having confidence in the President and his council, need have no apprehension in extending to him this discretion.

Mr. McCLERNAND. I do not understand this to be a question of confidence; it is a question of policy and public duty. What is the fact? The President has not asked us for $500,000,000, but $400,000,000, to carry on the war on a scale to insure the suppression of rebellion and the vindication of the Federal authority. Nor has he asked five hundred thousand men, but only four hundred thousand, for that purpose. That is all the Secretary of War has asked; it is all the Secretary of the Treasury has estimated the expense of raising and supporting. I appeal to the President's message, and to the reports of the Secretaries mentioned, for the truth of this assertion. Now, why is this limit thus imposed? I suppose it is because Lieutenant General Scott neither asked nor desired more men—a larger military force. He supposed, we may assume, that force was sufficient. I am willing, sir, to give the amount of money and men required by the Executive; and I do so upon the supposition that he is more familiar with the military necessities of the Government than I am. Under the Constitution, it is the privilege and the duty of the Executive, from time to time, to give Congress information of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient; and if, as in this case, he has recommended the raising of a military force of particular numbers, shall we say, in the exercise of our imaginations, that, perchance, the force is too small, and that we will increase it. Is that a safe or usual rule of legislation? Not so; our function is to legislate, not upon mere conjectures or suppositions, but upon ascertained or probable facts.

Distrust! When the President has asked Congress to increase the force recommended by him to be raised, and I refuse to do so, it will be time enough to talk about distrust! Besides, sir, I must be permitted to act upon my own judgment and sense of propriety. It does not remain for me to define my position in regard to this war, at this late day. Early foreseeing it, I sounded the tocsin of alarm, and warned the country and the Government to prepare for it. I am at all times ready to vote men and money to carry it on upon a scale calculated to insure our success. I am prepared to do that; but let me, at the same time, say that I propose to hold the Executive responsible for the due and successful use of the men and money voted. Does the gentleman object to that?

It is the gentleman who would seem to distrust the President and his ministers, and not I. In this instance I have taken their recommendation as a basis of legislation. The gentleman would seem to repudiate it. His action would seem to reproach the Executive with a want of information—for making a recommendation which would mislead us and compromise the success and honor of our arms. I do not do so. I do not assume to be better informed upon this subject than the Commander-in-Chief who is charged, under the Constitution, with conducting the war, and who must be responsible for its success. But enough, perhaps too much, on this point.

The chairman of the Committee on Military Affairs, approaching this question in a spirit of candor, objects to my amendment upon the ground that if Congress should refuse the increase of the regular Army asked for by the Executive, the four hundred thousand volunteers might not be enough. My answer to this objection is first, that if Congress should refuse the increase of the regular Army they would doubtless supply volunteers in equal numbers in lieu of regulars; and second, that there is no present probability of a refusal of the proposed increase of the regular Army. What are facts? The House has already, by an overwhelming majority, voted money to raise and support the proposed increase, and I think the indications are unmistakable that the Senate will concur in our action. I have been drawn into a party debate unexpectedly. I have said more than I intended to say. I yield the floor.

Mr. MOORHEAD. Mr. Chairman, I am opposed to the amendment to the amendment offered by my colleague, [Mr. McKNIGHT,] and I am also opposed to the amendment of the gentleman from Illinois, [Mr. McCLERNAND.] I want this bill to stand just as it was reported by the committee. I have confidence in this Administration. I have confidence in the old chieftain at the head of our Army, who is directing and governing and controlling the war movements. I do not believe they will expend a dollar more money or bring a man more into the field than is necessary. But I want to say to them that we want this rebellion put down; that down it must go; and when the President tells us that he wants *at least* four hundred thousand men and *at least* $400,000,000, we should give him that, and a further fund to draw from if it shall be required. Now let us vote five hundred thousand men and $500,000,000, and look to the Administration to put down this rebellion, and thus restore peace and prosperity to our country.

Mr. HARDING. Mr. Chairman, I am in favor of voting any number of men and any amount of money to support and defend and maintain this Government, but I am not in favor of voting more than is necessary. I hope gentlemen will not oppose an amendment which is so entirely reasonable as this is. The amendment simply proposes to bring down the appropriation to the recommendation of the President in his message. It proposes to give all that the Government has thought proper to ask.

Now, sir, I am in favor, decidedly and unconditionally, of sustaining, defending, and supporting this Government—the best Government the world ever saw, the last hope of free government upon this continent; but, at the same time, I am not in favor of what is termed southern subjugation. I understand this measure to be framed for the purpose of defending and supporting this Government; and to the extent that it may be necessary to give support and defense to this Government by voting men and money, I and my constituents are ready to go. But surely we ought not to anticipate the recommendations of the Government itself. The President has told us in his message that all he desires and all that will be necessary, in any possible contingency, will be four hundred thousand men and $400,000,000. Now, surely when we grant all that the Government asks, gentlemen ought to be satisfied. I do not understand that a solitary member has yet taken upon himself to say that more than four hundred thousand men are necessary—not one. If such necessity exists, I beg that gentlemen will enlighten us and show us the grounds of that necessity. While, then, I stand pledged to my constituents to give for the support and defense of this Government all that is necessary; beyond what is necessary I cannot vote a man or a cent.

I ask again, if any gentleman can say that more men are needed than the President has called for? I hope, then, gentlemen will yield to this reasonable amendment, which comes up to the entire necessities of the case. The Government have made an estimate of the number of men that will be needed; and, in making it, they have doubtless taken into consideration every possible contingency. I am ready to vote for that number of men because I suppose it to be necessary, or that it may become necessary. But I cannot suppose that more is necessary, and gentlemen cannot say that more is necessary. I hope the amendment may prevail, and that we will bring down the number of men to four hundred thousand. That, I think, is all that gentlemen can expect of us, especially in the peculiar attitude that we occupy coming from Kentucky. But, though we come from Kentucky, we represent upon this floor as loyal a set of Union men as are to be found in any part of the United States—men who would peril their all to sustain this Government, but men who would not vote one dollar or one man more than

is necessary for that purpose; and men, too, who would not consent to southern subjugation. But, understanding that this bill is not placed upon that ground, we are willing to give all the men the Government asks us for, and gentlemen cannot say that more than that is necessary.

Mr. HICKMAN. Mr. Chairman, I am opposed to reducing the number indicated in the bill; not because I believe a less number would not be sufficient for the work in hand, but because I prefer to err, if err I must, upon the safe side. I entertain the opinion now, and I have long entertained it, that one hundred thousand men will be entirely sufficient to accomplish the restoration of the Constitution in the seceded States; but the smaller the number of men employed, the greater will be the length of time necessary to accomplish the object in view. I do not see, myself, that increasing the number of men will necessarily increase the hazard of subjugating the South. I do not myself know whether it is contemplated to subjugate the South. I do know, however, that it is fully contemplated to force the South into submission. There can be no loyalty without submission; and these men are to be taught by a strong hand that they are to pay the same regard to the Constitution and laws as commoner people are forced to render to them. These men believe that they have a right to declare themselves out of the pale of legitimate Government whenever it shall suit their interests to do so, or whenever it shall be in accordance with the lead of their passions to do so. We, the people of the North, of the loyal States, and all who act with the North, intend to educate these men in a different doctrine; and if we shall eventually be forced to bring them into subjection—abject subjection to the Constitution of the United States—it will be their fault, and not ours.

Now, sir, an army will be needed upon the southern coast. Every foot of the southern coast will have to be threatened; and perhaps every foot of the southern coast will eventually have to be invaded. An army will have to be started upon the nearest southern frontier here, and it will have to be marched until it shall meet the army threatening the coast; and, perhaps, it will be necessary—it is well for gentlemen from the southern States to consider whether it may not be necessary—to leave the track of the chariot wheels of war so deep on the southern soil that a century may not obliterate it. I am not willing to stint the Government either in men or money. I am determined, so far as my influence and my voice and my vote will go, to make this war an effectual one—a terror to evil-doers for all time to come; so that when the Constitution and Union shall be reëstablished, they shall have a permanence which shall satisfy all true lovers of liberty.

Mr. CAMPBELL. Mr. Chairman, I do not entirely appreciate the spirit of the remarks made by my colleague, [Mr. HICKMAN,] who has just occupied the floor. I shall not talk in this Chamber about the propriety or necessity of "forcing the South into submission." I distinguish between the *loyal* men the South and the *traitors* of the South. I rise here for the purpose of saying in my place that I know there are in Missouri, in western Virginia, in good old Kentucky, and in eastern Tennessee, and elsewhere, as loyal men as ever marched under the flag of the country, and men true to their constitutional obligations.

Therefore, sir, I talk not of *subjugating* these men. I discriminate between them and the traitors who are in rebellion against this Government. I think it best here and everywhere, when we talk of disarming and grinding traitors to powder, we shall at the same time speak of the necessity of placing arms into the hands of the loyal men of the South, and of maintaining the constitutional rights of the South everywhere. Sir, this war is not commenced for the purpose of destroying the rights of all men and of tearing the Constitution into fragments; but to support the Government and Constitution and the rights of all sections during the grand struggle now going on in the country. I will go as far to support loyal citizens in Kentucky, in Missouri, in Virginia, in Tennessee, as I would to sustain the Union men of Pennsylvania or Ohio. They are our brothers wherever they are found; and there is no difference between the one and the other. These are my sentiments.

Now, in order to do this, I will vote all the money and all the men necessary to maintain the Union and enforce the laws of the land. Sir, I do not concede to the President, or the Secretary of War, or the Secretary of the Treasury, or other component parts of the Government, the exclusive right to judge of the number of men and the amount of money necessary in this great contest. We form a part of the Government. To the patriotism, to the sound judgment and views of Congress, the people will look touching the amount of money, and the number of men required, as much as to the wisdom and patriotism of the Executive. We, too, are responsible, if in the contest it shall be found that the arm of the Executive is shortened, because he has not money enough, or men enough, to carry on this great work. We do not propose that Congress shall assemble every month or every sixty days to vote more men or more money. I want to give the Executive all the power—even a superabundant power—in this great crisis of the nation's fate; and then I will hold him and his advisers strictly responsible for the expenditure of money and the disposition of men. But, sir, we must not now err in voting too small an amount of money or too few troops. The very life of the nation is in peril. The war must go on until armed rebellion shall perish. Sir, I would arouse the nation to a degree of revolutionary vigor which it has not yet shown in this tremendous crisis. The fate of free institutions, the fate of the lives of millions, is hanging now by a single hair. The rebellion is tremendous. The force in the hands of the insurgents is great. I will not under-estimate it. I would arouse the nation now to that degree of revolutionary life, and to put forth those tremendous energies necessary to crush out these traitors the very first moment it can be done. Everywhere I would have our columns on the march. I would darken the ocean with our fleets, and cover the land with our armies. I will not count the cost or the number of men necessary to do the work. If a million of men are necessary, I will vote them; for we know that the patriotic sons of the soil are able to sustain the shock, and bring us out of the peril. But let us do it effectually, and at once.

It has been said that England sympathizes, to some extent, with this southern rebellion. Sir, England dares not and will not act in such a way as to imperil her own interests or her own safety in this crisis. I am happy to say that she now shows no disposition to do either; but in sixty days we may run into further complications, and the Executive may want double the number of men provided for in this bill.

Let us, then, not make the mistake of giving the Executive too few troops, or vote too small an amount of money. I will, therefore, give to this bill, in its original text, my hearty concurrence, for I think it is wisely framed as it comes from the hands of the committee.

Mr. COX. Mr. Chairman, both the gentlemen who have last spoken on that side of the House seem to agree in opposing the amendment offered by the gentleman from Illinois, [Mr. CLERNAND.] I intend to address my remarks in reply to the gentleman from Pennsylvania who first spoke, [Mr. HICKMAN.] But first I will say this, with reference to the last remark made by the gentleman [Mr. CAMPBELL] in regard to the conduct of the British Government toward this nation. I have a chronic distrust of Great Britain with regard to America. She has not forgotten her wounded pride, nor her spite against us yet. And though we may not hear from her until the cotton crop is needed, in October or November, we will hear from her then; and when this Congress meets at its next session in December, we can adopt such measures as may be necessary to vindicate us with reference to foreign Governments.

Mr. Chairman, the debate has taken a peculiar turn, and irrelevant. The gentleman from Illinois [Mr. MCCLERNAND] has offered an amendment to reduce the number of men from five hundred thousand to four hundred thousand. He offered that amendment so as to make the bill conform to the recommendation of the Executive; but so soon as he offers it, gentlemen on the other side say, "Oh! we will not stint the Executive; we will give him and men money; we, on *our* side of the House, have confidence in the Executive." Mr. Chairman, I distrust always power wherever it is delegated. Its tendency is always to aggrandize itself. It is a part of our duty, as Representatives of the people, to distrust the executive power. It comes down, by tradition, from the English Parliament to this House of Representatives, that the prerogatives of the King or the Executive shall be checked, clinched, and held fast by the people, speaking through the popular branch. It is our duty here, not to follow blindly the recommendations of the Executive. When gentlemen come here and say they will, out of their abundant confidence in the Executive, give one hundred thousand men and $100,000,000 more than the Executive asks for; then I say, it is our duty, in vindicating the rights and traditions of the popular branch of the Legislature, to hold the Executive to his recommendations; nay, more, to scrutinize them with rigid criticism. When gentlemen on the other side ask, whether we distrust the Executive, I answer, "certainly; we have a right to distrust all power." A gentleman on the other side offered, the other day, a resolution of inquiry as to the corruption already charged upon and rumored about the Executive Departments. Why was that committee raised? Why these rumors in the newspapers? If we want to protect our Government in its credit, in its ability to put down insurrection, in its power to sustain itself firmly, let the legislative department of the Government do its whole duty. The Executive asks no more than what is called for by my friend from Illinois. If more is needed when we meet again in December, the patriotism of the country will respond to all proper appeals from the Executive. I will therefore vote to sustain this amendment. I will vote what is required to enable the Executive to sustain the Government—not to subjugate the South, but to vindicate the honor, dignity, and power of the Government to which we are all equally, and I hope warmly, attached.

Mr. MCCLERNAND. I wish to inquire of the gentleman from Ohio, whether the estimate of $400,000,000 was not made upon details furnished by the Administration?

Mr. COX. I understand that it is based upon details and estimates made and sent here, as the gentleman says, and therefore I am in favor of appropriating the amounts which the Departments have asked for, based upon specific estimates.

Mr. BLAIR, of Missouri. I move that the committee rise, for the purpose of going into the House, and terminating the general debate upon this bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House No. 28, and had come to no resolution thereon.

Mr. BLAIR, of Missouri, moved to terminate the general debate upon House bill No. 28, in five minutes after the consideration of the same shall be resumed in committee.

Mr. BURNETT. I move to amend the motion by extending the time to ten minutes.

The amendment was agreed to.

The motion, as amended, was adopted.

Mr. BLAIR, of Missouri, moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and resumed the consideration of House bill No. 28, to authorize the employment of volunteers to aid in supporting and defending the Government of the United States.

Mr. NOBLE. I desire to offer an amendment for the purpose of eliciting some information upon the subject.

The CHAIRMAN. No amendment is in order at this time.

Mr. BURNETT. I desire to thank the gentleman from Pennsylvania who first addressed the committee, [Mr. HICKMAN,] when it was last sitting, and also the gentleman from Pennsylvania who followed him, [Mr. CAMPBELL,] for their very frank and candid exposition of the views of that side of the House in reference to this war. If there is any one trait of character which I admire in the gentleman from Pennsylvania who

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. MONDAY, JULY 15, 1861. NEW SERIES.....No. 7.

first addressed the committee, it is his frankness and candor. He does not conceal his purpose here. He tells us, in response to my colleague from Kentucky, [Mr. HARDING,] who says that Kentucky, or at least his constituents and himself, are ready to vote men and money for the purpose of defending the Government, of vindicating the Constitution, and of preserving the Union, but that they will not vote one dollar for subjugation—the gentleman from Pennsylvania, I say, tells my colleague, and tells the country, that it is the purpose of the eighteen northern States to reduce the southern States to abject submission.

Mr. HICKMAN. I trust the gentleman will allow me to correct him.

Mr. BURNETT. Certainly; if it does not come out of my time.

Mr. HICKMAN. I believe my remark was—at least I intended that it should be—this: that our intentions are to bring the disloyal to submission or acquiescence. I understand that to mean submission to the binding obligation of the laws. That is what I mean. Whether it shall be necessary to go further than that, is for the gentlemen who occupy the position of rebellion to determine.

Mr. BURNETT. I quoted the gentleman literally. I wrote his words down at the time, and other gentlemen around me wrote them down.

What else? The gentleman told this House and the country that it might be necessary to make the wheels of this war run so deep that the prints would be left for a century to come. Now, sir, how any man of intelligence, how any man upon this floor who has been an observer of what has occurred since we reached here, can for a moment entertain a doubt as to what are the purposes and objects of these appropriations and this immense number of men that are to be called into the field, is to me passing strange. Half a million men—a hundred thousand more than the President asks for; appropriations to be made at the called session of Congress amounting to more than seven hundred and twenty-five million dollars! Nothing like it has been seen in the history of modern times. It has no parallel; and, sir, the man who doubts that the object of this war is for the subjugation of these States and to hold them by military government, is, to my mind, exceedingly dull of comprehension. No man can doubt it, in my judgment.

Now, sir, it has been my purpose, and it shall be my studied purpose, to have no conflict with my colleagues from Kentucky upon this floor, in regard to our action here. It has been thrown in my face time and again, that I do not represent the sentiments of Kentucky. Sir, I do not stand here professing to speak the sentiments of Kentucky; but I say to my colleagues here, to-day, that Kentucky has no sympathy, if we may judge by her past action, and the voice of her people as spoken through her constituted authorities, in a war which looks to the subjugation of the southern States. Let me tell gentlemen here again, that I represent, and profess to represent upon this floor my own sentiments, and I am responsible to my constituents for them. I do not know what the sentiments of Kentucky are; but I ask my colleagues to look at the action of that State in this controversy up to the present time. The Executive of this Government called upon the Governor of Kentucky to furnish troops at the commencement of this war, for the purpose, as it was then given out, of the defense of this capital and for the maintenance of the constitutional authorities even here. Then, sir, our Legislature was in session. The Governor of Kentucky responded that Kentucky would not furnish men, and that response was indorsed by the almost unanimous vote of the popular branch of the Legislature. It was acquiesced in by all parties in the State.

Well, sir, what else? On the 1st day of January last, when the act of secession had been accomplished by all the now seceded States, with the exception of Virginia, North Carolina, Arkansas, and Tennessee, when their revolutionary purpose had been accomplished, the party which elected my colleagues to seats upon this floor held a solemn convention in the city of Louisville; and there, the representatives of that party of the State of Kentucky, including some of the distinguished gentlemen now holding seats upon this floor, declared, by a series of resolutions, what were the sentiments of the people of Kentucky. And what were those resolutions? They declared opposition to the policy of coercion. They declared that whenever a war was commenced for the purpose of subjugation, it was the duty of the people of Kentucky to resist it with arms in their hands. This, sir, was not my party; it was not the language of my party; but it was the language of the Union party of the State of Kentucky.

And let me say here, when the gentleman from Pennsylvania last up [Mr. CAMPBELL] says that he will spare the Union men, the loyal men, of Kentucky, that there are no other men in Kentucky but loyal and true men. Let me tell him that there are no other men there; and that when Kentucky comes to act in her capacity as a State, when her voice shall determine what her course shall be, she will be a unit; she will act together as one man; and I trust in God she may be saved, as I, one of her Representatives, have labored most industriously to save her, from the horrors of civil war.

Mr. CAMPBELL. I desire to ask the gentleman from Kentucky, how many troops from his State have been mustered into the confederate army?

Mr. BURNETT. I want to save my State from the horrors of civil war. When the gentlemen who are the representatives of the Union party in Kentucky placed that State in the position of neutrality which is denounced in such strong terms by the President of the United States—declared even to be disunion itself—I, as one of the citizens of Kentucky, yielded my acquiescence in that position, and was ready to stand by it. It was my hope that Kentucky might be permitted to maintain that position. I had no agency in putting her in it; but, sir, I repeat that I was ready to stand by her, as one of her citizens, when she was placed there. These are matters of record. I never entered into any dispute or question with my colleagues. They cannot be denied, for they are facts recorded in our history. They are recorded as the acts and deeds of the Commonwealth of Kentucky. So far as I know, they have not been reversed by the action of her people; and further, to show gentlemen the state of feeling in Kentucky, I point to the fact that the troops which have been called for by the Government have been refused. Nor, sir, have the people of that State yet responded in any locality to the call for troops to join the Federal Army in carrying on this war.

Mr. Chairman, I want to save my State from the horrors of an internecine war. I have no heart for this war. One of my colleagues told me that I sympathized with these people in the South. Is it strange that I should sympathize with men now living upon the soil of old Virginia who have in their veins the same blood that courses through my own? Is it remarkable that, when there are between me and those men the strongest ties of blood, I should desire to do all in my power to save them from the horrors of war?

My friend from Illinois [Mr. MCCLERNAND] yesterday asked me how I proposed to settle this question? I desire succinctly to reply to that question. My venerable colleague, [Mr. CRITTENDEN,] at the last session of Congress, offered propositions which required no surrender of principle on the part of our brethren of the North—none at all, sir—and he pressed them earnestly upon the attention of the Senate. He said then that unless something like his propositions was passed, and passed soon, these troubles would befall us. Yet his propositions and his words met with no response from the other side, or from the great North. His words were unlistened to, and his propositions were voted down. Let me tell gentlemen that the South have only asked for constitutional guarantees. They asked for them when all the States were represented in this Hall. The man called the arch traitor, now president of the southern confederacy, upon the floor of the Senate declared that if the North would give the South a proposition like that offered by my colleague, and so said his secretary of State, then this revolution would cease.

The CHAIRMAN. General debate has ceased on this bill.

Mr. MCCLERNAND. When Mr. Davis made the remark referred to, the gentleman and the House know that South Carolina had declared she could never be brought back into the Union.

The CHAIRMAN. Debate is not in order.

Mr. MCKNIGHT's amendment to the amendment was rejected.

Mr. COX demanded tellers on Mr. MCCLERNAND's amendment.

Tellers were ordered; and Messrs. VAN WYCK, and KELLOGG of Michigan, were appointed.

The amendment was rejected; the tellers having reported only forty-seven in the affirmative.

Mr. CURTIS. I move to strike out the words "not exceeding three years." I move the amendment merely for the purpose of improving the bill. In the revolutionary war it became necessary to call for volunteers during the war. In my judgment, that would be a better way to call out volunteers now. I see no reason why we should limit the time to one, two, or three years. If we are to have an Army, the longer they are retained while the war lasts the better for the Government. It ought, indeed, to be raised for the war, for then we will save the expense of repeated enrollments.

The amendment was rejected.

Mr. VALLANDIGHAM. I offer the following proviso:

Provided, further, That before the President shall have the right to call out any more volunteers than are already in the service, he shall appoint seven commissioners, whose mission shall be to accompany the Army on its march, to receive and consider such propositions, if any, as may at any time be submitted from the executive of the so-called confederate States, or of any one of them, looking to a suspension of hostilities and the return of said States, or any one of them, to the Union, and to obedience to the Federal Constitution and authority.

Mr. Chairman, I do not rise to debate this question at length—the hour for that discussion has not yet come—but simply to remind gentlemen on both sides of the House that when, four years ago, the obscure and far-distant Territory of Utah, with less than one hundred thousand inhabitants, and insignificant in power and resources, was in armed rebellion against the Government of the United States, the President appointed two commissioners to accompany the Army upon a like mission of generous forbearance and humanity.

Mr. LOVEJOY. I make the point of order that the amendment is irrelevant.

The CHAIRMAN. The Chair overrules the point of order.

Mr. VALLANDIGHAM. I rise simply to remind the House of that significant fact, and to inquire whether, if, in a case like that, where the lives and fortunes of a people so few, so insignificant, and so odious in their manners and their institutions, were concerned, this great and powerful Government thought it becoming, in a spirit of justice and moderation, to send commissioners to accompany, and indeed to precede, the Army on its march, for the purpose of receiving propositions of submission and of return to obedience to the authority of the Federal Government, we ought not now, in this great revolution—this great rebellion, if you prefer the word—to exhibit somewhat also of the same spirit of moderation and forbearance; and while the legislative department is engaged in voting hundreds of thousands of men and hundreds of millions of dollars, we ought not, bearing the sword in one hand, to go forth with the olive branch in the other?

I offer the amendment in good faith, and for the purpose of ascertaining whether there be such a disposition in the House. For my own part, sir, while I would not in the beginning have given a

dollar or a man to commence this war, I am willing—now that we are in the midst of it without any act of ours—to vote just as many men and just as much money as may be necessary to defend and protect the Federal Government. It would be both treason and madness now to disarm the Government, in the presence of an enemy of two hundred thousand men in the field against it. But I will not vote millions of men and money blindly, for bills interpreted by the message, and in speeches on this floor, to mean bitter and relentless hostility to and subjugation of the South. It is against an aggressive and invasive warfare that I raise my vote and voice. I desire not to be misunderstood. I would suspend hostilities for present negotiation, to try the temper of the South—the Union men, at least, of the South. But as the war is upon us, there must be an army in the field; there must be money appropriated to maintain it; but I will give no more of men and no more of money than is necessary to keep that army in position, and ready to strike, until it can be ascertained whether there is a Union sentiment in the South, and whether there be indeed any real and sober and well-founded disposition among the people of those States to return to the Union and to their obedience to the authority of this Government. I trust that this amendment will receive that consideration which I believe it justly deserves.

Mr. WRIGHT. I am opposed to the amendment of the gentleman from Ohio, from the fact that it will be holding out to those men who are occupying a rebellious attitude, a reward for their treason——

Mr. VALLANDIGHAM. One question, by the gentleman's permission. I ask him whether he is opposed to the return of those States which have seceded from the Union?

Mr. WRIGHT. I am not opposed to the return of those States which have seceded from the Union.

Mr. VALLANDIGHAM. One question further. If they desire to return without fighting, without striking another blow, I ask the gentleman if he intends that they shall be made to fight and compelled to stand up and receive our cannon shot, and the edge of our swords, and the points of our bayonet, whether they resist or not?

Mr. WRIGHT. When those gentlemen now fighting under the standard of rebellion lay down their arms——

Mr. VALLANDIGHAM. That is a case clearly within my resolution.

Mr. WRIGHT. And sue for peace, and surrender their leaders, then I am for peace. [Great applause in the galleries.]

The CHAIRMAN. The Chair will order the galleries to be cleared if they again violate the decorum of the House.

Mr. ROBINSON. I call upon the Chair to enforce the rules of the House. This applause is repeated every day, after it has been repeatedly announced that if it is renewed the galleries will be cleared. I now ask that the rules of the House be enforced, and that the galleries be cleared, the ladies' galleries excepted.

The CHAIRMAN. The Chair begs leave to state that this is the first occasion of the kind since he has been in the chair, and he trusts it will be the last. He will forbear enforcing the rules of the House this time, believing that the galleries will not again violate the rules and decorum of this body.

Mr. WRIGHT. It is not my purpose, Mr. Chairman, nor my object, to carry on against these southern seceding States a war of aggression. It is not my purpose that it shall be regarded as a war of subjugation. But the mission of the Army of the loyal States south, is to defend the integrity of this Government and maintain the unsullied honor of its flag; not to rob southern men of their property; not to interfere in any way with the negro question; and so long as the object and destiny of that Army, in marching forward, is to preserve the integrity of the Union, I am opposed to any proposition of peace while these men hold arms in their hands and maintain their attitude of hostility. And such I believe to be the sentiment of the loyal men of the North, or the loyal men of the North and South.

Now, Mr. Chairman, I have heard a great deal said, since I have been here, within this Hall, and out of this Hall, about peace. I want to see no peace that is to be established upon the overthrow and disintegration of the Republic.

[Here the hammer fell.]

Mr. WRIGHT. I have not occuped five minutes or three minutes.

The CHAIRMAN. The time has expired, and the gentleman can only proceed by unanimous consent. [Cries of "Go on!"] The Chair hears no objection.

A VOICE. For five minutes only.

Mr. WRIGHT. It is too late; no restriction now.

The CHAIRMAN. The gentleman is entitled to proceed for five minutes, as we are acting under the five-minutes rule.

Mr. WRIGHT. No such terms of peace will I vote to accept or entertain. I agree with the gentleman from Ohio entirely, that when our army marched into Mexico, as also into the Territory of Utah, there were, as I understand it, commissioners appointed by the Government to go with that army. But I now confine my remarks to the army of Mexico. Why did we send commissioners with that army? Because that was a conflict between nations. The war which is being waged in the United States now is a war waged by members of our own household.

With regard to the case of Utah, the gentleman from Ohio asks how it was there. It is true that Utah, at that time, was a Territory, and perhaps there would be some similarity between that case and the present. But in this domestic war which is being waged upon the part of members of our own household, I think it behooves the General Government to attempt, at least, to exert its power to dictate terms to them. They are not aware, I presume, of what they have already done; neither do I believe that these men engaged in this wicked rebellion know not only what has been accomplished, but the position they actually occupy. Why, sir, through the whole northern and eastern portions of the United States, hundreds and thousands of men who have spent a long life in procuring the means of subsistence and comfort, and who regarded themselves as rich and independent, are, to-day, in consequence of this foul treason on the part of the southern States, candidates for the poor-house. Who has caused and produced all that suffering, and who is to atone for it? Throughout the whole country you find all kinds of business at an end; you find commerce suspended; you find the doors of the manufactories closed; you find all handicraft work abandoned; and you find want and famine marching over the land. Who has produced all this? These men of the seceding States who have risen up and attempted to strike down the Government. Now when they come to us and ask terms for these unholy and unrighteous acts, I am willing to say to them that we will take your terms into consideration when you lay down your arms and abandon the project of a southern confederacy; that then we will treat with you, and not before. The offenses have been too severe and too great, that have been committed upon the part of these southern secessionists to go unpunished.

Now, sir, I do not want it understood that I advocate what is regarded as the subjugation of these men—that is, that we want to hold their country as conquered territory; but I tell you, sir, what I do believe is the duty of this great Government: it is to send our Army there that patriotic men may breathe in the rear of it, if they cannot breathe in the front of it. ["Good!" "Good!"] Wherever that Army has advanced, you find the Union sentiment is permitted to live and thrive and flourish. How is it in regard to northwestern Virginia? We find her Representatives upon this floor to-day. To whatever point this army of occupation has advanced, wherever they have permitted the stars and stripes to be unfurled, we have a representation in this House, and soon will have a representation upon the floor of the Senate. If northwestern Virginia had been under the flag of secession, would there have been a representation from that State in either of the two Houses to-day? No, sir. The kind of subjugation about which I wish to speak is the subjugation of traitors, in order that patriots may live, and in order that the benefits of our laws and institutions shall prevail. If the gentleman from Ohio calls that subjugation, I tell him I am in favor of such subjugation.

[Here the hammer fell.]

Mr. HUTCHINS moved to amend the amendment by striking out all after the word "to," and inserting in lieu thereof the words "see that the war is vigorously prosecuted, to the effectual putting down of this rebellion;" so that the amendment shall read:

Provided further, That before the President shall have the right to call out any more volunteers than are already in the service, he shall appoint seven commissioners, whose mission it shall be to see that the war is vigorously prosecuted, to the effectual putting down of this rebellion.

Mr. VALLANDIGHAM. Is it in order to amend that?

The CHAIRMAN. No further amendment is in order.

Mr. VALLANDIGHAM. I would remind the gentleman from Pennsylvania that the elections in western Virginia were held prior to the armed occupation to which he has referred.

Now, sir, I am opposed to the amendment of my colleague. If he would add what I would move to add, if it were in order, the character of it—I will not say the atrocity of it, for that would probably be out of order—would be well understood, "to prosecute the war vigorously against unresisting men who are asking peace upon the terms of a return to the authority of the Constitution and of this Government." That is what his amendment means, and it means nothing else. If it were in order I should characterize it in the language which it deserves; but I will not violate the proprieties of the House. The committee can do just as they see fit in regard to these questions. I have made the proposition to go upon the record, to remain there, and be read hereafter, and read by the people throughout the States of this Union, and pondered by them.

The question was taken on Mr. HUTCHINS's amendment to the amendment, and it was disagreed to—ayes fourty-four, noes not counted.

The question recurred on Mr. VALLANDIGHAM's amendment.

Mr. WASHBURNE demanded tellers.

Tellers were ordered; and Messrs. ROSCOE CONKLING and ALLEY were appointed.

The committee proceeded to divide; and the tellers reported twenty-one votes in the affirmative.

Mr. VALLANDIGHAM. I will not insist on a count of the other side; but I hope gentlemen will give us a vote on the amendment by yeas and nays in the House. [Cries of "Oh, no!"]

The amendment was disagreed to.

Mr. RIDDLE. I move to insert after the word "major," in the ninth line of section two, the words "to be elected by the officers and privates of the regiment." I offer that amendment because, while this bill provides for officers, it makes provision only for the appointment of officers of the grade of general and chaplain. There would seem, perhaps, to have been an oversight on the part of the committee who prepared the bill, and I offer this amendment more with a view of calling attention to this seeming omission than for any other purpose. There would seem to be no power anywhere for the creation of these officers. There is, obviously, no such power in the War Department in the absence of legislative provision, and there seems to be no authority for the election of these officers. I therefore offer this amendment, and, unless some other gentleman does it, I shall offer a similar amendment in reference to each grade of officer mentioned in this section.

Mr. BLAIR, of Missouri. Mr. Chairman, it is true, as stated by the gentleman from Ohio, that neither the President nor the Secretary of War has authority to appoint these officers, unless the power is given them by this act. But we leave the subject where it stands at present, and the officers of these regiments will be appointed under the laws of the different States precisely as at present. In some States these officers are elected by the soldiers themselves. In other States the Governors have the appointment of the chief officers, and the company officers are elected by the privates. The bill leaves the power where it now rests, with the States and under the laws of the States.

The amendment was disagreed to.

Mr. CURTIS. I move to strike out as follows:

"And that they shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service."

And to insert, in lieu thereof, the following:

Such force to be organized into companies and squadrons, or regiments, or other subdivisions, as the President may direct, and officered according to the laws of the States furnishing such volunteers: *Provided*, That when any State authorities have refused, or shall refuse or neglect, to furnish such volunteers when so called upon, the President may receive, organize, and officer such troops according to the rules and regulations which the President may prescribe.

The object of this amendment is to meet the very point made by the gentleman from Ohio, [Mr. RIDDLE.] There is a great discrepancy in the manner of organizing and arranging volunteer forces, and some general principle should be adopted. This amendment proposes that the power shall remain where, as the chairman of the Committee on Military Affairs has stated, it is now—in the States; but it also provides a mode by which it shall be uniform throughout the United States. I can see no earthly objection to a rule like this, that the Government of the United States shall say whether the force shall be organized into companies, squadrons, battalions, or regiments, leaving to the States the appointment of officers. Where the State authorities have refused or neglected to furnish the force called for, then the question arises, how the troops from such States are to be officered; and some rule or practice should be adopted on the subject. In the State of Missouri, forces are being received and mustered into the service of the United States as companies. I think authority ought to be given to the President to receive companies, and then, when they are organized into battalions or regiments, they must be officered by some rule. Where the Governor of a State runs away, as the Governor of Missouri has done, some other authority must officer the forces, and it becomes necessary that we should prescribe some rule upon the subject.

Mr. VALLANDIGHAM. I desire to call the attention of the gentleman from Iowa to the clause of the Constitution which provides that Congress shall have power to make rules for the government and regulation of the land and naval forces. The President certainly has no power to prescribe them, and it strikes me that his amendment is in conflict with this provision of the Constitution.

Mr. CURTIS. I do not think so.

The CHAIRMAN. No further debate is in order.

The amendment was agreed to.

Mr. CURTIS. I propose to add, in the eleventh line, the words "one commissary, a lieutenant." As regiments are to be organized under the bill, as it now stands, there is allowed one quartermaster, a lieutenant. My amendment proposes to add one commissary, a lieutenant. The duties of a quartermaster, as is well known to all familiar with the organization of the Army, relate entirely to the movement and the quartering of troops. The commissary has to provide the food. The duties are entirely different, and in the regular Army are always kept separate. In the Mexican war we had quartermasters and commissaries. I can see no objection to keeping the duties separate in the volunteer service, as they are in the regular service. This amendment will add nothing to the expense, because these officers are taken from the lieutenants.

The amendment was agreed to.

Mr. CURTIS. I move to insert, in the sixteenth line, after the words "second lieutenant," the words "one third lieutenant."

Mr. Chairman, I have offered no amendment more necessary than this. In the regular Army there are generally three lieutenants to a company. The third one is called a brevet second lieutenant; but all the drill and all the movements of the Army—the latest additions made by the Secretary of War—seem to require this third lieutenant. In the volunteer service, where companies run up as high as a hundred and a hundred and ten men, there is the more necessity of this third lieutenant.

In the Mexican war, after some time, there were three lieutenants allowed to each company. Certainly it is necessary now. If it were not, I would not ask for the increase. We want no burden of officers; but those which are necessary to the general police and regularity of the companies, we do want, and must have. Besides, the adjutant, the quartermaster, the commissary, and many others, are always taken from the lieutenants, so that the companies are generally destitute of a sufficient number of officers. I hope, therefore, that this third lieutenant will be added.

Mr. McKNIGHT. I desire to suggest to the gentleman from Iowa that, if his amendment prevails, it will be necessary to fix the amount of pay of these third lieutenants.

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. McKNIGHT. Yes; unless it is amended as I suggest.

Mr. CURTIS. Well; say with the same pay as brevet second lieutenants.

Mr. McKNIGHT. Then I am in favor of the proposition of the gentleman.

Mr. BLAIR, of Missouri. The brevet second lieutenant in the regular Army is simply put there to have some place to stow away these young cadets as they come from West Point. They are not needed. The multiplication of officers is a multiplication of expense without any sort of necessity; and I trust the amendment will be voted down.

The amendment of Mr. CURTIS was rejected.

Mr. ASHLEY. I move to amend by inserting four assistant surgeons instead of one assistant surgeon. In the British service there is one assistant surgeon for every ninety-seven men, when the army is in active service. This amendment, if adopted, will leave to each surgeon the care of two hundred men. Much of the loss in our Army is occasioned by the want of medical and surgical aid. In active service the loss from this cause is as five to one. I propose this as a matter of precaution, for our Army is to be in active service from this time forward, as I trust.

The amendment was rejected.

Mr. BLAIR, of Missouri. I ask that the vote on the amendment of the gentleman from Iowa, [Mr. CURTIS,] by which a commissary was inserted, be reconsidered.

The CHAIRMAN. That motion is not in order in committee.

Mr. WASHBURNE. I suggest to the gentleman from Missouri, that the House can vote down the amendment.

Mr. BLAIR, of Missouri. Very well. I withdraw the motion.

Mr. CURTIS. I move to amend the last line of the section, by striking out "eighty-two" and inserting "one hundred," so as to make the companies consist of one hundred men. My object is to have companies at least one hundred strong. I think it would be better to have them still stronger. In the regular service their strength is one hundred and one, I believe. The maximum here is eighty-two, corresponding with the call; but there is no objection to its being one hundred. The officers of companies would generally prefer their being one hundred strong; and most armies in the world are now adopting that number. I hope it will be adopted in our volunteer service.

Mr. BLAIR, of Missouri. The eighty-two privates provided for, with the five sergeants and eight corporals, and other subordinate officers, make an aggregate of one hundred and one men to each company. A larger company than that is unwieldy; and I trust the number will not be increased.

The question was taken on Mr. CURTIS's amendment, and it was rejected.

Mr. DIVEN. I move to amend the fourth section, by adding, after the word "six," the following:

To be selected from persons educated at the Military Academy at West Point, or from persons who have served in the regular Army not less than five years.

So that it will read:

SEC. 4. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the forces provided for in this act, a number of major generals, not exceeding six, to be selected from persons educated at the Military Academy at West Point, or from persons who have served in the regular Army not less than five years, and a number of brigadier generals, not exceeding eighteen, and the other division and brigade officers required for the organization of these forces, except the aides-de-camp, who shall be selected by their respective generals from the subaltern officers of the Army or volunteer corps.

Mr. Chairman, it is undoubtedly within the knowledge of the House that we have now out of service men educated at the expense of the Government, men who have distinguished themselves in service, who are set aside, while civilians are placed in the command of our armies. I desire that this Army shall be made as efficient as it is possible to make it. I desire that this rebellion shall be put down by the smallest expenditure of human life with which it is possible to put it down; and I know no better protection to the life of the soldier than skill in the officer. While we have officers thus educated and thus skilled, shall we imperil the lives of our gallant volunteers by subjecting them to the misjudgment of unskilful officers.

While on this subject, sir, I wish to make one passing remark—a thing which is entirely unusual with me, for I am accustomed to speak only to the particular point which I wish to enforce. The inquiry has been made: "why is such an army as this being mustered, if not for the subjugation of rebellious States?" I wish to do all in my power to quiet the apprehensions of any man here with reference to any designs of this Government on the rights of the States. I wish to say—and I think my knowledge of the sentiments of the North enables me to speak correctly—that there is no such sentiment to any extent prevailing.

The CHAIRMAN. The gentleman must confine his remarks to his amendment.

Mr. DIVEN. I was giving my reasons for desiring an efficient Army. I believe that efficiency of the Army requires efficient officers. We want an Army officered by efficient men to put down this rebellion—officered by intelligent educated men who will know when they are trespassing on the rights of States, and who will confine their duties to conquering enemies. That is why I want our Army intelligently officered. Let me tell you that it is just as fatal to the Constitution and to the liberties of the country to subjugate a State as it is for a State to rebel. It matters not whether the Union of these States is destroyed by the Government taking away the rights of a State, or by a State usurping the rights of the Government. There is not a whit of difference. When this rebellion shall be over, South Carolina, the worst of the rebel States, will be South Carolina still, with all the rights which Massachusetts has, or else the Constitution is at an end, and human freedom too.

Let no man fear the mission of this Army. It is to maintain the integrity of the Constitution, and not to trample on the rights of States. Those rights must be inviolate forever, or the whole of this fair fabric of the Union must crumble to pieces.

Mr. WICKLIFFE. Allow me, sir, to return my thanks——

The CHAIRMAN. Does the gentleman from Kentucky rise to oppose the amendment?

Mr. WICKLIFFE. Yes, sir, *pro hac vice*. I do so by thanking the gentleman, who is a stranger to me—but I understand he comes from north of Mason and Dixon's line—not only for the amendment he has offered, but for the sentiments he has avowed. The only security against disunion is the preservation of the Constitution and the observance of the rights of States and individuals. Therefore you ought to have intelligent officers at the head of your regiments and of your brigades. I am against political generals as much as I am against political preachers.

Mr. SHELLABARGER. I move to amend by adding at the end of the proposed amendment, as follows:

Or who shall have, by actual service in war, shown efficiency and capacity for such command.

I am gratified, Mr. Chairman, that the amendment has been proposed which is now pending before the committee; and I hope that after it shall have been properly guarded and protected, it will be adopted by the committee and the House. It will be seen that the only object of the amendment which I propose is to admit to these important appointments a class of persons of undoubted capacity, who would otherwise be excluded; for, if I remember correctly the amendment of the gentleman from New York, it requires these appointments to be made from persons who have been in the service for at least three years, or who have graduated at the Military Academy at West Point. I say, therefore, I consider that the amendment, in the form in which the gentleman offered it, unintentionally limits the discretion of the Executive to an unnecessary extent. Some rule

of course must be prescribed for the control of the Executive discretion. To make that rule definite, comprehensive, and yet large enough not to do mischief, is the thing to be desired by the committee.

In order to be entitled to the command to which the gentleman refers, if you apply the strict rule of his amendment, you will exclude some of the most efficient officers now in the service of the United States; and in order to call the attention of the gentleman more prominently to the point which I make, I refer him to an instance brought to the notice of the public within the last few days, of a colonel in command of a portion of our forces, who possesses abilities of a high order certainly, if the accounts that come to us of him through the newspapers are to be trusted. Yet by the strict rule of this amendment he would be excluded from his command.

I hope the House will take care to guard the amendment of the gentleman from New York properly, and that, so guarded and protected, it will be adopted.

The amendment to the amendment was agreed to.

The amendment, as amended, was then rejected.

Mr. DIVEN. I now propose an amendment which I suppose will meet the fate of the other; but I offer it for the consideration of the committee. I move to insert, after the word "eighteen," in line six, as follows:

To be selected from persons educated at the Military Academy at West Point, or from persons who served in the Mexican war, or who have served not less than three years in the regular Army.

The amendment was disagreed to.

Mr. CURTIS. I move to amend, in the fifth line, by striking out "eighteen," and inserting "thirty;" so that the clause will read:

And a number of brigadier generals, not exceeding thirty.

Mr. Chairman, it seems to me that if we are to have four or five hundred thousand troops called into service, it is absolutely necessary to have more brigades. The great idea of a brigade in the Army of the United States, is that it shall be a body of troops, sufficiently limited, to be under the supervision of one man. Now, if you divide this immense force into eighteen brigades, you make them so large that no one man can supervise a brigade at all. According to the whole theory of our military system of national warfare, a brigade ought not to be larger than five regiments. Under our system of organization, no one man can supervise more than five regiments. If you will adopt the British system, and make a regiment equal to one of our brigades, the colonel may then command as the brigadier generals do in our Army; but if you are to adhere to our system, eighteen brigadier generals is certainly too small a number. I hope, therefore, the House will adopt my amendment, and increase the number to thirty. I do not make the motion to increase the number of officers, but to increase the efficiency of the Army.

Mr. RICHARDSON. I would suggest to the gentleman from Iowa that if more brigadier generals are necessary, they can be authorized hereafter. Besides, the gentleman has seen enough of the service to know that, in the formation of brigades, it very often happens that it is necessary to so organize the regiments as to give command to a colonel who is as competent to lead a brigade as a brigadier general.

The amendment was disagreed to.

Mr. CURTIS. I move to amend the fifth section, in the fifth line, by inserting after the word "clothing," the words "when not furnished in kind;" so that the clause will read:

Provided, That their allowance for clothing, when not furnished in kind, shall be $3 50 per month.

The object of the amendment is to permit the volunteers, if they see proper, to draw their clothing from the Government supply. It was found, during the Mexican war, that the clothing furnished by the Government was of better quality than the volunteers could supply through the contracts they were able to make in different places. I think they should have the same privilege now that the soldiers have in the regular Army, of drawing their clothing through the Quartermaster's department. I believe, although the allowance of $3 50 per month is pretty liberal, they would still get a better article and cheaper than they can supply for the money.

The amendment was agreed to.

Mr. JOHNSON. I move to amend, by striking out the words "drum majors or," in the following section:

SEC. 7. *And be it further enacted*, That the bands of the regiments of infantry and of the regiments of cavalry shall be paid as follows: one fourth of each will receive the pay and allowances of sergeants of engineer soldiers; one fourth those of corporals of engineer soldiers: and the remaining half those of privates of engineer soldiers of the first class; and the drum majors or leaders of the band shall receive the same pay and emoluments as second lieutenants of infantry.

Mr. CURTIS. I think there must be some mistake in the section as its stands. The idea of giving the drum major the pay of a second lieutenant is rather stiff. Drum majors usually rank as sergeants in the service. I think the amendment should be adopted.

The amendment was adopted.

Mr. BLAIR, of Missouri. I desire, with the consent of the committee, to return to section six, and move to insert, after the word "be," in the second line, the words "or have been;" and in the third line, after the word "be," the words "or have been." The section would then read:

SEC. 6. *And be it further enacted*, That any volunteer who may be or have been received into the service of the United States under this act, and who may be or have been wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service; and the legal heirs of such as die or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of $100.

There being no objection, the amendment was received and adopted.

Mr. WHITE, of Indiana. I call the attention of the gentleman from Missouri to the retroactive effect which his amendment should have also upon the fifth section. I had prepared an amendment which I intended to offer at the end of the ninth section, which, with the consent of the committee, I will have read, and, if adopted, will save the necessity of separate action to correct the phraseology in each instance. The amendment I propose is as follows:

The provisions of this section, and of the preceding sections of this act, numbered five, six, seven, and eight, as to pay, pensions, bounty, and all other matters, shall be extended to all military forces mustered into the service of the United States, under any proclamation of the President, or by order of the War Department, since the 13th day of April, 1861, and all other beneficiaries therein named.

Mr. BLAIR, of Missouri. I withdraw my amendment.

Mr. WHITE, of Indiana. I offer the following amendment, to come in at the end of the ninth section:

The provisions of this and the preceding sections of this act numbered five, six, seven, and eight, as to pay, pension, bounty, and all other matters, shall be extended to the military forces mustered into the service of the United States under the proclamation of the President, or by order of the War Department, since the 13th day of April, 1861, and to all the beneficiaries therein named.

Mr. COLFAX. I suggest to my colleague that the language of the amendment would seem to exclude those called out by the proclamation of the President of the 15th of April.

Mr. WHITE, of Indiana. It includes all. The 13th of April is the day named. It is the date of the bombardment of Fort Sumter.

Mr. NOBLE. I will ask one question. Is it proposed to pay the three-months volunteers, who may be discharged, the bounty provided in this bill?

Mr. WHITE, of Indiana. I think that the three-months volunteers who have been sworn into the United States service are entitled to the bounty. It is a small bounty, and I think that this Government can afford to pay it to them. Many of them afterwards offered for a longer term, and could not be accepted.

Mr. BLAIR, of Missouri. I think that it is out of all reason that the three-months volunteers should have a bounty of $100 on their discharge. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. BLAIR, of Missouri. I move to amend the amendment by adding the following:

Provided, however, That the bounty of $100 provided in the fifth section shall not be paid to the three-months volunteers on their discharge.

The amendment to the amendment was agreed to; and the amendment, as amended, was then adopted.

Mr. McCLERNAND. I move to amend the ninth section, by adding the following:

Provided, That the brigadier general shall be authorized, in his discretion, to appoint one chaplain to his brigade of the Roman Catholic faith, if there shall be no such chaplain attached to any regiment composing it; and said chaplain shall rank and receive the same pay as herein allowed to the chaplain of a regiment.

Mr. Chairman, I will state, in explanation of that amendment, that I received yesterday a petition from a meritorious officer—a colonel of a regiment in Illinois—who served during the Mexican war, asking Congress to make some provision for the appointment of a chaplain of the Roman Catholic faith for each brigade where it should so happen that none was attached to any regiment of the brigade. The committee will understand that the amendment only vests in the brigadier general the discretion to appoint such chaplain when there shall be none attached to any of the regiments under his command. We all know that there are a great many Catholics in almost every regiment now in service. I offer the amendment, and I hope that it will be adopted.

The amendment was rejected.

Mr. VALLANDIGHAM. I move to strike out the words "Christian denomination" in the seventh line, and, in lieu thereof, to insert "religious society." I do it, Mr. Chairman, because there is a large body of men in this country, and one growing continually, of the Hebrew faith, whose rabbis and priests are men of great learning and unquestioned piety, and whose adherents are as good citizens and as true patriots as any in the country, but who are excluded by this section; and because, also, under the Constitution of the United States, Congress is forbidden to make any law respecting the establishment of a State religion. While we are in one sense a Christian people, and yet in another sense not the most Christian people in the world, this is yet not a "Christian *Government*," nor a Government which has any connection with any one form of religion in preference to any other form—I speak, of course, in a political sense alone. For these reasons I move the amendment. While confining it to religious societies, it will yet leave the appointment open to those at least who are of the Hebrew faith, and who, by the terms of the bill, are unjustly, and without constitutional warrant, excluded from it.

The amendment was rejected.

Mr. JOHNSON. I move to strike out the words "captain of cavalry," and to insert "second lieutenant of infantry."

Mr. Chairman, most of those who will be appointed chaplains to regiments will be young, single men, and I can see no reason why they should receive the pay of a captain of cavalry. Their duties are light, and are not to be compared to the onerous ones of a captain of cavalry. In my judgment, the pay of a second lieutenant of infantry will be abundantly sufficient, and for that reason I have offered the amendment. I consider that in the military service, as in all other services, the laborer is worthy of his hire.

Mr. BLAIR, of Missouri. The chaplains in the regular Army are paid at the same rate; they receive the pay of a captain of cavalry; and the chaplains attached to volunteer regiments, who go out upon a sudden emergency, leaving their flocks for the battle-field, ought to have the same pay. I trust that the amendment will not be adopted.

Mr. JOHNSON. What is the pay of a captain of cavalry.

Mr. COX. One hundred and forty-five dollars and fifty cents per month.

Mr. McKNIGHT. I move to amend the amendment by making the pay of the chaplain that of a captain of infantry.

Mr. BLAIR, of Missouri. The chaplain is generally mounted, and he ought to have the pay of a captain of cavalry. He has to keep a horse.

Mr. McKNIGHT. I withdraw my amendment to the amendment. The chaplains attached to the regiments have onerous duties to discharge. I know two instances in my own town of ministers who have gone to the war, abandoning their congregations, and going off with the Pennsylvania regiments, to attend to the spiritual wants of the soldiers. They were receiving from a thousand to eighteen hundred dollars a year. Certainly, if

they are willing to yield up the comforts and luxuries of home to go out with our armies to the hardships of the field, they ought to have a proper compensation. I hope my colleague's amendment will be rejected.

The amendment was rejected.

Mr. RIDDLE. I move to add these words:

And that there be paid to the three-months volunteers, on their discharge, the sum of fifty dollars each."

Mr. Chairman, it looks to me as invidious, while we are making allowances of bounty to others, that the three-months volunteers, who were the first to rush to the call of the country, should be passed by *sub silentio*, or rather should be excluded by name. It seems to me that they are entitled to the consideration and favor of Congress and to the gratitude of the Republic. They did not stop to inquire what was to be their compensation. The very echo of the President's call for seventy-five thousand volunteers had not died away over their native hills and valleys before they were here for the protection of this capital. They are peculiarly entitled to the bounty of the Government; and it seems to me that they should not be forced to reënlist, if they do not prefer to do so, before they can draw this bounty. I hope the amendment will be adopted.

Mr. CURTIS. The amendment should provide that they shall have the bounty if honorably discharged.

Mr. NOBLE. I move to amend the amendment, by striking out fifty and inserting twenty.

Mr. RIDDLE. I accept that as a modification of my amendment.

Mr. NOBLE. The word "bounty" should also be inserted to make the amendment intelligible.

Mr. ALDRICH. It seems to me that it would be better to provide for so much bounty a month to be given to our volunteer soldiers—say ten, twelve, or fifteen dollars per month. Many who enlisted for the three months, and were afterwards called upon to serve three years, and declined to do so, were discharged, after being in the service only a month or less. Such was the case in my own State. Men rushed to the support of the Government, leaving their families and their business in such condition that they were compelled to return home after the period of their enlistment. It is better, I think, to provide for so much bounty per month.

The amendment was not agreed to.

Mr. RICHARDSON. In order that we may get rid of this question, I move to add a section to the bill providing that there shall be given to each volunteer who volunteered three months, fifty dollars bounty to reënlist.

The CHAIRMAN. The Chair decides that the amendment would not be in order.

Mr. SHERMAN. I move to amend the ninth section, by adding thereto the following proviso:

Provided, however, That no soldier or non-commissioned officer shall be compelled to attend divine service with their regiments, or otherwheres, when such attendance is in violation of any religious scruples they may entertain.

I offer this amendment for the reason that during the short time I have been connected with the regiment—only a few weeks—I have seen a soldier, as good a soldier as any in the regiment, put into the guard-house and disgraced, because, acting in accordance with scruples which had been taught him in infancy, whether rightfully or wrongfully, he refused to attend divine service conducted according to Protestant rights.

The amendment was not agreed to.

The following section being under consideration:

SEC. 11. *And be it further enacted,* That whenever a regiment of volunteers shall be mustered into the service of the United States, the colonel, lieutenant colonel, major, adjutant, and quartermaster thereof, shall each have the privilege of franking any letter from any person belonging, in any capacity, to such regiment, not weighing over two ounces: *Provided,* That each letter, in addition to the proper direction to the person to whom it is addressed, shall bear on the envelope the name and rank of the writer, whether of the line or staff or of the company, and designating, in each case, the letter of the company, the number of the regiment, and the State, to which it belongs: *And provided,* That the provisions of this section shall apply to all regiments of volunteers now in the service of the United States, and shall also apply to separate companies or corps, not having a regimental organization, letters from any member of which may be franked by the commanding officer of such company or corps, under the regulations above specified: *And provided further,* That any person found guilty of any abuse or violation of the privileges of this section, shall forfeit and pay a fine of twenty dollars for the first offense, and for a second offense he shall be liable to be tried by a court-martial and subject to be cashiered or dismissed from the service by the judgment thereof.

Mr. COLFAX moved to strike out the section, and insert the following:

And be it further enacted, That all letters written by the soldiers in the service of the United States may be transmitted through the mails without the prepayment of postage, under such regulations as the Post Office Department may prescribe; the postage thereon to be paid by the recipient.

Mr. COLFAX. I agree entirely with the Committee on Military Affairs, and the desire of the public generally, that the postal intercourse shall be free and unrestricted between our soldiers in camp and their friends at home; and I think perhaps the plan I have suggested is preferable to that suggested by the committee. They propose to increase the free transmission of letters. I propose to relieve the soldiers from the restriction compelling them to prepay the postage on their letters. By the section of the bill under consideration it is proposed that five officers in every regiment shall have the privilege of franking letters for the benefit of the regiment. There will be called into the service five or six hundred regiments, and there will be some five hundred thousand soldiers to be provided for. That will confer the franking privilege upon twenty-five hundred or three thousand persons beyond those now enjoying that privilege. Now, no postmaster in the country could tell whether letters bearing a frank were rightly franked or not. And I guaranty that not a man here from the free States can tell who are the colonels, lieutenant colonels, majors, adjutants, and quartermasters of the regiments from their respective States, and upon whom it is proposed to confer this privilege.

Again: we are looking all over the country to find out where we can obtain the revenue for carrying on this war. We are taxing or about to tax the necessaries of life for the purpose of sustaining the Government in this struggle against rebellion and treason. We are even proposing to levy direct taxes upon the people of the country; and yet in this bill we propose to throw away a very considerable item of revenue, which might be saved in the manner I have proposed, and yet relieve the soldiers from the payment of postage, as it is to be paid at the other end of the route, and there is no friend, wife, or sister, who would be opposed to paying three cents for a letter. But if perchance they might be poor—for that will be the argument—there is not a town in the whole North where men would not be found around the post office who would not most gladly pay the postage on a letter from the Army to any poor person who is not able to pay it. In this way we can preserve this revenue and avoid the extension of the franking privilege. I do think this presents the most favorable way of avoiding the difficulty which now exists, and which all concede to exist.

It is suggested to me that my section is defective, in that it does not show that the letter comes from a soldier. The section says, "under such regulations as the Post Office Department may prescribe." Now, they intend to prescribe that these soldiers' letters shall be stamped "soldiers' letters," indicating the regiment and State. The Department will prescribe the details.

Mr. VAN WYCK. I propose the following as a substitute:

Be it enacted, &c., That the colonel of every regiment now or hereafter to be in the service of the United States shall appoint the chaplain of his regiment, and in case there be no chaplain, then any other person he may deem competent, to act as postmaster for the regiment, whose duty it shall be, without receiving or being entitled to any compensation therefor, to frank with his name all letters and papers not weighing over one ounce for all officers, musicians, or privates in said service. All letters and papers so franked shall be carried free of postage.

SEC. 2. *And be it further enacted,* That any letter or paper directed to any officer, musician, or private in said service, addressed to the regiment to which such person belongs, shall be carried free of postage in all mails or boxes put up to receive letters and papers to be carried to the post offices or mails of the United States.

SEC. 3. *And be it further enacted,* That all letters and papers directed to any officer, musician, marine, or sailor, in the service of the United States, directed to the station or ship where he may be serving, shall be carried free of postage in all the mails and boxes put up for the purpose of receiving letters and papers to be carried to the post offices and mails of the United States.

SEC. 4. *And be it further enacted,* That the appointment referred to in the first section of this act shall, by said postmaster, be filed in the office of the Postmaster General.

I do not understand that the proposition of the gentleman from Indiana is to confer any privilege upon the soldier in the service of the United States. He simply proposes that his letters shall be carried to his family and friends, and that, upon their reception there, they shall pay the postage. Is the gentleman aware that in many cases he is taking this tax out of the pocket of the soldier himself? Many of these men have left families at home who are as little able to pay the postage as themselves. This I understand to be no advantage or benefit.

Now, the bill introduced by the Committee on Military Affairs suggests that some three or four officers, whose time is greatly occupied in the discharge of military duties, shall have the privilege of franking letters for the benefit of the soldiers of their respective regiments. The amendment I have proposed allows the chaplains to do this work—men who have comparatively little to do. Any man who has mingled at all with the camps, knows that the chaplains already act as postmasters for the different regiments, because they have time to devote to the work; and we now propose that the chaplains shall be deputed by law to have the power of franking soldiers' letters. We have already increased the salaries of the chaplains by this act which we propose to pass; and in the discharge of this duty, the fact that the chaplains are deputed to do it is some guarantee that the privilege will not be abused. I supposed we intended to give some advantage to the soldier of the United States; and the man who leaves his home for eleven dollars a month, and subsists on such rations as are provided for him, is surely entitled to some privilege at the hands of the Congress of the United States.

But the gentleman from Indiana talks about revenue, and about this privilege taking a large amount from the revenue of the Post Office Department. On the same ground you might as well strike at their salary. You increase the salary of the chaplains by one vote, and in the next we are fearful that the revenue of the Post Office Department will be diminished by extending the franking privilege to cover the correspondence of the soldiers. We have done this thing before. In the war with Mexico, when there was not, I apprehend, the same reason to extend the benefits of this system, we provided that the soldiers' friends at home should not pay the postage, because then a letter marked "belonging to the Army," was carried free to all soldiers belonging to the United States. That has been the practice in other countries, and I propose not only that the soldier shall send his letter free, but that his family at home shall be allowed to communicate freely with the soldier fighting the battles of the country. I do not suppose that it will be in accordance with the views of some gentlemen in the Government that this thing shall be done. They claim that there has been an abuse of this franking privilege for a few months past; but it has not been pretended anywhere that there is any objection that the letters of the soldiers should be carried free. Now, you will not, by denying the soldier this privilege, correct the abuse, for the soldier will have his letter carried free, if he is within the reach of a member of Congress who has any sympathy in this struggle in which we are engaged, or any feeling for the soldier who is ready to throw himself into the ditch or enter a breach. You will not remove the objection of which complaint has been made, because, by the proposition of the gentleman from Indiana, you do not relieve the soldier from expense at all. Many of these soldiers who get eleven dollars a month send home a part of that amount to feed the families whom they have left behind, and you propose now to take a part of what they send to their families and to devote it to the payment of postage on the letters which they send them.

Mr. WRIGHT. I suggest to the gentleman from New York that he include in his amendment teamsters.

Mr. COLFAX. I cannot make as patriotic a speech as the gentleman from New York has done. I will oppose his amendment, however, in order to say this: that the soldiers in the camps around Washington city have all enjoyed the benefits of the franking privilege, and I am sure no gentleman would object to that. But the Indiana troops and troops from other States in western Virginia and the troops in Missouri, who have covered themselves with glory, have not had the benefit of the franking privilege, but have paid postage on their

letters, excepting, perhaps, Colonel CURTIS's regiment of Iowa troops

Mr. VAN WYCK's amendment to the amendment was rejected.

Mr. COLFAX's amendment was then agreed to.

Mr. BURNETT. Mr. Chairman, I offer the following proviso, to come in at the end of the bill:

Provided, however, That the military force hereby provided for in this act, shall not be employed in subjugating and holding as a conquered province any sovereign State now or lately one of the United States.

Mr. WASHBURNE. I rise to a question of order. That amendment is not in order.

Mr. BURNETT. With all due deference to the gentleman from Illinois, it is not out of order. We have various precedents of limitations upon appropriations.

Mr. WASHBURNE. Not in appropriation bills.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. WASHBURNE. My point of order is, that this amendment is out of order upon this bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BURNETT. I do not wish to take up time in speech-making. I merely ask a vote on that amendment.

The amendment was disagreed to.

Mr. COVODE. I offer the following as an additional section to the bill:

SEC. 12. *And be it further enacted*, That a bonus of thirty dollars will be paid to each of the three-months volunteers on their reënlisting for the war, and that an additional bonus of ten dollars to each volunteer be paid where they reënlist by companies; and, also, that an additional bonus of ten dollars to each volunteer be paid when they reënlist by regiments, making the bonus in the latter case fifty dollars.

I wish to say a word only with regard to the advantage to the Government where volunteers reënlist by regiments, and even by companies. It saves the expense of transporting the troops home, and also the expense of raising and equipping new troops in different localities and bringing them here, feeding them and drilling them for three months before they are fit for service. I offer this amendment after conference with parties who fully understand the subject; and I hope it will be adopted.

Mr. NOBLE. I offer the following as a substitute for the amendment of the gentleman from Pennsylvania:

SEC. 12. In all cases where the person entering the service under this act shall have previously entered the service under the proclamation of the President, of April last, for the term of three months, such person, or his heirs, as the case may be, shall receive, in addition to the bounty allowed by this act, the further sum of fifteen dollars.

I would merely say, in reference to that amendment, that I do not perceive the advantage spoken of by the gentleman from Pennsylvania. I do not think there will be any difficulty in getting an abundance of men, under any provision whatever; but my amendment will give to all volunteers who have entered the service for three months an inducement to reënlist.

Mr. BLAIR, of Missouri. I do not understand that the gentleman's amendment proposes any bounty to the three-months men who reenlist.

Mr. NOBLE. Yes, sir; it does.

Mr. BLAIR, of Missouri. I oppose the amendment; I prefer the one offered by the gentleman from Pennsylvania, [Mr. COVODE.]

The SPEAKER. I rise to oppose the amendment offered by the gentleman from Pennsylvania, in order to ask the chairman of the Committee on Military Affairs what is the pay per month of soldiers as fixed by this bill?

Mr. BLAIR, of Missouri. Eleven dollars, and $3 50 in addition for clothing.

The SPEAKER. Making $14 50.

Mr. BLAIR, of Missouri. Yes, sir.

Mr. VAN WYCK. I would like to ask the chairman of the Committee on Military Affairs one question. It is this: when the pay of a soldier in the regular Army is eleven dollars per month, clothing is furnished by the Government—is it not?

Mr. BLAIR, of Missouri. When the pay is eleven dollars?

Mr. VAN WYCK. Yes, eleven dollars a month.

Mr. BLAIR, of Missouri. The soldier is charged for the clothing he gets.

Mr. CAMPBELL. There is a monthly allowance of $2 50.

Mr. VAN WYCK. Then this bill increases the allowance for clothing one dollar per month, making it $3 50, instead of $2 50.

Mr. NOBLE's amendment was disagreed to.

Mr. DUNN. I offer the following as a substitute for the amendment of the gentleman from Pennsylvania:

SEC. 12. *And be it further enacted*, That a bounty of fifty dollars shall be paid to each soldier of the three-months volunteers who shall reënlist in the service of the United States.

Mr. Chairman, I would very cheerfully vote for the amendment of the gentleman from Pennsylvania, if I regarded it as practicable; but I do not believe that you can reënlist any regiment as a regiment, or that you can reënlist any company as a company. I therefore prefer to offer to each soldier, without any embarrassment, fifty dollars on reënlistment.

Mr. BLAKE. I desire to ask the gentleman from Indiana one question. This bill proposes to give the three-years volunteers a bounty of $100. I desire to ask the gentleman if he proposes to give the three-months men who reënlist fifty dollars in addition to the $100.

Mr. DUNN. Yes, sir.

Mr. BLAKE. Well, I am in favor of that.

The amendment to the amendment was disagreed to.

Mr. HOLMAN. I offer the following, as an amendment to the amendment:

Add to the amendment as follows:

And each volunteer who shall have enlisted for three months, and been, or shall be, honorably discharged on the expiration of his term of service, shall receive a bonus of twenty-five dollars.

The amendment to the amendment was disagreed to.

Mr. COVODE's amendment was then agreed to.

Mr. BLAIR, of Missouri. I move that the committee rise and report the bill to the House, with the amendments.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union had had under consideration bill (H. R. No. 28) to authorize the employment of volunteers to aid in supporting and defending the Government of the United States, and had directed him to report the same to the House, with sundry amendments, and with a recommendation that it do pass.

The first amendment reported by the Committee of the Whole on the state of the Union was agreed to.

The question being on the second amendment,

Mr. VALLANDIGHAM. I move now the amendment which I proposed in the Committee of the Whole on the state of the Union, as follows:

Provided further, That, before the President shall have the right to call out any more volunteers than are already in the service, he shall appoint seven commissioners, whose mission it shall be to accompany the Army on its march, to receive and consider such propositions, if any, as may at any time be submitted, by the executive of the so-called confederate States, or of any one of them, looking to a suspension of hostilities, and the return of said States, or any of them, to the Union, or to obedience to the Federal Constitution and authorities.

I ask the yeas and nays on that amendment.

Mr. BLAIR. I move the previous question on all the amendments and the bill.

The previous question was seconded, and the main question ordered.

The question was first on Mr. VALLANDIGHAM's amendment.

Mr. VALLANDIGHAM called for tellers on the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The amendment to the amendment was rejected.

Mr. VALLANDIGHAM. I should have been glad to have had a vote by yeas and nays on the record for that GREAT HEREAFTER.

The remaining amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BURNETT called for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. BLAIR moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EULOGIES ON SENATOR DOUGLAS.

Mr. LOGAN offered the following resolution; which was referred to the Committee on Printing:

Resolved, That twenty thousand copies of the proceedings had by the Senate and House touching the death of the late Senator Douglas, including the remarks of each House on that subject, be published for distribution by the members.

SUPPRESSION OF REBELLION.

Mr. BINGHAM. I ask that House bill No. 20, to provide for the suppression of rebellion against, and resistance to, the laws of the United States, be referred to the Committee on the Judiciary, and ordered to be printed.

It was so ordered.

And then, on motion of Mr. FENTON, (at five o'clock and five minutes, p. m.,) the House adjourned.

IN SENATE.

SATURDAY, *July* 13, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Postmaster General, showing the postal service discontinued under the authority of the act of Congress approved February 28, 1861; which, on motion of Mr. COLLAMER, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. BROWNING. I present a petition of inhabitants of Quincy, Illinois, praying the establishment of an arsenal and armory at that place, and ask to have it referred to the Committee on Naval Affairs, which committee I believe has that subject under consideration.

It was so referred.

Mr. LANE, of Kansas, presented the petition of Mrs. Quindaro Nancy Guthrie, a Shawnee Indian, praying an equal participation with the Shawnee Indians in all the benefits under the treaty stipulations with that tribe; which was referred to the Committee on Indian Affairs.

Mr. McDOUGALL presented a petition of citizens of California, praying that a pension may be granted to the widow of Captain R. B Cunningham, of the Navy; which was referred to the Committee on Naval Affairs.

Mr. LANE, of Indiana, presented the petition of John Carter, late a soldier in the service of the United States, praying for a pension; which was referred to the Committee on Pensions.

Mr. TEN EYCK. As I observe that petitions and memorials, in relation to armories and other subjects, are referred now without objection to the appropriate committees, I ask that the memorial which I had the honor to present at an early day of the session in relation to the location of the Naval School at Perth Amboy, New Jersey, may be taken from the table, and referred to the Committee on Naval Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 21) for the relief of the widows and orphans of the officers, seamen, and marines, of the United States sloop-of-war Levant, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Finance:

A bill (No. 25) making additional appropriations for the legislative, executive, and judicial

expenses of the Government for the year ending the 30th of June, 1862, and appropriations for arrearages for the year ending 30th of June, 1861; and

A bill (No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861.

REPORTS FROM COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a petition of citizens of Detroit, Michigan, praying that a pension may be granted to Clementine Fink, widow of Captain Theodore Fink, who died in the military service of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred the petition of Captain Roger Jones, of the United States armory at Harper's Ferry, praying the settlement of his accounts and indemnity for the loss of his private effects, and also that the men of his command may be indemnified for their losses, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the bill (S. No. 17) concerning the pay of the officers of the revenue cutter service of the United States, have instructed me to ask to be discharged from its further consideration, and that it be referred to the Committee on Commerce. These officers all being appointed by the Secretary of the Treasury, the Committee on Commerce, we think, is the appropriate reference.

It was so ordered.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print the petition of Edward Jarvis, Samuel G. Howe, and C. C. Felton, praying the establishment of a board of health for the Army, and that the authority of the volunteer sanitary commission may be recognized and increased, reported in favor of printing the usual number; and the report was agreed to.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 20, 1862, and appropriations for arrearages for the fiscal year ending June 20, 1861, reported it with an amendment, and asked its immediate consideration; but gave way for the presentation of the credentials of Senators from Virginia.

COMMITTEE SERVICE.

Mr. POLK. I ask the Senate to excuse me from serving on the Committee on Claims. The Senate will recollect that when the committees were formed, my colleague was not here, and had not been qualified as a member of the Senate. I wish to resign my position upon the Committee on Claims, and ask the Senate to substitute my colleague in my place.

The motion to excuse Mr. POLK was agreed to.

The VICE PRESIDENT. In what manner shall the vacancy be filled?

Mr. FESSENDEN. By the Chair.

The VICE PRESIDENT. That will be done, if there be no objection. The Chair appoints Mr. JOHNSON, of Missouri.

Mr. SAULSBURY. I ask to be excused from serving upon the Committee on Pensions, and I hope the Senator from Missouri [Mr. JOHNSON] will be appointed in my place.

The VICE PRESIDENT. The Senator from Delaware moves that he be excused from further service upon the Committee on Pensions.

The motion was agreed to.

The VICE PRESIDENT. In what manner shall this vacancy be filled?

Mr. SAULSBURY. By the Chair.

The VICE PRESIDENT. If that be the pleasure of the Senate, the Chair will designate the Senator from Missouri, [Mr. JOHNSON.]

SENATORS FROM VIRGINIA.

Mr. JOHNSON, of Tennessee. It is with no ordinary pleasure that I rise to present the certificates of the Senators elect from the Commonwealth of Virginia, for the purpose of having them read at the desk; and I move that they be permitted to come forward, be qualified, and take their seats. I look upon this as a favorable omen. The return of the Old Dominion to this body, I think, is indicative of future good, and the future restoration of the Union of these States.

The VICE PRESIDENT. The credentials will be read.

The Acting Secretary read them, as follows:

Virginia, to wit:

The Legislature of this State having, on the 9th day of July, 1861, in pursuance of the Constitution of the United States, chosen WAITMAN T. WILLEY, Esq., a Senator of this State, to fill the vacancy which has happened by the withdrawal and abdication of James M. Mason, Esq., I, Francis H. Pierpont, being Governor of the Commonwealth, do hereby certify the same to the Senate of the United States.

[L. S.] Given under my hand and the seal of the Commonwealth, this 11th day of July, 1861.

FRANCIS H. PIERPONT.

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Virginia, to wit:

The Legislature of this State having, on the 9th day of July, 1861, in pursuance of the Constitution of the United States, chosen JOHN S. CARLILE, Esq., a Senator of this State, to fill the vacancy which has happened by the withdrawal and abdication of Robert M. T. Hunter, Esq., I, Francis H. Pierpont, being Governor of the Commonwealth, do hereby certify the same to the Senate of the United States.

[L. S.] Given under my hand and the seal of the Common wealth, this 9th day of July, 1861.

FRANCIS H. PIERPONT.

Mr. BAYARD. Before the Senate proceeds to swear in these gentlemen, I beg leave to enter my protest. I think these credentials ought to be referred to the Committee on the Judiciary. They involve very grave questions. You are undertaking to recognize a government of the State of Virginia, which is not the regular State government, even though that State government may be in what you call a state of rebellion. You are bound to take notice of the fact that Mr. Letcher is Governor of Virginia, and that his term of office, under the constitution and laws of Virginia, has not yet expired. If you say he is in rebellion, that does not authorize a portion of the people of Virginia to form a Legislature for the purpose of electing Senators to take seats in this body. You have no authority to create a new State out of a part of an existing State. I think the questions are very grave.

Of course, I know very well that you have the commanding majority in this House; but I think you had better pause and have an investigation before you undertake to swear in members under such an authority. I make the motion, before swearing in either of these gentlemen, that the credentials be referred to the Committee on the Judiciary. I have no personal feeling of any kind about this matter, but it seems to me to be a grave violation of the Constitution of the United States, and I must enter my protest against it. I make the motion that the credentials be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Chair did not distinctly hear the motion of the Senator.

Mr. BAYARD. My motion is to refer these credentials to the Committee on the Judiciary, before swearing in either of the appointees under them, on the ground that you have judicial notice of the fact, that the Governor of the State of Virginia is elected for a number of years which have not expired, and necessarily the question of authority in the body that undertakes to appoint, is a matter which ought to be inquired into in so grave a case as this. The case is precisely similar in principle to one that occurred in my own State early in the history of the United States. The Governor of the State undertook to make an appointment after the Legislature had met and adjourned, to a vacancy which had occurred antecedent to the meeting of the Legislature; and when the appointee presented his credentials here, they were objected to, and the matter was referred to a committee; and a report was made on it, and made adverse to the right of the party to take his seat. The principle of the case is precisely the same; it goes to the question of the authority to appoint. I think it ought to be referred.

The VICE PRESIDENT. The Senator from Delaware moves to refer the credentials to the Committee on the Judiciary.

Mr. WADE. I hope not.

Mr. SAULSBURY. It is a matter of indifference to me, sir, what disposition is made of the credentials of the proposed Senators from Virginia; but I wish to call the attention of the Senate to one fact, which, in my mind, shows the propriety of the motion now made. These credentials, as read by the Secretary, state that, on the 9th day of July, the Legislature of the State of Virginia, owing to the abdication of Mr. Mason and Mr. Hunter, elected these gentlemen to seats upon this floor. No longer ago, however, sir, than yesterday, this body treated Mr. Mason and Mr. Hunter as members of the Senate of the United States. Yesterday you expelled those gentlemen from seats upon the floor of this Senate as members of the Senate. Then, at the time of this election by the new government of Virginia, there was no vacancy in the Senate of the United States from that State, according to the judgment of the American Senate. Yesterday morning, when you met, according to the judgment of a majority of the members here Mr. Mason and Mr. Hunter were members of this body. You treated them as members of this body; you exercised your power of expulsion upon them. Could you have expelled them, as members of the Senate, from seats on this floor, if they were not, at the time of the vote, in your judgment, actually members of this body? If they were, yesterday morning, members of the Senate of the United States—and you have treated them as such, and expelled them—can you now allow these gentlemen to be sworn in as Senators from the State of Virginia, when the credentials presented here show on their face that they were elected not to fill any vacancy; when the facts, as you have decided them, show that there was no vacancy in the Senate? For that reason, and for none other, I think the credentials should go to the Committee on the Judiciary.

Mr. JOHNSON, of Tennessee. I hope the motion of the Senator from Delaware will not prevail. These certificates from the Commonwealth of Virgina afford *prima facie* evidence that the election has taken place regularly, and that these gentlemen have been regularly certified here as the Senators from that Commonwealth. Is there any proof before this body, presented in any way, that the election has not taken place regularly, according to the Constitution of the United States and of the State of Virginia? The certificates themselves furnish *prima facie* evidence that these gentlemen are the Senators elect from the Commonwealth of Virginia. The other great fact is equally clear, without regard to what the Senate did yesterday, that these vacancies did exist on the 9th of the month, when this election took place. That fact is known to this body; it is known to the country. The late Senators from Virginia were not here. The vacancies did in fact exist when this election took place.

These are facts within the cognizance of this body. They are known to every member here. Here are the certificates of election of these gentlemen, and there is not a single scintilla of proof from any quarter that they are not the Senators, and have not been properly and regularly elected. There is no one else claiming the seats, no one making a contest for them. There is not a particle of evidence from any quarter that these gentlemen are not the Senators elect according to the forms of law and the Constitution.

How was it in the case from Indiana? There was a contest about the election of the Senators from that State a few years ago, and papers were presented protesting against their election before they were sworn in. They, however, came forward with their certificates, and were qualified, and the matter was investigated afterwards. It strikes my mind that it is clear and conclusive, upon the proof now before the Senate, that the gentlemen, whose credentials have been presented, are the Senators elect from Virginia; and there can be no objection to their being qualified and taking their seats. Then, if their seats be contested, or any proof presented that the election did not regularly take place, the subject can be referred to the Committee on the Judiciary, or the Senate can take such course as it thinks proper. Why should there be a reference of these credentials, when there is no intimation, no evidence in the world, except that these gentlemen are Senators from the State? It is known that the old State government is in rebellion, making war upon the Government of the United States. As it appears to my mind, there can be no reason, at this stage of the proceeding, why this reference should be made; and I hope that the Senators will be permitted to go forward and be qualified,

and take their seats according to the custom of the Senate.

Mr. SAULSBURY. I should like to ask my friend from Tennessee (for I esteem him such, and always have) whether, if those seats were vacant yesterday, the Senate of the United States could have expelled those gentlemen, Mr. Mason and Mr. Hunter? You regarded them as Senators yesterday, and expelled them. Now, I am frank to say, that if Mr. Mason and Mr. Hunter had appeared here yesterday, and claimed their seats on the floor of the Senate of the United States, and had attempted to take their seats, and a motion had been made to exclude them from the Senate, I would have voted for that motion, simply because they have been acting in hostility to the Government of the United States. If they had appeared here yesterday, and claimed their seats, I do not think the Senate should have admitted them to seats on this floor, because they had taken part with the State of Virginia against the constitutional authorities of the United States. That would have been ground for excluding them from their seats. But the Senate of the United States chose to treat them yesterday as members of this body and expelled them. If, in the judgment of this Senate, they were not members on yesterday, where was the power to expel them? You might have declared, as was proposed, that their seats were vacant; and for that I voted; but you chose to treat the seats not as vacant, but as filled, and as filled by Mr. Hunter and Mr. Mason; and you expelled them as members of this Senate. Now, Mr. President, if you turn to the certificates of election presented by the gentlemen now alleged to be Senators from Virginia, you will find that the date is antecedent to the time when you expelled the former Senators from this body. If it be true that on yesterday morning Mr. Mason and Mr. Hunter were members of this body, I ask can you recognize any certificate of election of the two gentlemen who now appear and claim seats upon this floor, when it appears upon the face of those certificates that they were elected, not to fill an existing vacancy, but elected, in fact, before, according to your own judgment and according to your own vote, any such vacancy existed?

It is upon this legal question, and this question alone, that I base my objection to these gentlemen being sworn in, and advocate the reference of the credentials to the Committee on the Judiciary. It is not from any desire to see Mr. Mason and Mr. Hunter returned here, because, if they were to come here, or had come here yesterday morning, I would not have voted for them to have seats upon this floor; but it is, that the Senate of the United States—of which, to be sure, I am one of the youngest and one of the humblest members, —should act in this matter according to the Constitution, and (I say it without offense) preserve the consistency of its own record.

Mr. TRUMBULL. Mr. President——

Mr. BAYARD. Will the honorable Senator allow me to make a single suggestion?

Mr. TRUMBULL. Yes, sir.

Mr. BAYARD. Mr. President, I do not purpose to argue this question now, I consider it a very grave one, much graver on account of the question involved in the recognition of the condition of things that exist in Virginia and the organization of a separate State government on the part of a portion of the State. That is a grave question, in my judgment. Then there is the other objection, that the Senate, two days after this alleged election took place, still treated the offices as held by two other gentlemen, and expelled them, which admits that they were then members on the 11th day of July. I ask, how an appointment could be made to a vacancy before the expulsion of the other Senators?

Mr. TRUMBULL. Mr. President, I think that we should not "stick in the bark" as to dates here. I presume the Senator from Delaware was elected before the vacancy which he filled existed. There is scarcely a Senator here that was not elected in advance, before the office became vacant. I recollect well that the Senators from Minnesota were admitted to seats upon this floor who were elected long before the State of Minnesota was a member of the Union. Nearly every new State which has come into the Union has elected her Senators before the State was admitted.

Now, let me put a case. A few years ago this country was engaged in a war with Mexico. Suppose that one of the Senators from Delaware, instead of being loyal and true to his country, had turned traitor and joined the Mexican army and fought against the United States, and the Legislature of Delaware had been in session, knowing the fact that one of their Senators in this body was fighting against this country in the armies of its enemies: must the Legislature of Delaware wait till the Congress of the United States assembles, and the Senate, by a formal resolution, expels that Senator? Would not the Legislature of Delaware proceed at once to elect a Senator, and when Congress did convene, and a resolution was offered to expel the traitor to his country, would it be said, because the State of Delaware acted before Congress had convened and expelled the traitor, that therefore the other election should go for nothing, and that her Legislature must be convened and a new election held?

Sir, the guilt and the turpitude of the men who once sat as Senators here is far greater than it would have been in the case I have supposed. They have joined in a fratricidal war against their country. They have not joined a foreign enemy, but they have undertaken to stir up a domestic war. I do not think there is any necessity for their waiting till the formal resolution of expulsion was passed here. Why, sir, these credentials recite the fact that the former Senators have withdrawn and abdicated; and when the expulsion takes place, it may well have reference to the time of their withdrawal and abdication.

Now, sir, we have the credentials here fair on their face. They purport to be the credentials of Senators elected by the old Commonwealth of Virginia, sent by a person purporting to be the Governor of Virginia, and under the great seal of the State. This appears to be fair. But Senators say, "Oh, well; but we know this is not the Legislature of Virginia; there is another Legislature, and there is another man who is Governor." Well, if you are going outside of these credentials to rely on the knowledge which you have of the condition of things in the State of Virginia, then you know that the old Governor of Virginia and the old Legislature are in rebellion against the country. They are rebels and traitors in arms against the Government, and are not to be recognized as the government of Virginia, but are to be recognized as enemies and traitors, whom the whole power of this Government is now put forth to subdue and bring into obedience to the Constitution and the laws; and I would to God that the power was used to bring them to obedience.

Now, sir, as I said, I am not for "sticking in the bark" about this matter. Let us take the condition of things as it is. Here is the State of Virginia in rebellion. If you are going outside to inquire after the fact, you will ascertain that a portion of the people of that State have risen in arms against the Government; another portion of the people of that State are loyal to the Union; and the loyal men of Virginia have elected a Legislature and seek representation in the Congress of the United States. They are entitled to representation here, and the enemies of the country are not.

I think there is no necessity for referring this matter to the committee, unless there are some facts to be inquired into. On its face, this purports to be an election of Senators from the Commonwealth of Virginia. There is no objection to the form of it, and I do not know that any fact has been suggested by the Senator from Delaware that is to be inquired into. What fact does he propose to inquire into? If he goes to his general knowledge, is he not satisfied that what was the old Legislature of Virginia and its former Governor are now in rebellion against the Government? And will he recognize them as having any authority to send Senators here? I presume not. And if Virginia is in the Union, her loyal men and not her traitors have a right to be represented here. I trust, sir, that the Senators will be sworn in.

Mr. BAYARD. Mr. President, I do not mean to debate this question at all, because it comes upon me quite by surprise; but I confess I did not suppose it possible (though I saw in the papers a telegraphic announcement of the appointment of certain gentlemen by the members of what was called the Legislature of Virginia) that the Senate of the United States, especially without a reference to a committee, or an investigation, would, in the present state of affairs, admit these gentlemen to seats. I know, however, that the majority exists in this Senate; and, if it is the determination of those to whom I stand opposed to admit these gentlemen as representing the State of Virginia, any struggle on my part would be vain. But as regards the remark of the honorable Senator from Illinois, in which he chooses to assume the utterly impossible supposition, of any Senator from Delaware, while holding the office of Senator from that State, committing treason against his country, I will answer it. Even if the fact occurred, the people of Delaware are a law-abiding people, and they would not seek to put down rebellion or punish treason except by law; and the Legislature of Delaware, the undoubted Legislature, if in session, if the fact were communicated to it that one of its Senators had abandoned the State, and gone into the southern revolution, would know that the authority to act upon that, previous to the expiration of his term, was in the Senate of the United States. They would not assume that the laws gave it to them. The Constitution does not give it to them. The power to declare the seat vacant in consequence of the act of the party, is in this body. They would require judicial evidence of his conviction for treason in order to vacate his seat. They would know that they had no authority to impeach him; the authority rests in the Senate of the United States. Therefore, in the case supposed, whatever may be the notions of law which exist in the State of the honorable Senator from Illinois, I answer him that, much as the State of Delaware would disapprove of such conduct, no Legislature of hers would so violate the Constitution of the United States as to undertake to make an election until the Senate of the United States had vacated the seat.

As regards the question of vacancy, the honorable Senator cannot escape from the plain, palpable distinction. Where has he ever known a case, in the whole history of this Government, where an election to a broken term was made by a Legislature before the vacancy existed? I understand very well that the Legislatures elect in anticipation of a term that is yet to be commenced. That is familiar with all the States. In those cases the Legislature elect antecedent to the commencement of the term for the whole six years; but under the construction of the Constitution which has obtained, it must be the Legislature in power last elected before the commencement of the term. In no case that I have ever heard of has the Legislature assumed a vacancy and undertaken to fill it before it actually existed.

Now, sir, according to your own decision, on the 11th day of this month these seats were full. If you had not pleased to expel, if the vote had failed for the want of two thirds, on what principle, regarding constitutional law, could you permit an election made on the 9th of July to take effect, and the persons elected to take possession of these seats, even though it were done by the legal Legislature of the State of Virginia? I put a stronger case, even. Suppose that the State of Virginia had not been among the revolting States, and one of her Senators had gone to another State and joined in the revolt of that State: I say that the State of Virginia would not have undertaken to usurp the powers that belong to Congress, in reference to officers of the United States—the right of impeachment in the House of Representatives, the right of expulsion in the Senate. The Senator not being a State officer, they would not have undertaken to declare that the act of the party, however guilty, vacated his seat, because they had no jurisdiction to do so. There can be no doubt about that, even supposing the Legislature to be the unquestioned Legislature of the State. Until Congress had acted, either by expulsion or impeachment, no Legislature of Virginia, if the term had not expired, would have undertaken the unconstitutional act of appointing to his place, although they might have passed a resolution of censure. That is my view of it.

As to the other question, it is far graver, and I am not prepared to go into it now. In my judgment, it is an utter abandonment of the whole form of your Government; it is, by the action of the Senate, recognizing insurrection in a State, for the purpose of overthrowing the government of the State, by a very small minority of its people.

I have merely asked, though, that this subject should be referred to the Judiciary Committee. I thought it too grave to be decided at once in this way. I did not desire even to open my lips on the questions involved. I still think them grave. I shall pursue the argument no further. Of course, it is for the Senate to decide; but I persist in my motion.

Mr. HALE. I do not want to occupy the time of the Senate; but there is a single remark that fell from the Senator from Delaware [Mr. BAYARD] of which I feel bound to take some notice. He says that the recognition of these gentlemen under the commission that they bear will be recognizing insurrection in a State. I deny it, sir; I deny it utterly. I say that a greater perversion of terms never could be used. It is because we will not recognize insurrection in a State, that we admit these gentlemen. The part of the State to which the Senator alludes are themselves in a state of insurrection, and it becomes this Government to recognize the loyal and the true men that still cling to the Union and support the Constitution, and call upon this Government to maintain its constitutional obligations and put down insurrection. Talk about precedents, sir! Why, the whole thing is new. These States have parted so far as they could, or the men under whose control they are have parted from their constitutional obligations. There is no precedent, because the world never saw such a state of things.

I hope that the Senate will not hesitate. Sir, this is no question of form, no question of ceremony; it is a question of life or death with this Republic, and with this Government. The men that are in arms against you are in arms against your very existence. The idea of your national life a day after you yield to their position, is absurd and inconsistent. Sir, this Government had borne and forborne until your forbearance was construed into pusillanimity; and during the last session of Congress the most insulting language that ever fell from human lips was uttered in reference to this very General Government; and the gentlemen for whom so much regard is now felt and expressed, sat by, counseled and advised with the man who told us that we had been smitten a staggering blow in the face that we dared not resent.

Yes, sir, that is exactly the way this Government has been treated; and it has come to the very last point, where it must either vindicate its existence by all the force that it commands, or it must go out in national disgrace forever. This is the day; this is the hour; this is the time; this is the experiment. Sir, it is the culmination of the great contest that has been going on through all time between despotism on the one side, and constitutional government and liberty on the other. That is the issue; and we are fighting the battle of all past ages and all coming generations. They all culminate in the experiment that we are making to-day. Sir, this war has been forced upon the country. Things went on until the last question that was left to it was to submit ignominiously, or, with all the energy that it could command, send its thrilling voice out to the millions that were subject to its control, and that—in their folly, I had almost said—believed they had a Government to defend them. And, sir, they have rallied as never a people rallied before; and I tell you, Senators, if you hesitate to meet the issue, to meet it in all its aspects, in all its contingencies here on this floor, on the field of battle, and everywhere, you are unworthy of the day and the hour in which God Almighty has permitted you to enact the part that He has assigned you in the great chapter of human destiny.

I am glad that I was born about the time I was, so that my lines fall here to-day. I am glad that my destiny is linked in the great contest that has been coming, and coming, and coming with every successive generation, and every successive experiment that the world has ever made in all the past. I feel to-day that the blood which has been shed on every battle-field is at issue in the contest that we are now carrying on. I feel that the blood of every patriot who has poured out his life on the scaffold, the worth of it and the effect of it are all in issue; and I feel, sir, that if we are faithful to the hour; faithful to the crisis; faithful to the duty; God will pour out on this nation the blessings that have been evoked by the prayers of the pious in all time past. It is no holiday contest in which we are engaged. It is not the time to hunt up justices of the peace records to find precedents of form as to how we shall go along. We must accept the contest as it has come, anomalous in its character, destitute of any precedents in the past; but, I trust in God, destined to shed infinite light on the future. And, sir, at such a time, at such a day, and in such a contest, the only question I ask of any man is, "is your heart right; if it be, give me your hand; join with us in this great struggle;" and if there are loyal men in Virginia that are determined to stand by the cause of civil liberty in this hour of her peril, let them rally; let them form a constitutional Government as they best may; and let this Federal Government pour them out men and money if necessary to sustain them in their contest.

While I am up, I want to say another thing. The people of this country are exceedingly impatient at the manner in which this thing is carried on; and I do not know that that impatience will not be turned to indignation, if they find that when the loyal State of Virginia claimed her place here, the Senate hesitated and deliberated whether to admit them, lest it might conflict with some of the formal rights of the men whom we expelled yesterday or the day before. I will, on this occasion, repeat the emphatic language of a Senator whom I always used to listen to with pleasure—I have no doubt more pleasure than you are now listening to me—the late Senator from Missouri, (Mr. Benton.) Some one applied to him to retract a position which he had taken. "Sir," said he, "I take no backward step." I want that to be the motto of this Administration; I want that to be the motto of the Republican party in all its organization; and if we cannot put down this rebellion, let them put us down. The day for compromise has gone by. Sir, we have lived on compromises. It was our daily food constantly. No evil came up but a compromise was proposed, and the nature of it was just this: the party that is now in rebellion against the Government took everything that they could take and gave nothing back, and they called that a compromise! I think, for one, that that day has gone by. I have no compromise to offer, except the Constitution of the United States. It is good enough for me.

I have been led into these remarks, sir, not all of them exactly pertinent to the very question, but because I wanted this occasion to say some things in answer to other things that I have heard dropped upon this floor. I hope there will be no reference of this question. I hope that these gentlemen will be treated just exactly as my friend from Iowa [Mr. HARLAN] was treated when he came here. There was an objection raised to his admission, but the Senate swore him in; and, I believe, it was not until some twelve months afterwards that an investigation was had, and a party report was promulgated against him, and he was sent home.

But, sir, the Legislature of his State sent him back. The same course, as is suggested to me by my friend, was adopted in regard to another case which—I do not want to offend anybody's feelings or sensibilities—as those who remember anything about the humble course I took know, was one that I thought had not half the showing on the face of it that this case has; nothing like it. I refer to the case of the election of Senators from Indiana. It is well known that it was the opinion of a large body of the Senate—not of a majority, I grant—that those gentlemen had not even a *prima facie* right to a seat on this floor; but the Senate, I think in accordance with its almost universal practice, admitted them, swore them in, and then committed the case to the Committee on the Judiciary.

I hope the same measure of justice that was was meted out to Iowa and to Indiana will be meted out to Virginia.

Mr. LATHAM. Mr. President——

Mr. BAYARD. Will the Senator allow me to say one word? I have not considered this matter before. I think it the gravest subject which can engage our attention. I think the admission of these gentlemen to seats, under the authority under which they come, is so grave a violation of the Constitution of the United States, that it will be the first act in subversion of your Government, which you say you are contending to preserve.

Mr. LATHAM. Mr. President, on my way to resume my duties in this body, I learned of the action in western Virginia, and I formed a very erroneous judgment relative to the steps there taken. I at first supposed, from the limited information to which I had access, that the western portion of Virginia was seceding from the eastern, and setting up a distinct and independent government; and I came here prepared, if that was the case, to put my seal of condemnation on any such movement, as I had heretofore done relative to the movements of other southern States. I am determined, so far as I am concerned, to recognize in no manner, shape, or form, what I regard as the most damnable heresy that this country or any other could be afflicted with—the doctrine of secession. Such, however, I am glad to say, is not the fact in this case. The government which is represented on this floor by these gentlemen, has the same constitution of the Commonwealth of Virginia that that people have always had. The members of the Legislature who sent them here were elected on the 23d day of May, in accordance with the old law of Virginia; and if representatives from Accomac, Richmond, or any other portion of eastern Virginia, see fit to go to western Virginia to the Legislature that is there convened in accordance with the constitution and laws of the State of Virginia, and swear fealty to the Government of the United States and the Commonwealth of Virginia, they are entitled to seats in that body.

More than this, sir; the fact exists, without stopping to argue how it does exist, that there are vacancies upon this floor upon the part of the Senators from that State. You have these seats vacant. Two gentlemen appear at your bar, and present a certificate in due form; just exactly such a certificate as has been presented for three quarters of a century, admitting Senators upon this floor. It bears the great seal of the Commonwealth of Virginia, and you are bound, in accordance with all rules and precedents, to admit them to seats, in the absence of Senators from their State. If there is any question of propriety involved in the case, the Senator from Delaware, after they have taken their seats, can move to refer the question to the Judiciary, or any other proper committee, who can then inquire into all the facts connected with this election; but in the absence of any persons appearing to contest their right, and in the face of vacancies, you are bound, out of respect to the great seal of the Commonwealth of Virginia, to admit them upon this floor.

Under this view, I trust sincerely that the Senate will allow them to be sworn in, and take their seats on this floor; and then, if there is any question, let it be referred to the Committee on the Judiciary, to investigate into the facts, and let the whole history, and the manner in which they were allowed on this floor as members, go upon the record.

Mr. JOHNSON, of Tennessee. I will answer the question of the Senator from Delaware [Mr. SAULSBURY] by asking another question. Because the Senate, on the 11th of this month, voted for a resolution expelling certain Senators, he assumes the fact to be that no vacancy existed prior to that time. I want to ask the Senator the simple question, if the vacancy did not exist prior to that time?

Mr. SAULSBURY. If the Senator will allow me, I will answer him. In my judgment, the Senate had a right to treat the act of those Senators when they withdrew, if they chose so to treat it, as a vacancy. I voted the day before yesterday morning for a resolution declaring the seats vacant; I would have voted for a resolution declaring the seats vacant from the moment those former Senators withdrew from the Senate; but my opinion did not seem to accord with that of a majority of the Senate, and they treated the senatorial delegation from Virginia as being full. They, by solemn vote, expelled them from their seats upon this floor. I presume, if the Senate of the United States had considered that the seats were vacant before that time, they would not have assumed to expel men from this body who were not at the time members of the body. What I meant to say was this: that the Senate themselves have passed upon this question; the Senate have said that on Thursday morning there was no vacancy from the State of Virginia; and the Senate having said so, having decided so, I think it would be consistent for the Senate to adhere to

that position, or else it should reconsider the proceedings of that day, and adopt a resolution declaring the seats vacant from the time the Senators withdrew.

One word further, if the gentleman will indulge me, and I shall not detain the Senate longer. I wish to be distinctly understood, that in taking this position it has not been done from any sympathy for the Senators from Virginia, or with that portion of Virginia who have assumed to secede from the Union; because I believe, with the Senator from California, that if there ever was a damnable doctrine, and one which is leading to the most dangerous and alarming consequences in this country, it is the doctrine of secession; and I, like him, will give no vote here or elsewhere to countenance it under any circumstances. At the same time, sir, I choose to make the objection I do, because I honestly believe that from the action of the Senate, and by the judgment of the Senate, they are estopped from saying that there was a vacancy in their body from Virginia prior to Thursday last.

Mr. JOHNSON, of Tennessee. It seems that the Senator and myself agree in the substance of what we have stated to the Senate. I understand him to admit the existence of the fact of a vacancy in the Senate of the United States from Virginia prior to the 11th of July, when the Senate passed the resolution to which he refers. If that fact exists, as it does, a mere reconsideration of the resolution now would not affect it one way or the other; for the passage of the resolution on the 11th did not do away with the fact.

Mr. SAULSBURY. Will my friend allow me a moment? I said that the Senate, being the judges of the election and qualification of their own members, had the right to treat the seats of the former Senators from Virginia as vacant from the time they withdrew; and if they had so treated it there would have been a vacancy.

Mr. JOHNSON, of Tennessee. Then the right of the Senate to treat it as a vacancy must grow out of the existence of the vacancy itself, which proves conclusively that the vacancy existed, and substantially commits the gentleman himself to the existence of a vacancy. But the question is not whether the Senate proceeds on the idea of a vacancy or not. A Senator, in tendering his resignation, frequently tenders it to the Legislature. It is not necessary to tender it to the Senate. It is for the Legislature of the State to determine that fact; and the Legislature of the Commonwealth of Virginia now proceed upon the existence of the fact. On the 9th day of July they assumed that vacancies existed in the Senate of the United States, occasioned by the withdrawal and abdication of R. M. T. Hunter and James M. Mason from the Senate of the United States. Is there a Senator upon this floor, of any party, who does not admit the existence of that fact? It is for the Legislature to determine. They have assumed what is true, that vacancies existed; and assuming that to be so, they have taken the regular steps, and have filled those vacancies. They have not been, as has been indicated here, elected for regular terms; but the Legislature have proceeded to fill vacancies which existed at the time of the election. That is the fact. If that fact did not exist, the reconsideration of the resolution adopted by this body would not bring it into existence; and the mere fact of the Senate passing a resolution, does not do away with the existence of the fact which the Legislature of the State of Virginia assumed to exist. There can be no question about that.

The case is clear in another point of view. According to the custom and usage of the Senate, here is *prima facie* evidence that an election has taken place, which entitles the members elect to appear and be qualified and take their seats; and then, in the event that any contest arises, it is competent for the Senate to refer it to the Committee on the Judiciary, or to any other committee, in its discretion, to ascertain all that may be necessary of the circumstances appertaining to the election.

I think, sir, there can be no question as to the existence of the fact of vacancies, and surely there can be none as to the power of the Legislature to fill the vacancies. That has been done. It is competent, under the Constitution, for each House constituting the Congress of the United States to judge of the elections, returns, and qualifications of its members. That is a clear, general power; and, according to the uniform construction of this constitutional provision, it is our duty, upon the presentation of these certificates, no contest being made, to permit the Senators to be qualified and take their seats as members of this body.

The Senator from Illinois has referred to some cases that have heretofore occured. Let me refer to some others. It is not long since Oregon was admitted as a State. Do we not remember that before her admission two gentleman presented themselves here, were in the lobbies, were inside of the Senate, contending for seats as Senators of a State that was not then in the Union? If we were to construe the Constitution very strictly, or wanted to make an *ad captandum* argument, we might say that an election of Senators which took place prior to the admission of a State into the Union was not valid under the Constitution of the United States; but under the Constitution, the Senate having the general power to judge of the elections, returns, and qualifications of its members, they were permitted to take seats, notwithstanding they were elected prior to the admission of the State into the Union. How was it with the State of California? Her Senators were here for weeks anxiously waiting, impatiently waiting, for the Congress of the United States to admit California as a State. The election took place; they were here before the State was even in the Union; yet, dealing with the case under the general power of the Constitution, this body recognized, and admitted to seats here, Senators who had been elected prior to the admission of California into the Union.

Upon these precedents I might safely rely if the cases were parallel; but they are not parallel. Is there the slightest resemblance between the cases? I am not questioning the power in the one case, while I am contending for it in the other. I am merely contending that these precedents are much stronger than the case now before the Senate.

It seems to me that there is not much in what the Senator from Delaware [Mr. SAULSBURY] said as to the action of the Senate. The great fact exists. The action of the Senate one way or the other does not do away with the fact. There were vacancies here from the State of Virginia. The Commonwealth of Virginia, the loyal portion of it acting under the Constitution and the law, have proceeded to fill those vacancies, and have done it; and the gentlemen so elected not only have the right to take their seats, but it is the constitutional duty of this body, upon the presentation of this paper, regular in every particular, to admit them. This ought to be allowed simply as a matter of right; and I think the Senate and the other branch of Congress, in cases of this kind, should be inclined, even where there is doubt, to put the most liberal construction; and to give their action the largest margin it is possible to give. Will the United States stand by and see a loyal portion of a State, maintaining all the authorities, prevented from having a fair and equal participation in the Government, and to that extent favor and tolerate and sanction open rebellion and encourage insurrection in another portion of the same State? If there is a State government in existence as a part of this Confederacy, and that State government has sent Senators here with certificates made out in the usual and regular form, it is the duty of the Government to come up to the relief of the State of Virginia, the loyal portion of it, and take it by the hand, and sustain it against rebels and traitors who are trying to overthrow it and to overturn the Government. It is our duty, I repeat again, our constitutional duty, to sanction and sustain, as far as it is possible, the State government in making the great move that she has made, which I conscientiously believe will result in the overthrow of treachery and treason to the people of the United States. We should give them all the aid we can; we should stand by the loyal men; we should give them encouragement; we should develop the Union sentiment, so that it may, if possible, arrest and crush out a set of usurpers who have sprung up in the land, and are trying to override and tread beneath their feet the great majority of the people.

I say it is the duty of the Senate and the duty of the House of Representatives to stand by these loyal men, to stand by Virginia as long as she is loyal to the Constitution, to stand by the Union sentiment, to stand by that sentiment in the State which is trying to sustain and will in the end sustain the supremacy of the Constitution and the laws. To refer the case to the committee without a single fact being presented, without one single reason being given, when there is no real objection made to these Senators taking their seats, strikes me as very singular. The form of the credentials is regular; they come from an organized Legislature loyal to the Government; the vacancies exist, and yet it is said these credentials must be referred. The session is nearly at a close; it will come to a close in a few days; and yet these gentlemen are to be kept out of their seats by the proposed reference of the case. Is any reason given for it? Is there any fact to be investigated? What is it for but delay? What is it for but to impede and to embarrass the Union sentiment that is rising and growing throughout the land? Whether it is intended for that or not, that is the effect it is calculated to have.

I trust and hope that the Senate will without hesitancy permit the Senators to be qualified and take their seats with their compeers in this body to battle with us for the preservation and for the existence of the Government, and against those who are making war upon it, and in the end help us to crush out a set of traitors who are attempting to overthrow the Government and all that is sacred and dear to man.

Mr. COLLAMER. It seems, Mr. President, that objections are taken to the reception, as members of this body, of the gentlemen who have presented their credentials. I think it will be difficult to find a precedent in the history of this body, by which men who presented papers *prima facie* good were not allowed to take their seats. I think the thing never did happen. They have been sometimes deprived of those seats afterwards, on investigation, but I have never known them rejected at first. So much for precedent.

There are two difficulties which are suggested in this case. First, it is said that this is a certificate coming from a new government of Virginia, a new organization separated from the rest of the State, but acting for the State as a State. This is in the nature of a judicial proceeding; we are now judging of the qualification of our members. It is not at all an uncommon thing in our highest tribunals, that points arise in the investigation of cases, where the court are constrained to say "that is a political question; with that the courts have nothing to do." For instance: whether a foreign Government recently commenced has become an independent people, whether in court it is to be treated and considered as a nation, is not a point on which the court can decide. That is a political question; and if the executive head of the Government has received ministers from that Power, recognized it as a Power on earth, the courts cannot go into the question whether he did it right or did it wrong. It is a matter of political action and the political power is what settles it, and we cannot examine into it any more.

In analogy to that, in this judicial proceeding, must we not be governed by the fact that the government of Virginia that has executed these papers, and sent them to us, is recognized by our Executive? They have called on him for militia, and have received militia from him. He recognizes them as the government of Virginia. It is a political question; it is settled. There is no occasion for our inquiring further into that. We, as a judicial body, on this question, have nothing to do with that. Here is the executive of that State, recognized by the Executive of this Government: there is the end of that subject. Whether a course of proceedings might be instituted among us to call on our Executive to know whether he did this rightfully or not, is altogether a different affair. They are *de facto* the Government recognized by us. We have no more to do with that.

The other point which gentlemen make is, that these certificates, on the face of them, show that this election was made before the resolution was passed in this body expelling the Senators from that State; and this the Senator from Delaware insists amounts to an inconsistency in our action, if we admit them. To my mind, it does not.

The substance of that resolution, and the undisguised true character of it, when it is fairly examined and reduced to plain and unqualified English, is, that we have declared those Senators guilty of treason. That is the amount of it. They

have adhered to the enemies of the United States; they have withdrawn themselves from our body, and have refused to sustain the Government. In plain, direct English, it amounts to declaring them guilty of treason, so far as we can do so; and in judging of the associations of our own body, we must pass sometimes upon a subject of that kind, whether murder, treason, or anything else. To be sure, it does not convict the person so that he may be hung; but it does convict him for all the purposes of our action.

Now, what is the common-law effect of treason? It is clearly that, when a conviction of treason takes place, it attaints the blood and works a forfeiture from the time the act was committed, not the time the conviction was passed. Now, sir, if the recitals contained in the resolution which we passed be fairly examined, it will be found that they make it out that the men named in it were enemies to this Government; and it takes effect from the time that that was manifested in the way the resolution states; that is, at the commencement of this session. That is my view of that. That is an application of the analogies of law which relate to a subject of this kind.

In the next place, Mr. President, on that topic I have this to say: we treat this as the State of Virginia, for the reason I have already urged, if it needed any reason. If the State of Virginia—I care not when and how—has sent us here two new Senators, and the State of Virginia makes no objection to our act, and is content with it, and the seats are vacant, as we now have declared, I should not cavil much at allowing them to take their seats; certainly not until we hear from the State of Virginia that she is in some way discontented. I think she has a right to be heard here, and to send men here; and as long as she is contented with them, we ought to keep them here.

Mr. POWELL. I do not propose, sir, to enter into this discussion. I merely wish to enter my protest against this proceeding. My friend from California says that these gentlemen were chosen by a Legislature elected in accordance with the Constitution and laws of the State of Virginia. Is he not aware, is it not a fact judicially known to this Senate, that there is another person who was elected Governor of the Commonwealth of Virginia? I think it is a fact of public notoriety to the Senate, that the body assuming to be the Legislature of Virginia, which elected these gentlemen as Senators, was composed of gentlemen elected to that body from perhaps less than a third or a fourth of the State of Virginia. There are, I believe, more than one hundred and fifty counties in that Commonwealth, and I have seen no statement that more than thirty or forty counties of that State were represented in the legislative body that elected the gentlemen whose certificates have been presented. These facts, I think, all judicially know; and consequently, if you permit these gentlemen to take their seats here, you overthrow the Constitution and our form of government.

My friend from New Hampshire tells us that this is a contest between despotism and constitutional liberty. Sir, so far as I have witnessed the action of the Executive, and, I regret to say, some of the acts of this body, it does not seem to me that the Constitution is much regarded. This proceeding is, in my judgment, an overthrow of the Constitution and the forms of our Government. As I said the other day, we have but little left save the Constitution, and I invoke Senators to preserve that.

I do not rise for the purpose of discussing this question. I know that nothing that I could say would have any influence upon Senators opposed to me here; but I think it my duty to make a solemn protest against this proceeding. I shall simply content myself with calling for the yeas and nays on this question of reference. I think this subject should be referred, and should be investigated by the Committee on the Judiciary, and that they should report all the facts and the law arising in reference to it, and then the Senate could act with full information on this, to my mind, most grave and important subject.

The VICE PRESIDENT. Upon the question of reference the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. TRUMBULL. I rise merely to call the attention of the Senate to one or two precedents as to whether a vacancy could be recognized by the State authority. It will be perceived that these credentials state that Mr. Willey is chosen a Senator to fill the vacancy which has happened by the withdrawal and abdication of James M. Mason. Now, I find, in looking over the volume of Contested Elections, that in 1790, "John Walker, of Virginia, appointed by the Governor in the place of John Mason, who had refused to act, produced his credentials and was admitted to his seat" in the Senate. There the Governor appointed a Senator in the place of one who had refused to act, and the appointee was admitted to the seat. The Senator from Delaware [Mr. SAULSBURY] says these persons have refused to act, but his trouble is that we expelled them last Thursday. We had refused to act before that day; but they need not wait in the State of Virginia till the Senate acts. They could recognize the vacancy. The Governor of Virginia, in 1790, recognized the vacancy occasioned by the refusal to act, and appointed a Senator who submitted his credentials and was sworn in as a member.

Mr. SAULSBURY. If the Senator from Illinois will allow me, the case to which he now refers, from Virginia, was a case where the person appointed had never acted as a Senator; had never been a member of this body. The appointment was tendered to him—that is what I gather from what the Senator reads—and he refused to accept it. He never had been a Senator, and therefore there was no vacancy, so far as he was concerned. He had never been a Senator, and never had a seat to vacate.

Mr. TRUMBULL. Mr. President, it is very clear that, if that were so, the Governor would have had no right to make the appointment. It is only in cases of vacancy that he can appoint; and if the office was never filled, the Executive could not appoint at all.

Mr. SAULSBURY. Will the Senator look at the record and see?

Mr. TRUMBULL. I have read the record to the Senator, and if he had paid attention he would have heard it. Here it is:

"APRIL 26, 1790. John Walker, of Virginia, appointed by the Governor in the place of John Mason, who had refused to act, produced his credentials, and was admitted to his seat."

The Governor of Virginia could not appoint, except in a case where there was a vacancy. Another case will be found which arose in the State of Maryland, in 1791. In that case Mr. Pinckney, who was a member of the House of Representatives, resigned his seat. There is no distinct evidence of the resignation, however; but the Governor of Maryland ordered an election, and a Mr. Mercer was elected. Mr. Giles objected to Mr. Mercer taking his seat, upon this ground. He said:

"Two questions occurred in this business; the one, whether a person appointed to represent his State in Congress has the power of resignation; the other, whether that appointment can be resigned to the Executive of a State government, and whether the Executive be authorized to accept the resignation, and issue a writ for a new election. If the report were received, as it then stood, he observed that it would authorize the Executive of every State to judge of all vacancies, and of the circumstances that may cause vacancies. He hoped the House would take time to consider the subject." * * * *

"Mr. SEney observed that this was no new case; that there were members sitting in the House who had been elected in lieu of others who had resigned; he adverted to the inconvenience that must ensue to the State of Maryland from the delay, as that State would be deprived of the voice and support of one of her members. He thought it a new and very strange declaration to say that a member had not a right to resign. Such a doctrine must affect the privilege of every free citizen."

On motion, however, the House came to the following resolution:

"*Resolved*, That John F. Mercer is entitled to take his seat in this House as one of the Representatives from the State of Maryland."

Thereby deciding that the Governor of Maryland could decide whether there was a vacancy which he could fill. The House of Representatives had not acted upon it. Now, the Legislature of the State of Virginia could decide whether there was a vacancy in that State; whether they had Senators or not. They did decide, on the 9th day of the present month, it is said. We decided that the persons who formerly held the seats were guilty of crimes which justified their expulsion from the Senate, on Thursday. But, sir, that decision has relation, as has been well said by the Senator from Vermont, to the time when they committed the criminal act. The State of Virginia acted upon them before we did. It is not necessary, in case of a death, that the Senate of the United States should meet, and have official knowledge of the death, and communicate that fact to the Governor of a State, and notify him that a vacancy exists, before the Governor of the State can take official notice of the vacancy, and fill it; or in case of the death of a member of the House of Representatives, the Governor need not wait until Congress convenes, and the Speaker informs him of the vacancy. Neither need the Legislature of Virginia, when her Senators had turned traitors, wait until the Senate of the United States should declare it, and that they were unworthy of seats here; but they had a right to act upon the vacancy, and fill it, which they have done. The fact that we did not take cognizance of the matter until after they acted cannot invalidate an election which was valid when it was made, even according to the reasoning of the Senator from Delaware; for he says the seats were vacant at that time, and if we had only voted yesterday that they were vacant, why then these persons would be entitled to their seats here. Well, because we voted differently, and expelled the other Senators——

Mr. BAYARD. The honorable Senator does not refer to me?

Mr. TRUMBULL. I am referring to the Senator's colleague.

Mr. SAULSBURY. Allow me to correct the Senator. I did not say that then they would be entitled, for I never noticed or referred to the other question behind this question of vacancy. What I said was this: that the Senate of the United States being the judges of the election and qualifications of their own members, day before yesterday, for the first time, passed as judges upon the fact whether Mr. Mason and Mr. Hunter were members of this body; and, by passing a resolution to expel them on that day from the Senate, they recognized them then as members of the Senate. What I said was that, if the Senate had chosen previously to Thursday last to declare these seats vacant, they could have done so under the same power of being judges of the qualifications and election of their own members.

Mr. TRUMBULL. I understood the Senator to say—and I believe he did say—that he would have voted to declare their seats vacant. I believe he did vote on Thursday for such an amendment.

Mr. SAULSBURY. I did.

Mr. TRUMBULL. Then, the Senator stands in this position before the country: he voted that their seats were vacant. If they were vacant, then the Legislature of Virginia had a right to fill them. There is no question about that. As to whether this body was the Legislature or not, is not the point that the Senator from Delaware has made. He is sticking us to the time. He wants to send these Senators back to be elected over again to-morrow. The great point which he thinks is to break up the Government, and which is dangerous to the liberties of the country, is, that they were elected the day before yesterday, instead of being elected to-day. That is his great point.

Mr. SAULSBURY. If the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Illinois give way?

Mr. TRUMBULL. After I get through, the Senator can have an opportunity, if he wishes, to reiterate his statement. He voted that the seats were vacant; that the vacancies existed. If the vacancies existed, the legitimate Legislature had the right to fill them. He does not deny that, does he? Then, so far as his point is concerned, it amounts to nothing but simply this: that the Senate has voted to expel them; but, because it did not vote to expel them before, when they deserved it, therefore these gentlemen, who have been elected Senators, must go back and be re-elected again, although the cause of the expulsion of the old Senators existed, and although the Legislature of Virginia, the body to elect Senators, determined that they had abdicated their seats.

Mr. SAULSBURY. Only one word more, sir, for the purpose of putting myself right. I hope the Senator from Illinois did not wish to put me in any other position than that which I occupy. There have been two grounds of objection made in this body to these gentlemen taking their seats without a reference of their credentials to the Committee on the Judiciary; for that is the im-

mediate question before the Senate, whether the credentials shall be referred to the Committee on the Judiciary. One of the points is, that the Senate of the United States having declared, on Thursday, the expulsion of the former Senators from this body, by that vote recognized that on that day the two former Senators were members of this body. There was another ground of objection raised to which I did not refer, and to which I do not choose now to refer, and that was the power of this new Legislature of Virginia to elect Senators upon this floor.

The Senator from Illinois seems to think that he has placed me in a wonderfully inconsistent attitude before the country. His speech, or his attempt at that, would have been very well, if I had had the honor of being an opposing candidate before some popular assemblage for popular suffrage. It falls far short, however, of an argument addressed to cool-headed, clear-headed men, upon questions of law. He seems to think that because I voted the other day to declare the seats vacant, therefore I had declared that they were vacant before that day. Does the fact that I voted on Thursday to declare that the seats were vacant, establish the fact that I voted they were vacant before that day? Now, sir, had the Senator offered a resolution on the first day of this session, or the day after Mr. Mason and Mr. Hunter withdrew from this body, declaring their seats vacant, and I been in this body, I would certainly have voted for it. Why would I have voted for it? Because as one member of this body—which body has the right to decide, as I said before, upon the election and qualifications of its own members—I should have the right so to vote. But they did not raise the question as to whether Mr. Mason and Mr. Hunter were members of this body until Wednesday. True, I voted on Thursday to declare the seats vacant. The gentlemen on the other side voted not to declare them vacant. Did they mean by that to say that they were not vacant? No; they chose another mode. They chose to vote to expel them. As to the propriety of expulsion, I have only to say, that those Senators ought not, if they had appeared here on Thursday, to have been allowed to take their seats, and the Senate, acting in its capacity of judging whether its members had committed such offenses as to preclude them from a seat on this floor, would have the right to say that they should not take their seats; and I would have so voted, because they now adhere to a State which is in rebellion, as I hold, to the Government of the United States.

I think, therefore, there is no inconsistency at all in my record; but that there is an inconsistency in the record of the Senator from Illinois, who on Thursday treated these seats as existing, and these gentlemen as members of the body, and voted to expel them. What does he say? That that expulsion may have reference back to some antecedent time. Then, sir, according to the logic of the Senator from Illinois, you can expel a man from this body who had ceased to be a member twenty years ago, and say it related back to that time. That is the Senator's reasoning upon this subject, and as far as I am concerned, he is perfectly welcome to whatever *eclat* and renown such a mode of argumentation may give him before the country.

In conclusion, Mr. President, I have only to say, that this is a judicial question, as the distinguished Senator from Vermont has said, and a great deal has been said upon it much more appropriate to another theater and upon a different subject. This is a legal, constitutional question. It is not a question to excite popular feeling. It is not a question in the discussion of which these galleries, or the multitude of the great American people, must be addressed. What is the point before the court? Confine your argument to that. I protest against any inference being drawn from what I have said in the discussion of a constitutional question, that I favor the right of the former Senators to seats upon this floor. I declare before God and man, that had they appeared here at the opening of this session, much as I esteem one of those gentlemen, and as kindly as he treated me as a member of this body, I would not have voted them permission to take their seats on this floor; and I never will vote for any other man who has withdrawn from this body and taken part against his Government, to return to be a member of the body, until that sin has been purged.

Mr. BAYARD. Mr. President, I see, at least I fear, with no disrespect to the Senate, that the consideration of the grave question involved in the admission of these gentlemen to the seats on this floor which they claim under these certificates is about to be disposed of now by the majority of the Senate, although I think it would be wise that the regular course should be taken in regard to it. I shall therefore, though entirely unprepared, endeavor to state my views upon it distinctly but briefly; for I do not mean, inasmuch as it is the determination of the majority of the Senate to settle this question now, to detain them.

There are two questions involved in this matter. The minor one, and far the minor one, is, whether these seats—without reference at all to the much graver question—were vacant when this election took place, supposing the body making the election to be the lawful Legislature of Virginia after the vacancy occurred in the body. Now, sir, what is the question there? It is very simple. A Senator of the United States is elected for a fixed term of six years. He can be removed in but two ways against his will. He may resign at any time; and his resignation is made to the Governor of his State. The act of resignation vacates the seat in itself. He may die. Death vacates the seat, and the Governor can appoint if the Legislature is not in session; but no Legislature of a State, no Governor of a State, can undertake to terminate his office during the term for which he is elected by any action of theirs. Though elected by the Legislature, he is not within their control as regards his office. The control over that office is in the Senate of the United States. The Senate may expel a member. If the House of Representatives impeach him, the Senate may judicially condemn him, and so vacate his office; but the seat is not vacant without resignation, without death, without expulsion, or without a verdict according to the judgment of the Senate vacating the seat under the result of an impeachment.

Sir, nothing of this kind has happened in this case; but the Senate of the United States, on the 11th day of this month, did vacate the seats by expelling those members from the body. I have no doubt of the right of the Senate to vacate the seats by their order, but the Senate alone could do it. On what authority or principle could the Legislature of Virginia, supposing it to be a perfectly valid Legislature—supposing it to be a legal Legislature, which we were bound to recognize—undertake, in anticipation of such an act, before the act had been taken, to elect Senators when there were Senators still having a right to their seats, though those Senators might not be present in this body; though those Senators might be charged with crime of any character? It is not for the Legislature to determine that the charge of crime constitutes a vacating of the seat. The Senate alone can undertake to determine that. If, then, there was no vacancy, there was no authority, either in the Governor, during the recess of the Legislature, to appoint, the term having commenced and been filled; nor was there any authority in the Legislature, when in session, to elect other Senators, until after the 11th day of July. I desire to have the action of the Committee on the Judiciary on that point.

The next and graver question is this: whether you have in this certificate anything you can acknowledge, on the facts you are judicially to notice, that would give any one a title to a seat in this Senate, and to vacate seats. As I stated to the Senate at its special session, my theory and doctrine is, that though the act of a State withdrawing from the Union, or secession, is an act of revolution, is a breach of that compact upon which this Government is founded; though it gives, if without reason—and we have the right to judge of that—just cause of war, yet in its effect it puts the State out of the Union. Therefore, according to my theory, there could be no Senator from Virginia in this body until, by war, you have compelled her to return to her allegiance to this Government. I understand your view of the Constitution to be, that the State is still in the Union; that you mean to execute the laws; that you mean to repress the insurrection. Can you, consistently with the Constitution of the United States, if that State is still in the Union, refuse to recognize judicially, as your courts all do, what is the constitution of Virginia? What are the laws of Virginia? Who is the executive of Virginia? John Letcher was elected the executive of Virginia, and you all know it; and his term of service has not expired, under the constitution and laws of Virginia. What authority can the name of Mr. Pierpont attached to that certificate give to it as an evidence of the act of the executive of Virginia certifying to you that an election has been held? The honorable Senator from California told us that the Legislature were elected on the day fixed by the laws of Virginia, but he forgot to tell us anything about this fact, that no vacancy exists in the office of her Governor. No election for Governor has been held under the laws of the State of Virginia. If Virginia is still a State of the Union you are trampling on her constitution and her laws, if you undertake to recognize as the act of the State of Virginia the act of a small minority of her people. You are running directly counter to your own doctrine, with respect to the rights of the States of this Union as against the General Government.

Mr. President, I will not pursue this argument further, because I never yet believed that it was worth while to persist against an unquestioned majority in a contest on any matter, the moment I saw what the development of things was. I have the right to ask a vote of the Senate. If they choose so to decide, of course, being the majority, the responsibility rests with them. But, in my conscientious conviction, on your own theory, you are violating the Constitution of the United States when you undertake to recognize the existence of Mr. Pierpont as the executive of Virginia, when no law of Virginia has authorized his election as Governor; when the constitution of Virginia has never authorized his election as Governor; that you are in this case, as I said, creating an insurrection in that State, or acknowledging an insurrection in that State; while on my theory, the State, by revolution and the action of her people, being out of the Union, of course no Senator from Virginia can take his seat on this floor. It was on that ground that I was willing to declare the seats of these gentlemen vacant; but I did not think it necessary to expel them.

Now, sir, I know very well that it is a very unpleasant thing to stand in opposition to a large majority of the body of which you are a member, and more especially during an excited state of feeling in the country, and when the majority of the people have sustained the general course of the party to which you are opposed; but a man is bound to carry out his honest views and his convictions of the structure of the form of his Government. As regards this particular question, it has nothing to do with war measures whatever. It will not restore the State of Virginia one hour sooner to this Union; it will not prevent bloodshed; it will not have any available effect upon this war; and yet it is trampling upon the Constitution. If you expect to maintain this Union by trampling on the Constitution, I think you will fall into a great error as to the result of your action.

Sir, I am not in the habit of making professions. I believe I have loved and do love this Union, and prize its value as much as any man who sits upon this floor. I may differ from them in regard to the state of revolution and civil war that now exists, and what is the wisest course for the peace and happiness of my country in the future. I may believe that it is better to let a portion of this Confederacy sever from us, than to run the risk, by civil war, of consolidating this nation into a single government, which inevitably ends in a military and unrestrained despotism. I think so, honestly. I challenge the motives and I impugn the character of no man that differs from me as to that; but I should be false to every principle of my nature; I should be false to my own sense of duty to my country, whether I stood alone here, or whether I had a large majority to back me by their votes, if I feared to utter and defend those sentiments which I think alone can preserve this Government from utter subversion.

Mr. TEN EYCK. A word, sir, and but a word; for I would not stand for a minute in the way of the restoration of Virginia to her ancient rights and dignity.

I rejoice that the Senator from Kentucky has called for the yeas and nays; but for a different reason from that which influences him. He be-

lieves that the action we are about to take will be an infraction of the Constitution, and he wishes to stand upon the record as opposing it. I believe it to be an act which will sustain the Constitution and the Union, and I desire that my vote upon it shall stand upon the records of this Senate forever and for ay. I could wish that it could be recorded in letters of brass or of iron, enduring as this Government, which, I believe, will be perpetual!

The Senator from Kentucky stands forth as the champion of the Constitution. In a speech which he made two days ago, the whole burden of his song was "the infraction of the Constitution;" the President had done no act, save one to which he called attention, since the 4th day of March last, which was not a violation of the Constitution. Sir, it appeared strange to me that, at the time he held the Constitution in his hand and addressed that noble apostrophe to it which thrilled the heart of every listener, it never occurred to him that the Constitution had been violated in any manner by other men or in any other way. He had most strangely forgotten the transactions which called one hundred thousand men on the wings of the wind to this capital for the purpose of protecting the Constitution and preventing the overthrow of the Government.

I understood the Senator from Kentucky to admit, however, that the President had done one constitutional act, and that was, the issuing of his proclamation calling for seventy-five thousand men for the rescue of the capital. I ask this champion of the Constitution and the laws how it is that he and his beloved Kentucky did not respond to that call? How is it that the riflemen of Kentucky, the noble-hearted men of Kentucky, the men whom we have loved and admired in times past, did not rush to the safety and protection of the country, their capital, and the Union? I desire a frank answer from the Senator, if he is prepared to give it. He yields no answer. Is it because of another heresy which exists, that neutrality is lawful? Does he believe that neutrality is in support of the Constitution, the Government, and the laws? I must say I fear it is in this respect with our country as with our God—those who are not for it are against it. Mr. President, while I, a humble Senator from a State which has held many doctrines in common with the people of Kentucky and Indiana and many other of the border States, rejoiced at the great outburst of the patriotism of the people, it was with pain and sorrow that I saw that no Kentuckian responded to the call, and that her Senator now here upon this floor sees nothing but infractions, violations, and disruptions of the Constitution by the President.

Mr. POWELL. The honorable Senator from New Jersey puts a question to me, to which I will with pleasure respond. Before I do that, however, I will correct a misapprehension of the Senator. He says that, in a speech I made the other day, I declared that the President had done but one constitutional act since the 4th of March. The Senator was greatly mistaken when he made that assertion. I spoke of no acts of the President other than those specifically set forth in the resolution then under debate, and it was in regard to the acts of the President embraced in that resolution that I thought probably one was constitutional; that depending, however, upon the purposes for which the President intended to use those seventy-five thousand men. I made that qualification.

The Senator, as I understand him, asks me how the State of Kentucky, consistently with her duty to the Constitution, refused to obey this call? I will state to the Senator and to the country, the view that Kentucky took of that question, as far as I am advised. Kentucky believed that this call for seventy-five thousand men was not necessary for the defense of the capital or of the public property. She believed that the calling forth of such an immense armanent was for the purpose of making a war of subjugation on the southern States, and upon that ground she refused to furnish the regiments called for. The Senator seems to be a little offended at the neutrality of Kentucky. Sir, Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to imbrue her hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as wicked, unrighteous, and unnecessary. Kentucky believes that this war, if carried out, can result in nothing else than a final disruption of this Confederacy. She hopes, she wishes, she prays, that this Union may be maintained. She believes that cannot be done by force of arms; that it must be done by compromise and conciliation, if it can be done at all; and hence, being devoted truly to the Union, she desires to stay this war, and desires measures of peace to be presented for the adjustment of our difficulties.

That is the neutrality of Kentucky, and that I understand to be the reason why she assumes to be neutral. It is the first time in the history of that proud Commonwealth that she ever failed to respond to the call upon the country for volunteers; she never was called upon to fight a public and foreign enemy that her true and gallant sons did not rush to the standard of the country in numbers so great that many had to be turned back. In other wars, the war of 1812, and the war with Mexico, twenty times more men than could be taken were presented; and she would be ready to do it again, if it were a war against a foreign enemy; but she has no desire to shed the blood of a brother, whether of the North or South. I think her position is one that should be admired and esteemed by all patriotic men, by all Christian men, by all men who love their country and love the Union. She stands in an attitude, if possible, of a peacemaker, between the belligerents North and South, and I hope she may be permitted to maintain that attitude. It was one not taken out of any hostility to the Government; she took it because she believed it was the only means possible by which these difficulties could be averted, our country saved, the Union restored, and our people once more made prosperous, contented, and happy.

I am aware that the position of my State is not palatable to gentlemen who rush fiercely on to this war. I am aware, also, that persons in the extreme South perhaps are not satisfied with the condition of Kentucky. They think we ought to unsheath our sword at once, and make common quarrel with them. We have chosen to act differently, and we will, with the blessing of God, maintain our position of neutrality. This immense armament called out by the President looked to us as if this were to be a war of subjugation, and not one in defense of the public property. For that, in addition to the other reasons I have stated, we wished to present, if possible, a barrier between the fierce conflicting elements, North and South, and restore peace to this country.

I have thus stated, very briefly, the reasons why my State has assumed this position. I will also tell the Senator, that when he asserts that I have proclaimed that all the acts of the President, save one, are unconstitutional, he greatly misunderstood me, for I spoke specifically of the acts of the President mentioned and set forth in the resolution under debate; and I stated that the call for seventy-five thousand volunteers, if for the sole purpose of protecting the capital and defending the public property, if they were called out for the time prescribed by the Constitution, was constitutional; but if those men were called out for the purpose of making war upon States, of reducing States and subjugating them to the condition that the Senator from Oregon said the other day he was willing, if necessary, they should be reduced to, and send Governors from other States to govern them, that it was unconstitutional. I hope the Senator is satisfied with my answer.

Mr. TEN EYCK. Just one word in reply. I did not mean, in the slightest possible degree, to misrepresent the Senator from Kentucky. I understood him to declare what I represented him to have declared, and such was the understanding of other Senators on this floor; but if I misrepresented him, or misunderstood him, it was owing to the remoteness of my position from him, which did not enable me to hear distinctly what he said.

In regard to the question of neutrality, I simply used the words of the gallant Rousseau, in the State Senate of Kentucky, who declared there boldly, with his "foot upon his native heath," that neutrality was treason. I contend that, under our Constitution and form of government, it can be nothing else, for such as are not for us are against us; and those who assume a position in direct antagonism to the constituted authority of the Government, and reject its authority, rebel against that authority; and although they may claim they are doing it for the sake of peace, they are most sadly mistaken in their duty.

The Senator says that this is a war of subjugation. I declare that the men in our Army whom I know—and I know many of them from the North—come for no other purpose than to suppress insurrection; and huge as it may be, it is nothing but insurrection. The Jerseymen who are here, the New Yorkers who are here, the Ohioans who are here, and all the men who are here from north of Mason and Dixon's line, are not here for the purpose of carrying a war of subjugation into the southern portion of the Union; they are here solely for the purpose of protecting the Union and the Government. They are here for the purpose of making no raid upon southern rights, or interfering with any southern institution; but they are here in obedience to the call of the constituted authorities of their country for the purpose, originally, of protecting this capital founded by Washington, the sacred home and stand-point of the Government. They are here, and are moving onward, for the purpose of rescuing the noble hearted, loyal men of Virginia, Tennessee, North Carolina, and loyal men everywhere south of us, from oppression and subjugation; ay, the loyal and true-hearted men of Kentucky even, who are ready and willing to stand forth and do battle for the Union, the Constitution, and the laws; for this, and nothing else.

Mr. DOOLITTLE. Mr. President, this question has been discussed at considerable length, and I believe is understood by Senators, and I desire that we may come to a vote upon it. The circumstances of the country are such that what we need are deeds, more than words.

The question being taken by yeas and nays, resulted—yeas 5, nays 35; as follows:

YEAS—Messrs. Bayard, Bright, Polk, Powell, and Saulsbury—5.

NAYS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Howe, Johnson of Tennessee, Kennedy, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Pomeroy, Rice, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—35.

So the motion to refer the credentials to the Committee on the Judiciary was not agreed to.

The VICE PRESIDENT. The Senators will now advance and take the oath of office.

The oath prescribed by law was administered to Mr. CARLILE and Mr. WILLEY, and they took their seats in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 28) to authorize the employment of volunteers to aid in supporting and defending the Government, in which the concurrence of the Senate was requested.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed an enrolled bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes; and it was signed by the Vice President.

THE LOAN BILL.

Mr. FESSENDEN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 14) to authorize a national loan, and for other purposes, to report it back to the Senate with some few amendments. It is very important that this bill should be disposed of as soon as possible; and as the amendments to it are mostly verbal, with one exception, which will be easily understood by the Senate, I ask the unanimous consent of the Senate to consider the bill now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 14) to authorize a national loan, and for other purposes.

The bill provides for a loan of $250,000,000, in the manner suggested in the report of the Secretary of the Treasury.

The first amendment of the Finance Committee was in line eight of section one, to strike out the words "certificate of," and after "coupon" insert "bonds;" so as to make it read:

For which he is authorized to issue coupon bonds.

The amendment was agreed to.

The next amendment was, in the ninth line of the first section, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was, in line ten of the same section, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was in line sixteen of the same section, to strike out "three years after," and insert "at the pleasure of the United States at any time after three years;" so as to make the clause read:

The Treasury notes to be of any denomination fixed by the Secretary of the Treasury, not less than fifty dollars, and to be payable at the pleasure of the United States at any time after three years.

The amendment was agreed to.

The next amendment was in the same section, line twenty-six, to insert "payable in one year from date;" so as to make the clause read:

And the Secretary of the Treasury may also issue, in exchange for coin and as part of the above loan, or may pay for salaries or other dues from the United States, Treasury notes of a less denomination than fifty dollars, not bearing interest, but payable on demand by the assistant treasurers of the United States at Philadelphia, New York, or Boston, or Treasury notes bearing interest at the rate of three and sixty-five hundredths per cent., payable in one year from date.

The amendment was agreed to.

The next amendment was in line twenty-seven of the same section, to strike out "certificates of stock;" so as to make it read:

Or Treasury notes, bearing interest at the rate of three and sixty-five hundredths per cent., payable in one year from date, and exchangeable at any time for Treasury notes for fifty dollars and upwards, &c.

The amendment was agreed to.

The next amendment was in line twenty-eight of the same section, to strike out "issued," and insert "issuable."

The amendment was agreed to.

The next amendment was in line thirty of the same section, to strike out "such" before "exchange."

The amendment was agreed to.

The next amendment was in section two, line two, to strike out "certificates of stock," and insert "bonds."

The amendment was agreed to.

The next amendment was in line three of section two, to insert "or second" after "first;" so as to make it read:

That the Treasury notes and bonds issued under the provisions of this act shall be signed by the First or Second Comptroller, or the Register of the Treasury, &c.

The amendment was agreed to.

The next amendment was in line four of section two, after the word "and," to insert "countersigned;" so as to read:

And countersigned by such other officer or officers of the Treasury as the Secretary of the Treasury may designate.

The amendment was agreed to.

The next amendment was in section two, line eight, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was in line nine of section two, to strike out "of the certificate," and insert "thereof."

The amendment was agreed to.

The next amendment was in section two, line ten, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was in line twelve of section two to insert "or executed in such manner;" so as to make the clause read:

The interest coupons may be signed by such person or persons, or executed in such manner as may be designated by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in section three, line forty-one, to strike out "forty millions;" and insert "one hundred millions;" so as to make the clause read:

And the Secretary of the Treasury is also authorized, if he shall deem it expedient, before opening books of subscription as above provided, to exchange for coin, or pay for public dues or for Treasury notes of the issue of 23d of December 1857, and falling due on the 30th of June 1861, or for Treasury notes issued and taken in exchange for such notes, any amount of said Treasury notes for fifty dollars or upwards, not exceeding $100,000,000.

The amendment was agreed to.

The next amendment was to strike out the word "he" in the fourteenth line of the fourth section.

The amendment was agreed to.

The next amendment was in the fifth section, line four, after the word "country," to insert "and payable at any designated place either in the United States or in Europe;" so as to make the section read:

That the Secretary of the Treasury may, if he deem it advisable, negotiate any portion of said loan, not exceeding $100,000,000, in any foreign country, and payable at any designated place either in the United States or in Europe.

The amendment was agreed to.

The next amendment was in line four of section five, to insert "registered or coupon," before "bonds," and to strike out "or certificate of stock;" so as to make it read:

And may issue registered or coupon bonds for the amount thus negotiated.

The amendment was agreed to.

The next amendment was in line six, of section five, to strike out "the" and insert "bearing," so as to read:

Bearing interest payable semi-annually.

The amendment was agreed to.

The next amendment was in section six, line six, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was in section seven, line seven, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was to strike out of section eight the following words:

And for the full and punctual payment of the interest the United States specially pledges the duties of impost on tea, coffee, sugar, spices, wines and liquors, and also such excise and other internal duties or taxes as may be received into the Treasury.

So as to make it read:

SEC. 8. *And be it further enacted*, That the faith of the United States is hereby solemnly pledged for the payment of the interest and redemption of the principal of the loan authorized by this act.

The amendment was agreed to.

Mr. SAULSBURY. I propose, in line six, of section one, to strike out the word "two," and insert the word "one;" so as to make the loan $150,000,000, instead of $250,000,000. My reason for this motion is that the annual session of Congress is only about five months off, and $150,000,000 if borrowed will certainly be sufficient until the next session of Congress, when, if a further amount be needed, it will be perfectly competent to the Congress of the United States to authorize an additional loan. I am willing to vote what I consider necessary; but I do not consider it proper to anticipate the wants of the Government. One hundred and fifty million dollars certainly will be ample until the next session of Congress; and if the Administration should want more at that time, it will have a majority of friends in both Houses of Congress, and they will be able to pass a bill authorizing an additional loan.

Mr. FESSENDEN. I have only to say, Mr. President, that the bill is based upon the estimates of the Secretary of the Treasury, as to the sum that will be absolutely necessary to pay the expenses of the year. It is perfectly evident that if that is to be borrowed, both in this country and in Europe, we ought to lose no time in making preparations to get the money. It is only wasting the time, and doubling the expense, to go in for one half now, and five months hence apply for the other half. The bill authorizes the Secretary to borrow that amount, or so much as may be necessary. If anything should occur to lessen the expenditure, he will not be obliged to borrow it. Therefore, I think we run no risk; and in fact it is altogether better at once to come up to the sum that we know we shall need for the year, and not have the work to do over again at the next session of Congress.

Mr. SAULSBURY. I know, of course, that my amendment will not be adopted; but as I desire to put my vote on the record, I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 4, nays 36; as follows:

YEAS—Messrs. Johnson of Missouri, Polk, Powell, and Saulsbury—4.

NAYS—Messrs. Anthony, Bingham, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Simmons, Sumner, Ten Eyck, Wade, Wilkinson, Willey, Wilmot, and Wilson—36.

So the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. FESSENDEN. Before the question is taken on adopting the amendments in Committee of the Whole, which will probably be taken as a whole, an amendment has been suggested to me which I wish to consider; and I therefore move that the bill lie on the table for the present. I will call it up again.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (No. 28) to authorize the employment of volunteers to aid in supporting and defending the Government of the United States was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

INCREASE OF THE ARMY.

On motion of Mr. WILSON, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2) to increase the present military establishment of the United States.

The bill proposes to add to the regular Army, as now authorized by law, nine regiments of infantry, one regiment of cavalry, and one regiment of artillery, to be organized in the manner indicated in the presidential proclamation of last May, with four major generals and six brigadier generals.

The bill was reported from the Committee on Military Affairs and the Militia, with an amendment striking out the fifth section, which is in the following words:

SEC. 5. *And be it further enacted*. That the President of the United States be, and he is hereby, authorized to add to the present regiment of dragoons, mounted riflemen, cavalry, artillery, and infantry of the regular Army, as many officers and enlisted men as may make their respective organizations the same as those of the additional regiments of cavalry, artillery, and infantry, authorized by this act, and that the commissions of the officers of the old regiments who may be promoted thereby shall bear equal date with those officers promoted to the additional regiments.

The amendment was agreed to.

Mr. KING. I have an amendment to offer, which is not drawn up in the section I now present as entirely complete as I should like to have it; but I present it in this shape to test the sense of the Senate as to the propriety of imposing the limitation which I propose:

And be it further enacted, That the increase of the military establishment created or authorized by this act is declared to be for service during the existing insurrection and rebellion; and within six months after the constitutional authority of the Government of the United States shall be reëstablished, and organized resistance to such authority shall no longer exist, the military establishment shall be reduced to the number, grade, rank, and pay authorized by law on the 1st day of May, 1861.

The provision is entirely plain to the comprehension of every Senator, and does not require any discussion. I understand that the chairman of the Military Committee, of which I am a member, is prepared to accept the proposition as an addition to the bill.

Mr. WILSON. I will not resist the adoption of it. The Senator presents the proposition and gets the vote of the Senate upon it. I shall not stand in the way.

Mr. KING. I hope it will meet the approbation of the Senate.

The amendment was agreed to.

Mr. KING. I now propose another amendment, to complete the proposition:

And be it further enacted, That the President of the United States shall cause regiments, battalions, and companies, to be disbanded, and officers, non-commissioned officers, and musicians, to be discharged, so as to reduce the military establishment as is provided by the next preceding section.

Mr. HARRIS. I do not propose to discuss this question. If Senators think fit so to modify this bill, of course it is not for me to attempt to resist it; but I will say that I am surprised that

the Senate should strike what seems to me so fatal a blow to this measure of the Administration. I can but think that Senators have failed to consider the effect of the proposition that has been made by my colleague. It is very clear to my mind that the officers of the Army who are to be commissioned in these new regiments, and whose presence in these regiments is indispensable to give them efficiency, in my judgment, can never be induced to accept those commissions if this bill contains these provisions. Will any officer of the Army surrender his present position and take a commission in one of these new regiments, with the understanding expressed on the face of the bill that he is, at the end of this controversy, to be discharged from the service and to go into retirement? Is it not very clear that we, by means of this provision, are to exclude from these new regiments every officer of the present Army? It seems to me that Senators have not considered the effect of the vote that has just been taken. If they have, I have no more to say. For myself, I think it fatal to the measure.

The amendment was agreed to.

Mr. NESMITH. I desire to offer an amendment in the form of an additional section:

And be it further enacted, That no person shall be commissioned as major general or brigadier general in the regular Army, who shall not have previously served for the period of ten years in the regular or volunteer Army of the United States; and no person shall be commissioned as colonel, lieutenant colonel, or major in the regular Army, who shall not have previously served at least two years in the regular or volunteer Army of the United States.

Mr. WILSON. I hope that amendment will not be adopted by the Senate. I take it the Senate must certainly vote down a proposition of that kind.

Mr. NESMITH. The only object of the amendment is, that in the regular Army we may avoid the difficulties which we encounter in the volunteer Army by securing the appointment of officers who at least have experience. It excludes persons been appointed from civil life, who have never had any military experience. That is the entire object and effect of the amendment. Ten years I think is the shortest period in which any man can acquire the information necessary to qualify him to command in the Army as brigadier or major general. I think that two years is a short time for any man to acquire the necessary schooling or experience, in order to qualify him for the position of colonel, lieutenant colonel, or major. I hope the amendment will be adopted.

The amendment was rejected.

Mr. NESMITH. I have another amendment to offer as an additional section:

And be it further enacted, That whenever the public service may require the appointment of any citizen to the regular Army, a board of officers shall be instituted, before which the applicant shall appear for examination into his physical ability, moral character, attainments, and general fitness for the service; if the board report in favor of the applicant, he shall be deemed eligible for a commission in the Army; and it is further provided, that the President shall withhold the commissions of all such officers until after they shall have passed such examination.

The former proposition which I offered having been voted down, I hope and trust that this will not share the same fate. My first amendment merely looked to the qualifications of staff officers, from major general down to the rank of major. The present amendment refers to the qualifications of officers below major. I am satisfied that what is known as the southern confederacy have pursued a more judicious system in the selection of their officers than we are about to pursue, judging by the indications given by the vote on the previous amendment. They have selected their general officers from the line of the Army; they have selected men of experience; whereas, on our side, we have selected men of but very little experience; and the impression seems to prevail in the Senate that there is no experience necessary to enable a man to command an army. Although in any other position of life a man requires education and experience in order to discharge its duties properly, Senators seem to think there is none required for a major general, a brigadier general, a colonel, or any officer in the Army. They appear to think that any man can be picked up from civil life and placed in these responsible positions. I protest against it.

I offered an amendment to the volunteer bill, that the President might have the power to obviate these difficulties among the volunteers. I wish now to carry out the same general idea. In every other department of the Army, I may almost say in every other department of the Government, there are certain qualifications required for officers. For instance: when you come to appoint a man a chaplain in the Army, you require, by law, that he shall be an ordained minister of the gospel. In order to be an ordained minister of some evangelical church, he must have passed an examination. Your own regulations contain the principle which is incorporated in this amendment of mine, that no man shall be appointed to any office in the Army unless he has previously undergone an examination. You provide for inspectors of everything else. Your clothing is inspected; your arms are inspected; your provisions are inspected; your doctors have to pass a board of examination. Everything has to be examined and present some qualifications for its position in the Army, except the general officers who are to lead the Army.

Now, sir, as a soldier, I should be willing to listen to a very bad sermon, even if it went so far as to be heterodox. I should be willing to wear a very dilapidated uniform; I should be willing to ride a very bad horse; I should be willing to go into the contest with a very bad gun; and I should further be willing to submit, I could afford to submit, to taking the nostrums of a quack doctor who might be appointed a surgeon in the Army; but, sir, I could not afford to go into battle and be led by an ignorant and incompetent general. I say, if it is necessary to have these qualifications for everything else that pertains to the Army, an examination, or some sort of experience, it is necessary that it should extend to the officers who are to lead the troops in the field. While I should be willing to submit to all the disadvantages and inconveniences of which I have spoken, I could not submit to be led by a bedizened general, covered with lace and shining epaulets, who had an empty, brainless head. I could not submit to be led on a railroad car with troops into a masked battery, or placed by a commanding officer in a position where I should be compelled to fire on my comrades or have them fire on me. If you are going to provide for an increase of the Army, it is high time that a stop was put to incompetent appointments—to the appointment of men of that kind.

I regret—and while I am up I may refer to it—the remarks of the Senator from Ohio yesterday, when he deprecated the Army, and charged that all this treason had grown up in the Army, and that they had been wanting in fealty to their country. I admit that certain portions of the Army have seceded; but the general, sweeping charge ought not to be applied to the whole Army.

Mr. WADE. The gentleman is entirely mistaken if he alludes to what I said. I did not denounce the Army at all. I spoke about the institution at West Point.

Mr. NESMITH. Very well, sir; the Senator charged treason upon the graduates of the institution at West Point. I admit that those who have seceded have been guilty of treason; but I do not admit that there has been any greater proportion of treason in the Army than there has been in civil life. I claim that every ounce of flesh, every ounce of muscle, and every ounce of bone, which composed and constituted the bodies of those officers who have withdrawn from the Army, belonged to this Government. The Government educated them; the Government had made them for its use. They constituted a part of the assets of this Government; and when they withdrew, they were guilty of fraud upon the Government, in addition to having practiced treason. I admit all that; but there are many officers from States which have seceded who still remain loyal; and there has been no greater proportion of treason in the Army officers than there has been in this very body. Treason was hatched and incubated at these very desks around me. It did not commence in the Army; it commenced in the Senate, and it gradually did extend to the Army. I say that as a mere matter of justice to the Army, and to the men in it from the seceded States who have remained loyal.

I know that an attempt is made to overcome the justice of the amendment which I have offered, by saying that men may be selected as adjutants or aids, and placed upon the staff of incompetent generals, who will furnish the necessary brains to carry on a campaign. That is the system which was pursued to some extent in Mexico. The general officers there, I believe to a very great extent, were put out to cadets from West Point to be treated to what was at that time called wet-nursing. They managed and furnished brains to conduct the campaign. The men who wore epaulets, and had the nominal command, were ostensibly known to the public as the commanders of columns; while all the brains and intellect to lead them were furnished by subordinate officers.

Mr. WILSON. The amendment which the Senator proposes will, if adopted by the Senate, I think, defeat the organization of these regiments. There are eight hundred and fifty officers in these regiments. The Government, when it called these regiments into the field, made an arrangement that one half of the captains, lieutenants, and field officers, should be taken from the line of the Army. Nine of the eleven colonels, I think, have been taken from the Army. One of the others has served the country in the field. Another, from your own State, sir, (Mr. SHERMAN in the chair,) has recently been adjutant general of that State. A large portion of the field officers are men who have had military education, and served the country; and I do not hesitate to say, that in the organization of the new regiments, the field officers are men at least equal to the field officers of the old regiments.

Then, it is proposed that one half of the captains and first lieutenants be taken from the old regiments, and I think that has been carried out, so far as the nominations have been made. It was further agreed that the second lieutenants should be taken from the companies after they are organized. But some twenty, thirty, or forty men have already been made second lieutenants—men who were sergeants in the old regiments. The object of this was to enlist a better class of men, so that young men could have an opportunity of going into these companies, and being elected second lieutenants. I do not hesitate to say here, that the men generally who have been selected to officer these regiments are men of talent, of culture, of character, and that no more care has ever been manifested than has been manifested in making these appointments. The Government had the opportunity to pick among hundreds, yes, thousands, of the young men of this country, who were anxious to get into the Army. To-day there are pending applications from more than fifty young men of my State, who are graduates of universities, of the law schools, and other schools, who have devoted themselves to the study of these subjects to some extent, and who have the aspiration to go into the Army.

Mr. NESMITH. Will the Senator allow me. If those gentlemen have the necessary qualifications, the amendment which is now pending works no hardship, for it merely provides that they shall be examined to develop these qualifications.

Mr. WILSON. That is all true; and if we had time to organize a board for this examination, I would like it; but it is utterly impossible to do it now. These men have been appointed; they have had their papers sent to them, and they have been ordered away from their homes; they are on recruiting service now; thousands of dollars have already been put in their hands to recruit this force; and it is impossible to carry out the proposition made by the Senator. If we had only a few men and had time to act and establish such a board and have this examination, I would like it.

I hope the Senate will reject every one of these nominations that is not fit to be made; and for myself I intend, when they are sent in here, to make the most thorough and searching investigation. I intend, if they go to my committee, to call upon the Senators and, as far as I can, upon the Representatives from the different States, and let them examine the list from their States; and if a man is appointed that is unfit, and I can find it out to be so, or a man who is not of good personal character, I mean to use whatever influence I can to reject him.

Now, sir, I want to say another word. The Senator talks about the policy of the southern confederacy. I say to that Senator that there is no comparison whatever between the officers of the southern confederacy and the officers now in the service of this Government. They cannot compare a moment in talent or experience. They

have some ten or a dozen officers formerly of the Army of the United States who are men of talent, men recognized as men of talent, and they have given them important appointments; but when those men seceded from the Army of the United States they did not take all the talent or all the experience from the Army. Far more talent and far more experience were left in the Army of the United States than those gentlemen took away with them.

In regard to these appointments generally, men have everywhere been sought who have heretofore served in the Army, or who have had a military education. In spite of all our shortcomings—which are great, and I admit them to be great—the Senator will find, if he consults men who know very well the condition of the confederates in the field, that they have men of inexperience; men of as little experience in regard to field duties as can be found in the regiments that have been raised to support the Government of the country. The truth is, that, in bringing into the field—as we have to-day—two hundred and forty-odd thousand men, brought in in less than ninety days, we must necessarily have a great many men of inexperience; but in spite of that, and of the suddenness of this movement, we have many men of a great deal of experience and ability; and there never was a time in the history of the country when men of talent, men of culture, men of experience, men of fortune, men who have mastered all that could be mastered in the colleges and institutions of learning of the country, are seeking, as they are now seeking, admission into the Army. There are to-day pending before the War Office, many hundreds, and I may say many thousands, of applications; I have seen it estimated as high as seven thousand. I know that from my own State, where men generally have avoided seeking the Army, we have from one to two hundred men who are asking for admissions; who would take a second lieutenant's commission and rejoice over it; some of them men who are distinguished for their scholarship, for their attainments, for personal character; men who do not go into the Army for any other purpose than to serve the country; men who have fortunes of hundreds of thousands of dollars to live upon. Why, sir, some gentlemen of that kind have been appointed; men who do not go in the Army for pay, but who go into it because they want to serve the country in this great crisis; and they prefer to go into the Army rather than to go into the volunteers; and I must confess, myself, that I sympathize in that; for, if I had to be pressed into the service, I would rather go into the Army and serve five years than into the volunteers and serve three years, at the same pay, for the comforts of life, for safety, for everything connected with a soldier. That is my judgment of it. I hope the amendment will not receive the sanction of the Senate.

Mr. NESMITH. The Senator certainly misapprehended the drift of my remarks, if he thought I intended to institute any comparison between the seceded officers and those who have gone into the new regiments of the Army. I believe that to-day we have the superiors in our Army of Davis, Beauregard, Lee, Bragg, among those men who are occupying the positions of captains and lieutenants in our service—men who have equally as great natural endowments, and have had the same facilities for obtaining education. I said that they had manifested wisdom in selecting that sort of men and putting them in command of their armies. We would manifest wisdom by selecting the same sort of men to lead our armies—men of experience and of education. I intended to make no invidious comparison between the two. I believe we have superiors to the men who have seceded and now command the southern army.

Military knowledge is not attained by inspiration. Men must get it through study, experience, and service in the field. This, I believe, is admitted on all hands. The present amendment only looks to a board of examination for the purpose of instituting an inquiry as to the capacity of persons who are applicants for the lower grades in the Army; and if these applicants have the qualifications which the chairman of the Committee on Military Affairs attributes to them, there can be no hardship. He says we will institute a scrutiny here in the Senate. What does scrutiny in the Senate as to the capacity of men for military office amount to? Nobody will know anything about it. The military board is the proper place to make that examination; and I insist on their being referred to such a board.

Mr. LATHAM. I should like very much to see some provision adopted of the kind proposed by the Senator from Oregon, although I agree with the Senator from Massachusetts, that it is highly probable the workings of it might be found very inefficient; but to my mind, there is a much greater evil than any that has been alluded to by either of the gentlemen who have paid particular attention to these bills organizing the military power of the Government, and which I think requires consideration on the part of Congress, and I will call the attention of the honorable chairman of the Committee on Military Affairs to it, because I know he has devoted the most untiring industry and energy to the consideration of all these questions. There is evidently a degree of partiality shown in the selection of officers that is perfectly demoralizing to the Army of our country. There is scarcely a day but what I receive letters—and I doubt not every Senator does the same thing—detailing cases where minor officers, men who have served the country for probably four or five years, regular graduates it may be of West Point, are put in command of battalions, regiments, &c., over officers who have been in the service for twenty-five or thirty years. To my mind, that is very unjust and very wrong. It is creating discontent throughout the whole of the Army; and, in my humble judgment, there will be more resignations from this cause alone hereafter, in the history of our Army, than have resulted from the secession of the southern States. Men who have been colonels of regiments and majors for a long term of years, and served the country on the frontier, have endured the privations, have become thoroughly educated in all the duties that belong to them as soldiers, feel unwilling that those who are their minors, who have been in service but a short time, who cannot compare with them in point of experience or service to the country, shall be put in higher places over them; and I ask the Senator from Massachusetts, the chairman of the Committee on Military Affairs, if it is not his purpose, or whether it would not be proper, that, in the making of these appointments in the regular service, the question of seniority should be regarded by the appointing power. It does strike me that Congress should put such a limitation on the appointing power, so far as the regular Army is concerned; and if we increase the regular force of the country, and leave no provision governing this matter, we shall find that the spirit of discontent to which I have alluded will prevail to a still greater extent, because men will be selected and put into prominent positions over others who have rendered greater military service to the country, in consequence of the influence they will bring to bear on the appointing power.

The honorable Senator from Minnesota has given me an instance which is but one of many that I could enumerate if I chose to specify in order to prove the position I have taken. From the frontiers I receive, nearly every week, half a dozen letters from officers in command there, complaining of promotions which have been made of men their juniors in rank and in service. If the Government of the United States intends to tolerate this kind of disposition and reward of service, it must result necessarily in the utter and entire demoralization of the Army. The only motive these men could have had to continue in office, or can have to serve your Government faithfully—the only motive that any soldier has, is the hope of promotion; the hope that he will be elevated; and if you establish the rule that officers are to be taken from a subordinate position and put over their superiors, you will find, by and by, when the rule is to be applied to those who are now benefited by it, that they will have just as much cause of complaint as their seniors have now of their promotion. I call the attention of the Senate to this growing and crying evil; because, in common with every man who wants to see the Army thoroughly and efficiently organized, I see that if this thing is persisted in, every member on this floor, as well as the Government itself, will have cause to rue it to the very bitterest extent.

Mr. NESMITH. I ask the honorable chairman of the Committee on Military Affairs whether the twenty-third paragraph in article four of the Army Regulations has been observed; and if not, why not? It is in these words:

"Whenever the public service shall require the appointment of any citizen to the Army, a board of officers will be instituted before which the applicants shall appear for examination into his physical ability, moral character, attainments, and general fitness for the service. If the board report in favor of the applicant, he will be deemed eligible for a commission in the Army."

The amendment now proposed embodies the very language, and was quoted from this paragraph of the Army Regulations. I ask the honorable chairman of the Committee on Military Affairs why it has not been enforced?

Mr. WILSON. That article of the regulations has not been observed, and it has been impossible to observe it. It is not the law of the country; it is a mere regulation.

Mr. NESMITH. I am aware of that.

Mr. WILSON. It is a regulation that, I think, ought to be adhered to in all cases where it is practicable to do so; but in this case here were eleven regiments with eight hundred and fifty officers. About two thirds of those officers have been appointed; the others have been held back. It was impossible to adhere to that rule without consuming months of time. The object was to get a military force into the field as speedily as possible; and the Government was, of course, compelled, by the exigencies of the service, by the condition of the country, to do in this case what it was compelled to do in some other cases—disregard forms and regulations.

Mr. NESMITH. Permit me to ask another question. Could not a board be instituted in each regiment to make the examination which the regulations require, without any serious detriment to the service?

Mr. WILSON. In regard to that, I will say that, in order to reach what the Senator desires should be done, the colonels of the new regiments—and they are nearly all men from the Army, and men of decided military character and capacity—were directed, when the captains and lieutenants of the regiments reported themselves, to examine their cases; and if they are unfit for the service, to so report to the Government, and they will be thrown out. There is not a colonel of one of these regiments who, when these officers go to him, cannot have them turned out, if they are unfit for the place. That provision was adopted in lieu of this regulation, as the only thing that could be done under the circumstances. The Administration, to my certain knowledge, felt just as strongly the desire to get the best men in the country as the Senator himself.

While I am up, I will say another thing. These appointments from civil life have been made without reference to political opinions; and I doubt to-day whether a majority of the men who have received military appointments under this act are supporters of this Administration. In my own State, I know they are not.

Mr. GRIMES. I understood the Senator to say, the other day, and repeat to-day, that these gentlemen have not only been appointed, but commissioned in the Army.

Mr. WILSON. A sort of conditional commission has been sent to them depending on the action of Congress on the bill, and on their confirmation here.

Mr. GRIMES. Dependent solely on that? I also understand the Senator now to say, that these colonels have the right to deprive those gentlemen of their commissions, if they conclude that they are not qualified to discharge their duties.

Mr. WILSON. I will say that the commission is not precisely a commission. It is a paper that sets forth the facts. I take it that the Senator has seen and read it.

Mr. GRIMES. I have never seen it.

Mr. WILSON. I have not one with me, but I have one at my rooms to be forwarded to a gentleman. The instructions to each colonel were, that when the company officers reported themselves, he should make an examination of them, and if they are unfit men he can so report to the Department, and their names will not be sent here.

A gentleman has been appointed a captain of one of these companies—a man of unquestioned capacity, and one of the ablest men appointed; but since his appointment facts have come out in regard to him personally. He is now a colonel in one of the volunteer regiments, but I happen to

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. TUESDAY, JULY 16, 1861. NEW SERIES.....No. 8.

know that although he has received such a paper as that, his name will not be sent in to the Senate; and if it is discovered at headquarters that they have been imposed upon in regard to any of these men, their nominations will never be sent in to the Senate. When they are sent in here, they expect us to do our duty and sift them closely, and we ought to do it; and, for one, I mean to do it.

Now, sir, a single word in regard to a remark of the Senator from California about the appointments from the old Army into the new regiments. The Senator says they have not been made without giving dissatisfaction. They must have given dissatisfaction to some men, certainly. I have no doubt of that; and the reason was this: quite a number of the men in the old regiments are in places in which they ought not to be; that is, they are where the law fixes them, but they have not the personal qualifications and the fitness, compared with others below them. The truth is, that this Army of ours is paralyzed towards the head. Your ablest officers are young captains and lieutenants; and if I wished to-day to organize a heavy military force, such as we are calling into the field, if I had my own way, I would abolish the Army as the first act, and I then would take officers from the Army and place them where their talents fit them to go, without reference to the rank they occupied in the old regiments. There are men who are field officers that ought to be second lieutenants; and there are second lieutenants who would make generals. That is the condition of our Army to-day; and the nearer you come towards the head, until you reach perhaps the distinguished commander of the Army, the less ability you have.

Mr. NESMITH. How would it do to turn the tail around, and make it the head?

Mr. WILSON. I will answer the Senator. I believe that the men who are to carry on the war ought to be generally the men who have reputations to make, and not men who have made reputations, and want to preserve them. I would rather trust the men who have reputations to make. There will be complaint at any rate. I know that in taking these men out of the Army, the desire has been to take men fitted to be placed in the most responsible positions, so as to make the Army most effective. That there has been some favoritism, I do not doubt. That some brave soldiers who have served in the interior regions of the country, who have been upon the shores of the Pacific, who have chased the Indians over the plains and through the gorges of the mountains, who have not been dancing attendance on Washington, who have not been brought in contact with public men, with General Scott, with the Adjutant General, with the most influential of the officers of the Army in this city, whose voices are somewhat potential in these appointments—that some of these men have not had justice done them, I do not entertain a doubt. I regret it; I am sorry for it, and I hope that in the future appointments that are to be made, this will be remedied as far as possible. I agree with the Senator from California, that in taking men from the old regiments, equal and exact justice should have been dealt out; but I think it is impossible to organize these regiments properly by simply following the rule of seniority.

But, sir, when these nominations come in here for confirmation, if they are so manifestly partial and unjust, we can rectify them in the Senate by rejecting the bad ones, and give an opportunity for the appointment of men whose names have been overlooked. I know there are some men who have been in service on the frontier for many years, who have slept in camps, who have followed the flag of their country, and who, because they have been at a distance doing their duty, have been overlooked, while some men whom you never can get into the field, though you may issue a dozen orders; whom you can never get away from this city; men who have been the favorites of certain officers of the Government, who have hung around this city, have received high appointments. I know one or two such cases; and, for myself, I mean to use what influence I can to prevent their confirmation when the time comes.

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) The question is on the amendment offered by the Senator from Oregon.

The amendment was rejected.

Mr. GRIMES. There is one amendment that I desire to make. I move to insert in the last section, in the eighth line, after the word "men," the words "hereafter to be;" so that it will then read, "that the men hereafter to be enlisted in the regular forces shall be entitled to the same bounties," &c. As the section now reads, any man enlisted in the regular forces is to be entitled to the same bounty as the three-years volunteers. This extends the bounty to all the men who may be at this time in the regular service of the United States. I am willing that the experiment should be tried with these regiments upon pretty much the same basis as with volunteers. I am willing to give them the same bounties, in order to induce enlistments, but we do not want to go back and give it to all the men who have already enlisted.

Mr. WILSON. I concur in the idea thrown out by the Senator from Iowa, and which his amendment proposes to carry out; but I think there will be a little injustice in it, and I hope he will consent to modify his proposition. He proposes to limit the bounty to those hereafter to be enlisted. If he would apply it to these enlistments, I should consider it a great improvement. We have recruited some men in the new regiments since Congress met here, under the promise that they should have the same bounty as the volunteers, $100, at the end of three years.

Mr. FESSENDEN. Say, "enlisted in the regular forces under and by virtue of this act."

Mr. WILSON. Very well.

Mr. GRIMES. That would give the bounty solely to the men in the new regiments, and not to men in the old regiments.

Mr. WILSON. We want to fill up the old regiments, as well as the new.

Mr. GRIMES. Certainly.

Mr. FESSENDEN. Say, "since the 1st day of July last."

Mr. GRIMES. That would cover it; and I modify my amendment in that way.

The amendment as modified was agreed to.

Mr. NESMITH. I move to amend by striking out of section six, in line five, the word "three," and inserting "five;" so as to make it "five years" in place of three. It is proposed to augment this Army and enlist men for three years, barely time enough to discipline them and make soldiers of them, and then discharge them. Those enlisted after January 1, 1863, it is provided shall be enlisted for the term of five years. I move this amendment for the purpose of having uniformity in enlistments. I know there was a good deal of talk in the Senate the other day on the joint resolution approving the action of the President, to the effect that this legislation must look to disbanding these additional regiments at some time. I know there is a provision in the bill before us, introduced on the motion of the distinguished Senator from New York, for that purpose; but I venture to predict that no man here will ever live to see this Army reduced. The Army should have been augmented if our present difficulties had not occurred. If there had been a loyal Army of fifty thousand men prior to last year, these difficulties never would have occurred. It is notorious that the Army was not large enough for our frontier and sea-board service. You may predicate your legislation upon the idea that this Congress shall bind future Congresses, and that you will have some provision in the bill which shall compel the disbanding of the Army; the President may be compelled to do it, but you will have to raise a new army at once after disbanding the old one. This country is not going to exist hereafter with so small an army as it has had heretofore. You talk about overrunning and conquering the seceded States. If you do, you must have a large standing army to keep them in subjection, if you intend to hold them in that way. If, on the other hand, a division should take place, which I deprecate, you must have an army to garrison three thousand miles of frontier, in addition to the frontier which we now have, and I predict that in any event there will be no diminution of this army. No man here will live to see a smaller standing army than the Army we have to-day, with the increase for which this bill provides.

Mr. LANE, of Kansas. I desire to say that the subject of the amendment was fully discussed in the committee. The argument in favor of the three years' enlistment is this: that by it you can fill up the regiments in time for service in the present war; without it, you cannot; and you may just as well strike down the bill at once as to insert the five-years enlistment. It is known to all that where there is a three-years service men prefer it to the five-years service. It was for this reason that that provision was inserted in the bill; and I do hope the honorable Senator from Oregon will not persist in his amendment; for I assure him, with the experience I have, that if it is insisted upon the Army cannot be enlisted.

Mr. NESMITH. I have no desire to incumber the bill or to do anything to militate against its passage. My only object was to make the enlistments uniform throughout the Army; and the other reason which I before suggested was that three years was about as short a time as a soldier could be properly drilled, disciplined, and made effective; and yet you propose to discharge him at the expiration of that period.

The amendment was rejected.

Mr. GRIMES. I offer the following amendment, to be inserted at the end of the sixth section:

In selecting and appointing officers from the Army into regiments hereby created, the relative rank by them held in the Army shall be preserved.

I have no desire to embarrass or incumber the bill; and if the Senator from Massachusetts is not willing that this amendment shall be adopted, I shall not press it; but it strikes me as being very proper. It covers this case: suppose that two captains or two lieutenants are appointed into one of these regiments from the engineer corps: it merely provides that they shall preserve the same relative standing towards each other in the regiments to which they have been transferred, as they did before.

Mr. FESSENDEN. That has been done in the appointment. They are numbered regularly.

Mr. GRIMES. It may have been done in the appointment, but it has not been done by authority of law. This will be an additional safeguard. There can be no objection to it, if it has been already done.

Mr. WILSON. I have no objection to the amendment.

Mr. NESMITH. I ask that it be read again.

The Acting Secretary again read the amendment.

Mr. FESSENDEN. I do not think that will effect the purpose. That would remit them. Two or three will rank. For instance: a captain in one of the new regiments may be made second to a lieutenant who is left in the line, according to the wording of the amendment. It is indefinite.

Mr. LANE, of Kansas. I desire to ask the chairman of the committee a question. Have we not taken captains out of the regular Army and made them colonels in the new regiments, and have we not taken subordinate officers, lieutenants in the regular Army, and made them colonels?

Mr. WILSON. I do not know certainly that we have; but I think we have in some cases. I think some men have been appointed field officers—I do not know as high as colonels—who were formerly captains. There are certainly men who were captains who have been appointed majors.

Mr. LANE, of Kansas. Suppose you have taken a first lieutenant out of the old Army, and made him a lieutenant colonel in the new; suppose you have taken another first lieutenant out

of the old Army, and made a colonel of him: you, by this amendment, introduce confusion upon a point that military men insist upon more than any other. If you want to have duels, bloodshed in your Army, touch military men upon seniority. It seems to me that the only way you can regulate the seniority of officers in the new regiments is according to the date of their commissions, if it be true, as I understand it is, that officers have been appointed in those regiments without reference to rank in the old. If it be true that that is the case, I hope that the amendment proposed by the honorable Senator from Iowa, will not be adopted. Confusion will ensue from it, and it will create much trouble in the new regiments.

Mr. WILSON. The object, as I understood the Senator from Iowa, was to provide that, in cases where officers had been taken from the old regiments and transferred to the new, and both were made captains, for example, the one who outranked the other in the old regiments should outrank him in the new regiments in the same grade.

Mr. LANE, of Kansas. How can you do that when one of those captains is appointed a colonel, and one a lieutenant colonel?

Mr. WILSON. Then they are not of the same grade. In a conversation with the Senator from Iowa, I understood his object to be to provide that of men of the same grade in the new regiments, the one who outranked the other in the old should outrank him in the new.

Mr. LANE, of Kansas. I do not so understand the amendment; but according to it, as I understand it, seniority is to be governed by the relative rank in the old regiments.

Mr. GRIMES. If the distinguished representative of the Military Committee will consent, I will withdraw the amendment. I am not particular about it.

Mr. DOOLITTLE. I desire to ask a single question. I understand that, by the adoption of the amendment of the Senator from New York, these regiments are to be mustered out of service six months after the necessity for them ceases to exist. The question I would ask is, what becomes of the officers who go into these regiments appointed from the regular Army? Do they go out of service with the regiments? If so, ought not some provision to be inserted in the bill by way of inducing officers of the regular Army to go into these new regiments, to preserve to them in some way their rights as officers in the Army? Otherwise, the new regiments will not be filled up with any of the officers from the regular Army. Is there any provision of that sort?

Mr. WILSON. There is none, and can be none made of that kind, for this reason: when officers leave the old regiments and go into the new, their places are immediately supplied by other nominations. We have authorized the Government, six months after the difficulties are settled, to reduce the Army down to the present force. I was opposed to that. It was defeated in committee by a small vote; but on casting about here, I came to the conclusion that it could not be resisted; and I did not wish to make a fight over it. I consulted eminent men connected with the Army; I need not call names; I consulted the Secretary of War and some others in regard to it. They thought it not best to put it in; but that if it was put in no great harm could come from it. I fear the harm will be this: that officers in the old regiments will not like to leave them and go into the new. They will think there will be more risk that the new regiments will be disbanded than that the old ones will be. But, sir, I agree to a considerable extent with the Senator from Oregon. I do not believe that I shall ever see the day when the Army of the United States will be brought back where it is now. This force will probably be reduced at the end of the contest; but it will not have to be reduced down as low as it is now. At any rate I think it would have been better to leave this bill unembarrassed by these amendments, and trust Congress to settle this matter of the reduction of the Army at the end of the contest. I think we shall be just as wise after we witness the events that will be witnessed during the next year or two, as we are now; and I am willing to trust to the Congress that will be here at the end of the contest, to settle and fix this matter. Therefore, although I should prefer not to have the clause in, and if it depended on my vote I would have rejected it and trusted it to the Congress in power at the end of the contest, still I think it cannot do any great harm. At any rate that is the opinion of some of the best military men we have. I would rather take the bill with it than without it.

The bill was reported to the Senate, as amended.

The PRESIDING OFFICER. Is it the pleasure of the Senate that the question shall be taken on concurring in the amendments severally, or in gross?

Mr. FESSENDEN. I wish a separate vote on the amendments proposed by the Senator from New York, [Mr. KING,] because I desire to suggest a modification.

The PRESIDING OFFICER. Then the question will be on concurring in the other amendments.

The amendments were concurred in.

Mr. FESSENDEN. Now let the amendment of the Senator from New York be read.

The Acting Secretary read, as follows:

And be it further enacted, That the increase of the military establishment created or authorized by this act is declared to be for service during the existing insurrection and rebellion; and within six months after the constitutional authority of the Government shall be reëstablished, and organized resistance to such authority shall no longer exist, the military establishment shall be reduced to the number, grade, rank, and pay, authorized by law on the 1st day of May, 1861.

Mr. FESSENDEN. The change which I propose to make is, to substitute "one year" for "six months;" and I will state my reason for it. Suppose, for instance, the hostilities should terminate just at the end of a short session of Congress: such might be the state of the country that it would be very important to keep a portion, at least, of the new regiments in service for a time after the six months expired; but Congress not being in session, it would become the imperative duty of the President to disband the whole of them, although it might be a case where Congress would say at once, if it could look at the subject, that a part, or perhaps the whole, should be kept in service longer. I propose, therefore, a year, simply to provide against that contingency, that it may go around until Congress is in session; and if you say a year, Congress will during that time be in session, and can make all the provision that may be necessary. I think the Senator will have no objection to it, because it is only to save a possible and perhaps a probable difficulty.

Mr. KING. If this increase of force was an original question, I am free to say that I would have preferred that the authority of the Government should be sustained entirely by a volunteer force, without any increase whatever of the regular Army; and this course would have had another advantage—that it would have given to the loyal officers of the Army the benefit of promotion on account of the vacancies that had occurred through the action of the treasonable portion of them. But it is not an original question; measures have been taken in connection with it, and we have got to do what is most advisable under the condition of things as we find them. It was my judgment that the Congress which provided for the increase of the Army should, in some mode, determine whether they intended it to be a permanent increase or only a temporary one; and if in their intention it should be a temporary one, that they should provide for its reduction. For that purpose, I offered this amendment, which shows that our intention is to make this increase for the present emergency. It makes no difference whatever, the Senator from Massachusetts has said, as to the power of a future Congress to regulate the subject. It simply declares the purpose and intent of the present Congress in authorizing the increase of the Army. I am content, on conversation with the Senator from Maine, to take the amendment which he proposes, my object being simply what I have stated.

Mr. FESSENDEN. I move the amendment, to insert "one year" instead of "six months."

Mr. McDOUGALL. Mr. President, this matter being under discussion, I feel it my duty to say a word as to the question of the increase of the Army. I am opposed entirely to the amendment offered by the Senator from New York. It is within my personal experience and observation that the Army is altogether insufficient for its ordinary business, and I believe it lies within very simple demonstration that it would be economy on the part of the Government to make the increase proposed. Take the Pacific coast as an illustration. An Indian difficulty occurs in the northern part of California. Troops have to be moved from Fort Yuma, which is in another Indian country. The stock and other property belonging to the troops there has to be sold, and new purchases made; and the cost of transportation is immense. The Indians assemble in force in the lower part of California while these troops are gone, and require Government forces to suppress them. Orders have to be sent to Washington Territory and Oregon, and then, again, the stock and property belonging to the Government there is sold, and sold at great sacrifices; the troops have to be moved back, and the cost of transportation is immense; they must take a new position in the south; whereas, if we had troops enough to be stationed at the proper points, there would be none of this expense, none of these losses. I take it that transportation alone, certainly the transportation and losses in the sales and purchases, would more than double the cost of an additional force if it were maintained in the proper places.

Now, what is true on the Pacific coast is true in the Indian country, Utah, New Mexico, Arizona, running up all the way on the line to the Missouri. It is well understood, I believe, in that part of the country where we are subject to Indian depredations, that the great expense of the Government is transportation and the loss in sacrifices by sales where there is no demand in the market, and purchasing, as the Army always has to purchase, at high prices. Independent of having a sufficient force to take care of our forts on the sea-board, we want an additional force for economy, if not for humanity.

I am opposed to the amendment, and hope that this addition which is now to be made, and which I believe is needed, will be continued. I believe it is desirable for the *morale* of the force to be added. We shall have better officers, men who propose to devote themselves for their lives to the profession of arms.

Mr. FOSTER. Mr. President, I have great respect for the opinions of the Senator from New York, who is on the Military Committee, who proposes this amendment; but I cannot concur with him in thinking that it is at all expedient to attach it to the bill. I believe its effects will be evil, and only evil; for, sir, when the time comes round contemplated by the amendment, if Congress should then be of opinion that the Army should continue without reduction, they will continue it with the increase now made, and add to it if they deem it necessary, in spite of any legislation which may now be had on this subject. That we deem it necessary for the present to make the increase is now enough, or we should not vote for the bill; but for us to say now what is hereafter to be the size of the Army of the United States, seems to me taking upon ourselves to decide that which we are not wise enough now to decide. It is enough for us to have the wisdom required for the legislation of to-day. We are legislating for the present time. Those who are in favor of this bill deem an increase of the Army of the United States necessary now; and if we remain here up to the time contemplated in the amendment, unless we become imbecile, we shall then have as much wisdom to decide the question as we have now; and if our places are supplied by others, it does not become us to say that we, at the present time, can legislate better than our successors can when the time shall arrive.

I think, sir, we are undertaking to legislate for a future period about which we can know nothing. Our successors will be as wise as we, and will determine, when the time comes, whether the Army should be reduced or increased. I know the argument is, that an increase of the Army, unless limited at the time when the increase is made, will be a permanent increase; but I do not believe such doctrine. I believe that Congress, representing, as it must, the will of the people of the country, will fix the amount of men in service; will determine the number of the Army of the United States according to the will of the people. If they will a large army, a large army must be raised. If they will a small army, the Army must be reduced. There is no danger that

Congress will not obey the requirements of the people of the country on this as well as on all other subjects; and therefore there is no more necessity that we, at the present time, shall say what the Army of the United States, in point of numbers, shall be years hence, than that we shall pass an act saying what legislation on any other subject shall be years hence. It is assuming what we have not the foresight to determine. Let to-morrow take care of itself. Let us be wise to-day and not attempt to be wise for to-morrow; for to-morrow may bring exigencies, and must bring exigencies, about which we know nothing to-day. I do not think, therefore, that legislation for the future on this subject is any more desirable, or any more wise, than it is on any other subject.

Besides, sir, it seems to me, as the honorable Senator from New York [Mr. HARRIS] suggested, that there are great evils in attempting to determine that this increase of the Army shall not continue beyond a certain period. It will create between this addition to the Army and the exististing Army a feeling of jealousy, or a feeling of superiority on the one side and inferiority on the other. Although all will be the regular Army of the United States, one will be considered the permanent Army and the other casually the army of the United States. There will not be good feeling between either officers or soldiers thus circumstanced. There will not be that feeling of unity which constitutes the great strength of an army. There will be bickerings and divisions and jealousies; and, as has been suggested, it will be very difficult, if not impossible, to officer the new Army at all by taking officers from the old Army. That will be a very decided difficulty.

Looking at the matter, sir, in any of its aspects, it does not seem to me that it is wise or discreet to put the seventh and eighth sections proposed by the Senator from New York into this bill. I am satisfied that if we pass the bill without those sections, making the Army as large as it is needful to-day, future time will be at least as wise as we, and continue it or reduce it as it may be necessary.

Mr. NESMITH. There is another point in this matter which, I apprehend, has not been considered. The amendment suggested by the Senator from New York provides for the disbandment of the Army upon the contingency of the settlement of our present difficulties. That is to be a part of the law under which the Army is to be organized; and when that occurs, every soldier in the Army has a right to demand his discharge, as I apprehend. It may be possible that at six or twelve months, or at any other period after the adjustment of the present difficulties, we may be involved in a foreign war; and if we are, under this provision every soldier in the Army has a right to demand his discharge in the face of the enemy.

Mr. RICE. Mr. President, it will be recollected by Senators, that at the last session we voted several million dollars to defray the expenses of an Indian war in Oregon and Washington Territories, and also several hundred thousand dollars to defray the expenses of Indian wars in California; and almost every session for many years past, similar appropriations have been made. The amount thus expended has been immense; but as great as that has been, it is nothing in comparison to the loss of the lives of our own citizens on the frontier. The truth is, the Army has been so small that it was impossible to guard every point. An outbreak would take place at an unguarded point, and troops would be ordered there from a point where they could not be well spared. By the time they would get to the place where the outbreak occurred the damage would have been done and the marauders would have escaped; and during their absence, in many instances, outbreaks have taken place at the very points they have left. I will state a single case. A battle took place between some settlers and the Indians, and a company of soldiers was ordered from the waters of the Mississippi to those of the Missouri. The cost of transportation was immense. By the time they got to the Missouri the difficulty was over and the damage was done. During their absence, outbreaks took place on the borders of the Mississippi, and they were ordered back. They went over the line three times, at an expense of many thousand dollars to the Government, and were never in the right place at the right time. The honorable Senator from Iowa must know, that if there had been a proper force three or four years ago on our frontier, the lives of fifty citizens of his State and mine would not have been sacrified. Sir, I believe that, as a measure of economy, the Army should be increased. I hope the amendment of the honorable Senator from New York will not prevail.

Mr. HARRIS. I had not intended to say anymore in reference to this amendment——

Mr. WADE. Let us adjourn.

Mr. SUMNER. As a motion to adjourn is suggested, I wish to say that it is important for the dispatch of the public business that there should be an executive session for about five minutes. I ask, therefore, if it is not convenient to have a vote on this measure this afternoon, and as the Senator from New York has something to say upon it, which we all desire to hear, that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I have no objection.

The PRESIDING OFFICER. Does the Senator from New York yield to that motion?

Mr. HARRIS. Yes, sir.

The PRESIDING OFFICER. Then the question is on the motion of the Senator from Massasetts.

EXECUTIVE SESSION.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 13, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. PATTON, one of its clerks, notifying the House that the Senate had passed a bill (No. 9) to alter and regulate the Navy ration;

A bill (No. 1) to authorize the employment of volunteers to aid in enforcing the laws, and protecting the public property; and

A bill (No. 13) to provide for the appointment of assistant paymasters in the Navy; in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed a bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes, with an amendment, in which he was directed to ask the concurrence of the House.

COLLECTION OF DUTIES.

Mr. WASHBURNE. The amendment of the Senate to the bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes, is merely a verbal one; and I ask that it be taken up and concurred in.

There being no objection, the bill was taken from the Speaker's table, and the amendment read, as follows:

Section six, line four, strike out the word "bill," and insert in lieu thereof the word "act."

The amendment was concurred in.

SUSPENSION OF POSTAL SERVICE.

The SPEAKER laid before the House the following communication from the Postmaster General; which was read, referred to the Committee on the Post Office and Post Roads, and ordered to be printed:

POST OFFICE DEPARTMENT, *July* 12, 1861.

SIR: The act of Congress in relation to the postal service, approved February 28, 1861, provides "that whenever, in the opinion of the Postmaster General, the postal service cannot be safely continued, or the post office revenues collected, or the postal laws maintained, on any post route, by reason of any cause whatsoever, the Postmaster General is hereby authorized to discontinue the postal service on such route or any part thereof, and any post offices thereon till the same can be safely restored, and shall report his action to Congress." In compliance with this act, and because of the obstruction of the service by the insurgents, I directed it to be discontinued on the 27th of May, by an order herewith communicated, in the so-called seceded States, except in western Virginia; and have since directed its discontinuance in West and Middle Tennessee. The events which have rendered this course necessary are so well known as to render any explanation of my action unnecessary. It seems, indeed, more to be required that I should explain why I suffered the service to continue so long in those States. The chief reason for this was, that the mails alone afforded the means of diffusing any correct information among the people of the South, and disabusing their minds of the prevalent errors which the conspirators had availed themselves of to organize the insurrection. I felt assured that the expressions of public sentiment which would be evoked on the first act of war, if allowed to reach the people of the South, would go far to break down the conspiracy.

The postal service afforded the best means to communicate to the people of the South the judgment which I was confident the civilized world would pronounce against the rebellion, when its real purpose was distinctly seen; and although I knew that the instruments of the revolutionary despotism temporarily established there were doing everything in their power to suppress all correct information, it was nevertheless apparent that information of the most important character was disseminated through the mails. Actuated by such views, I was not only disposed to continue the service in existence when I came into office, but even to restore it where it had been discontinued by my predecessor; and for this purpose, at an early day, I sent a special agent to the South, to establish the principal offices which had been discontinued. But the insurrectionary leaders comprehending, I believe, as I did, the effect of the mails upon their power, refused then to allow those offices to be reëstablished, and more recently have excluded the mails from all portions of the country in which their military power is established. While the military despotism which was organized in secret clubs by the conspirators is suffered to dominate over the people of the South, there is no means of ascertaining whether the policy I have pursued has been advantageous or not. But I have no doubt that the people of the South will vindicate it and themselves the first moment that they are liberated from the cruel despotism which now prevails. The discontinued service, as appears by a detailed statement herewith submitted, cost the Government $3,096,427 24 over and above the receipts therefrom.

I am, sir, very respectfully, your obedient servant,

M. BLAIR, *Postmaster General.*

The SPEAKER of the House of Representatives.

REPRESENTATIVE FROM NORTH CAROLINA.

Mr. HICKMAN, by unanimous consent, presented the following memorial; which was read, and referred to the Committee of Elections:

To the honorable House of Representatives:

The undersigned claims the right to represent the first congressional district of North Carolina on the floor of your honorable body, and respectfully requests that his credentials may be referred to the appropriate committee.

CHARLES HENRY FOSTER.

WASHINGTON, D. C., *July* 12, 1861.

Mr. BURNETT. I understand that that memorial goes under the new rule adopted on the motion of the gentleman from Indiana—that it is simply referred to the Committee of Elections.

The SPEAKER. Yes; but it pertains to the seat of a member, and when it comes back, the Chair does not wish to be foreclosed as to what it may then decide.

EMPLOYMENT OF VOLUNTEERS.

Mr. BUFFINTON. I ask leave to have the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property taken from the Speaker's table, and referred to the Committee on Military Affairs.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

CLERK TO JUDICIARY COMMITTEE.

Mr. HICKMAN. I am instructed by the Committee on the Judiciary to offer the following resolution:

Resolved, That the Committee on the Judiciary be authorized to appoint a clerk to said committee, to serve during the Thirty-Seventh Congress, at the compensation allowed for like service in the Thirty-Sixth Congress.

Mr. BURNETT. I will not object, provided the resolution be so modified as to make it read, "during the present extra session of Congress."

Mr. HICKMAN. I am willing to accept the modification.

The resolution as modified was agreed to.

GENERAL HARNEY'S REPORTS.

Mr. BURNETT. I ask leave to offer the following resolution of inquiry:

Resolved, That the Secretary of War furnish to this House the several reports that may have been made by General Harney, during his command of the United States forces in the State of Missouri.

Mr. WASHBURNE. I have no objection to that, provided the phrase "if not incompatible with the public interests" be inserted.

Mr. BURNETT. I accept the modification.

The resolution as modified was agreed to.

RELATIONS WITH FOREIGN GOVERNMENTS.

Mr. WALLACE. I ask leave to offer the following resolution:

Resolved, That while we desire to cultivate friendly re-

lations with all foreign Governments, yet we cannot tolerate or permit any interference with our present domestic disturbances; and that a recognition of the independence of the so-called confederate States by any foreign Power shall be regarded as an act of hostility towards the Government of the United States, and would justify, on our part, an immediate suspension of all diplomatic relations with the Government so offending.

Mr. CAMPBELL. I object.

WEST POINT ACADEMY.

Mr. COVODE, by unanimous consent, introduced a bill for the reconstruction of the Military Academy at West Point, so as to promote its efficiency; which was read a first and second time, and referred to the Committee on Military Affairs.

CHARLES D. ARTER.

Mr. LOGAN, by unanimous consent, introduced a bill to pay Charles D. Arter for destruction of property by the United States Government; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs.

FREDERICK W. PADDOCK AND OTHERS.

Mr. LOGAN also, by unanimous consent, introduced a bill for the relief of Frederick W. Paddock, agent of the ship Rambler, and Nathan Church and Ezekiel Sawin and others; which was read a first and second time, and referred to the Committee of Claims.

NATIONAL ARMORY AT NEW YORK.

Mr. WARD, by unanimous consent, introduced a bill for the purchase of a site and erection of a national armory, foundery, and timber basin, at or near the city of New York; which was read a first and second time.

Mr. WARD. I move that it be referred to the Committee on Military Affairs.

Mr. COX. I move that it be referred to the special committee on armories.

The question was first taken on Mr. WARD's motion; and it was not agreed to.

The question recurred on Mr. COX's motion; and it was agreed to.

So the bill was referred to the special committee on armories.

BANKRUPT LAW.

Mr. WARD. I ask the unanimous consent of the House for leave to introduce, for reference, a bill to establish a general and uniform system of bankruptcy throughout the United States.

Objection was made.

NATIONAL CONVENTION.

Mr. WOOD. Mr. Speaker, I ask the consent of the House to present a petition signed by upwards of a thousand of the most respectable and influential citizens of New York city; and I am assured that if this House will sit one week longer, I can present a like petition with over ten thousand signatures. It is as follows:

To His Excellency the President of the United States, and the Senate and House of Representatives:

The undersigned, citizens of New York, feeling that they have the right, under the Constitution, to petition Congress on all matters appertaining to the public welfare, beg leave to present to you, most respectfully and earnestly, the following considerations:

While they hold themselves ready to sustain and defend their Government, they respectfully suggest that, in their opinion, the only remaining honorable position for you to take to prevent the horrors of civil war, and to preserve the Union, is to adopt the policy of an immediate general convention of all the States, as suggested in the inaugural of the President, whereby the present vexed questions may be referred to the vote of the people. This course, if adopted, we think, would secure a peaceful solution of our national difficulties. And if any State refused to join such convention to amend the Constitution or otherwise, as it might seem best, it would stand unanimously condemned before the civilized world. Earnestly deploring civil war among brethren, we beseech you to adopt this course, which you may rest assured is the real voice of the people.

The SPEAKER. It is not in order to present petitions or memorials in open House, except by unanimous consent. They can be presented under the rule.

Mr. WASHBURNE and others objected to the reception of the petition.

SLOOP-OF-WAR LEVANT.

Mr. SEDGWICK, by unanimous consent, introduced a bill fixing the date of the loss of the sloop-of-war Levant; which was read a first and second time, and referred to the Committee on Naval Affairs.

ASSISTANT PAYMASTERS IN THE NAVY.

The SPEAKER laid before the House Senate bill No. 13, for the appointment of assistant paymasters in the Navy; which was read a first and second time, and, on motion of Mr. SEDGWICK, referred to the Committee on Naval Affairs.

NAVY RATION.

The SPEAKER also laid before the House Senate bill No. 9, to alter and regulate the Navy ration; which was read a first and second time, and, on motion of Mr. SEDGWICK, referred to the Committee on Naval Affairs.

ARSENAL AT EVANSVILLE, INDIANA.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported back the memorial of citizens of Indiana for the establishment of an arsenal at Evansville, Indiana, and moved that it be referred to the special committee on the subject of a United States armory, &c.

The motion was agreed to.

EXPULSION OF A MEMBER.

Mr. BLAIR, of Missouri. I rise to a question of privilege. I offer the following resolution:

Whereas JOHN B. CLARK was elected a Representative in the Thirty-Seventh Congress from the third congressional district of the State of Missouri on the first Monday of August, in the year 1860; and whereas, since that time, the said JOHN B. CLARK has taken up arms against the Government of the United States, and holds a commission in what is called the State guard of Missouri, under the rebel government of that State, and took part in the engagement at Booneville against the United States forces: Therefore,

Resolved, That JOHN B. CLARK has forfeited all right to a seat as a Representative in the Thirty-Seventh Congress, and is hereby expelled, and declared to be no longer a member of this House.

Mr. Speaker, it is perfectly well known that Mr. CLARK holds a commission under the rebel Governor of Missouri in what is known as the State guard of that State, and that he has appeared in arms against the Government of the United States. I state the fact upon my responsibility as a member of this House from the State of Missouri; and I think that it is of itself sufficient ground for his expulsion. His district is loyal to the Government of the United States, and ought to have a loyal Representative upon this floor. Unless some gentleman controverts the facts stated, I will call for the previous question upon the adoption of the resolution.

Mr. BURNETT. I hope the gentleman will not call for the previous question upon the adoption of the resolution.

Mr. BLAIR, of Missouri. I will withdraw it for any of Mr. CLARK's colleagues who have anything to say pertinent to the resolution. I will withdraw the demand for the previous question for that, but for no other purpose.

Mr. BURNETT. I desire to put an inquiry to the gentleman from Missouri. Will he withdraw his demand for the previous question to enable me to submit a proposition in reference to that paper which I think is legitimate and proper, and which his own good sense and love of fairness will induce him to accept?

Mr. BLAIR, of Missouri. I decline to withdraw the call for the previous question for that purpose.

Mr. REID. My colleague states that the facts set forth in the resolution are true.

Mr. BLAIR, of Missouri. They are.

Mr. REID. I have no knowledge myself in reference to the matter.

Mr. LOVEJOY. I rise to a point of order. Debate is not in order.

Mr. REID. I ask my colleague to withdraw the call for the previous question for a moment only. I will renew it.

Mr. BLAIR, of Missouri. I withdraw it, on that condition.

Mr. REID. Mr. Speaker, I have no personal knowledge as to the truth or correctness of the statement of the resolution. I have heard it rumored that Mr. CLARK was in arms against the United States Government. I have heard that rumor at home, as well as here in Washington, but I have never seen the fact officially stated anywhere. My friend and colleague has information, perhaps, which I have not. I should, however, under the circumstances, be glad if the subject could be referred, for investigation, to the Committee of Elections. I hope that my colleague will consent that that course shall be taken. If it be right that the member should be expelled, we will, on the report of that committee, be enabled to act intelligently.

Mr. BLAIR, of Missouri. So far as I am concerned, I will not consent that the matter shall take that course. I think that the loyal third district of the State of Missouri is entitled to a loyal representative upon this floor; and I am unwilling to delay doing them justice. It is notorious that Hon. JOHN B. CLARK is and has been in arms against the Government of the United States. He was as much at Booneville as Governor Jackson and General Price. I state these facts upon my own responsibility.

Mr. VALLANDIGHAM. Let me say a word.

Mr. REID. I cannot yield. Before I call for the previous question, as I have agreed to do, I appeal to the House to let this resolution take the course I have suggested; let it be referred to the Committee of Elections. I demand the previous question.

Mr. DAWES. I ask the gentleman to withdraw the call for the previous question. [Cries of "Object!"]

Mr. BLAIR, of Missouri. I cannot agree to the withdrawal of the demand for the previous question.

Mr. REID. Then I adhere to the demand for it.

The call for the previous question was seconded.

Mr. BURNETT. I demand the yeas and nays on ordering the main question. I want to see whether this House is prepared, in this star-chamber way——

Mr. WASHBURNE. I call the gentleman to order.

The SPEAKER. The gentleman is not in order. The Chair hopes that the gentleman from Kentucky will help the Chair to enforce the rules. He knows that debate is not in order during the call for the previous question.

Mr. BURNETT I beg the pardon of the Chair. This is such an extraordinary proceeding, that I could not help saying a word.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 88, nays 58; as follows:

YEAS—Messrs. Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Curtis, Cutler, Davis, Diven, Duell, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Goodwin, Granger, Gurley, Hale, Hanchet, Harrison, Hickman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Patton, Pike, Pomeroy, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sherman, Sloan, Stevens, Stratton, Trowbridge, Upton, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Whaley, Albert S. White, Windom, and Worcester—88.

NAYS—Messrs. Allen, Alley, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cobb, Cooper, Corning, Cox, Cravens, Crittenden, Delano, Delaplaine, Dunlap, English, Fouke, Gooch, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Lazear, Leary, Logan, McClernand, Morris, Noble, Noell, Norton, Nugen, Odell, Perry, Reid, Alexander H. Rice, Richardson, Robinson, Smith, John B. Steele, William G. Steele, Benjamin F. Thomas, Francis Thomas, Trimble, Vallandigham, Vibbard, Voorhees, Wadsworth, Wall, Ward, Webster, Chilton A. White, Wood, Woodruff, and Wright—58.

So the main question was ordered.

During the call,

Mr. ALLEN said: Mr. Speaker, until there is proper evidence before the House of the truth of the statements contained in the resolution, I vote "no."

Mr. RICE, of Massachusetts, stated that his colleague, Mr. TRAIN, was confined to his room by illness.

Mr. COX. I will vote "no" until some investigation has been had on this subject. [Cries of "Order!"]

Mr. HOLMAN. Not knowing the facts of the case, I vote "no."

Mr. CONWAY stated that Mr. ROLLINS, of Missouri, was detained at home by illness.

Mr. DUNN, not being within the bar when his name was called, asked leave to vote.

Objection was made.

Mr. NOELL stated that his colleague, Mr. PHELPS, was detained at home by the troubles in Missouri, and would not probably be here during the session.

Mr. ROSCOE CONKLING moved to suspend the reading of the names.

Objected to.

The vote was announced, as above recorded.

Mr. BURNETT demanded the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 94, nays 45; as follows:

YEAS—Messrs. Aldrich, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Ambrose W. Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Crittenden, Curtis, Cutler, Davis, Delaplaine, Duell, Dunlap, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Goodwin, Granger, Grider, Gurley, Hanchett, Harding, Harrison, Hickman, Hutchins, Jackson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, Mitchell, Anson P. Morrill, Justin S. Morrill, Olin, Patton, Pike, Pomeroy, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Stevens, Stratton, Francis Thomas, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wadsworth, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Whaley, Albert S. White, Windom, and Worcester—94.

NAYS—Messrs. Allen, Alley, Ancona, Joseph Baily, George H. Browne, Burnett, Cobb, Cooper, Corning, Cox, Cravens, Dawes, Delano, English, Fouke, Gooch, Haight, Holman, Johnson, Law, Lazear, Leary, Logan, Moorhead, Norton, Nugen, Odell, Perry, Reid, Alexander H. Rice, Richardson, Robinson, Smith, John B. Steele, William G. Steele, Benjamin F. Thomas, Trimble, Vallandigham, Vibbard, Voorhees, Ward, Chilton A. White, Wood, Woodruff, and Wright—45.

So JOHN B. CLARK, of Missouri, (two thirds of the House voting in favor thereof,) was expelled from the House of Representatives.

During the vote,

Mr. WADSWORTH stated that Mr. MALLORY and Mr. MENZIES were absent on account of sickness.

Mr. McCLERNAND. I was not within the bar when my name was called, having been called out. If I had been I should have voted in the negative, not from any regard for the merits of General CLARK, but in deference to the privileges of this House, which in a case like this should be dealt with more deliberately and formally.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act further to provide for the collection of duties on imports and for other purposes; when the Speaker signed the same.

REFERENCE OF A PAPER.

The SPEAKER, by unanimous consent, laid before the House a communication from the Attorney General, in reference to the suspension of the writ of *habeas corpus*, in response to a resolution of the House.

Mr. OLIN. I move that the communication be referred to the Committee on Military Affairs, and printed.

The motion was agreed to.

COLLISIONS AT SEA.

Mr. ELIOT, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire whether any legislation is expedient to prevent collisions at sea, by the use of lights, or by the introduction of such safeguards as are now used by the principal maritime nations of Europe, with leave to report by bill or otherwise.

The SPEAKER announced that the first business in order was the call of committees for reports of bills of a private nature.

The list of committees was called over, and no reports were made.

The SPEAKER then commenced the call of States for resolutions, as the next business in order; but was interrupted by

Mr. BLAIR, of Missouri, who moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

COOLY TRADE.

Mr. ELIOT, by unanimous consent, introduced the following resolution; upon which he demanded the previous question:

Resolved, That the President of the United States communicate to the House of Representatives, at the commencement of the regular session of Congress in December next, any information then in possession of the Government and not heretofore communicated, with respect to the Asiatic cooly trade, so called.

The previous question was seconded, and the main question ordered to be put; and, under the operation thereof, the resolution was adopted.

SUSPENSION OF HABEAS CORPUS.

Mr. BINGHAM. By the consent of the gentleman from Missouri [Mr. BLAIR] I move to reconsider the vote by which the communication of the Attorney General, with reference to the suspension of the writ of *habeas corpus*, was referred to the Committee on Military Affairs.

Mr. OLIN. The communication was referred upon my motion. I called for the communication specially for the use of the Committee on Military Affairs.

Mr. BINGHAM. The question of the suspension of the writ of *habeas corpus* has been referred to the Committee on the Judiciary by an order of the House.

Mr. OLIN. Certain bills have been referred to the Committee on Military Affairs, involving certain questions upon which we supposed that communication would throw some light, and with that view I introduced the resolution calling for the opinion, so that the committee might have it before them. If the gentleman had desired it he could have called for it.

Mr. BINGHAM. The Judiciary Committee have used due diligence to obtain the official opinion of the Attorney General. The committee requested that opinion; and I suppose the Attorney General, in making his communication to the House, did so as much to comply with the request of that committee as to respond to the resolution of the House itself.

The SPEAKER. In referring the communication to the Military Committee, it was ordered to be printed.

Mr. HICKMAN. I presume that the Military Committee do not propose to use the opinion of the Attorney General any further than may be necessary for action on their military bills. If there is any action to be taken decidedly upon the opinion of the Attorney General itself, then, I apprehend, it would be proper to have it referred to the Judiciary Committee for that purpose. I therefore suggest that the Clerk be requested to make out a copy thereof, to be laid before the Committee on Military Affairs; but that the communication itself be referred to the Judiciary Committee for their direct action thereon.

Mr. OLIN. Of course, I have no objection to a reference of that opinion to the Committee on the Judiciary. All I wish is, that, at the earliest opportunity, that opinion may come before the Committee on Military Affairs. We wish to obtain possession of it for the purpose of making ourselves familiar with its contents; and I called for it with that view. I have no objection to the reference the gentleman desires, provided we can have it at the earliest moment.

The SPEAKER. The Chair would state that it has been ordered to be printed; and it will probably be in each member's box to-morrow morning.

The motion to reconsider was agreed to; and then the communication was referred to the Committee on the Judiciary.

Mr. BLAIR, of Missouri. I now insist on my motion.

RIGHT OF BLOCKADE, ETC.

Mr. COX. Will the gentleman waive that motion for a moment, to enable me to introduce a resolution of inquiry, to which, I presume, there will be no objection?

Mr. BLAIR, of Missouri. I have no objection to its being read for information.

No objection being made,

Mr. COX introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States, at the beginning of the next session of Congress, or at this session, if compatible with the public service, communicate to this House all correspondence with the English, French, Spanish, and other Governments with reference to the right of blockade, privateering, and the recognition of the so-called confederate States.

REDUCTION OF EXPENDITURES.

Mr. F. A. CONKLING. I appeal to the gentleman from Missouri to withdraw his motion for the present, and allow the call of the States for resolutions to proceed. I have in my hand a resolution which I desire to offer.

Mr. BLAIR, of Missouri. I will hear it read for information.

Mr. F. A. CONKLING, there being no objection, offered the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of seven be appointed by the Speaker to report to this House in what manner and to what extent the expenditures of the Government of the United States may be reduced, and what officers may be dispensed with.

OBJECT OF THE WAR.

Mr. HOLMAN. I ask leave to offer the following resolution:

Resolved, That the sole object of the Government, in its present and future military operations, resulting from the armed resistance to its authority, is, and ought to be, to maintain the integrity of the Union, as established by the Constitution, the enforcement of the laws, and the protection of the constitutional rights of the loyal citizens of every State; and such operations ought not to be suspended until the authority of the Federal Government shall have been firmly established throughout its territorial limits.

Resolved, That the Union must be preserved, and that no adjustment of pending difficulties can ever be sanctioned by the Government that is not based on the acknowledged integrity of the Union, and the supremacy of the Constitution of the United States.

Mr. STEVENS. I object. I think these abstract propositions ought to go over.

Mr. HOLMAN. Under the call of the States for resolutions, I am entitled to offer this resolution.

The SPEAKER. When the States are called, the gentleman will be entitled to do so; but now there is a motion pending to suspend the rules to go into committee.

Mr. BLAIR, of Missouri. I insist upon my motion.

EFFICIENCY OF THE ARMY.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. RICHARDSON in the chair,) and proceeded to the consideration of the bill (H. R. No. 27) to promote the efficiency of the Army.

The bill was read through. The first section provides that any commissioned officer of the Army who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

The second section provides that if any commissioned officer of the Army shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall, as provided in the third section of this act, be placed upon the retired list, and withdrawn from active service and command, and from the line of promotion, with the following pay and allowances, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, the service rations to which he may then be entitled—including general officers who may be retired—and the regular allowance, as fixed by law, for one servant, and without any other pay or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer; provided, that if the disability be proved to result from wounds received in action, the pay proper of the retired officer shall be that of his highest rank by brevet or otherwise; and provided further, that there shall not be on the retired list, at any one time, more than seven per cent. of the whole number of officers of the Army, as fixed by law.

The third section provides that, in order to carry out the provisions of this act, whenever any officer of the Army who may be incapacitated, as before recited, shall voluntarily apply to be retired from active service, or on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Army shall be in any way incapacitated from perform-

ing the duties of his office, the President, at his discretion, shall direct the Secretary of War to refer the case of such officer to a board of not more than thirteen nor less than five commissioned officers, to be composed (as far as may be) of his seniors in lineal rank, and preferably of officers already retired. And the determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of War, to be laid before the President for his approval or disapproval and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register; provided always, that the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the Army shall be retired, either partially or wholly, from the service, without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

The fourth section provides that the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

The bill was then read by clauses for amendment.

The third section being under consideration,

Mr. VALLANDIGHAM. I move to strike out these words:

"If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one years's pay and allowances."

I move the amendment for the purpose of inquiring of the chairman of the Committee on Military Affairs what is the case contemplated by the provision that an officer shall be wholly retired from the service with one year's pay and allowances. If the judgment of the commission provided for in the bill is favorable to the officer, I see no reason why he should be cut off entirely from his pay and allowances after one year; and if, by reason of any misconduct of his, he is retired, why he should be allowed one year's pay and allowances?

Mr. BLAIR, of Missouri. I suppose that was out of abundant clemency to those who have been a long time in the service, and to give them some opportunity to turn their attention to some other employment. Hence the payment and allowances were made for a limited period of time.

Mr. VALLANDIGHAM. Has this question been submitted to any military board, and does it meet with the approval of men competent to judge?

Mr. BLAIR, of Missouri, I understand that that is the case; that the bill has received the sanction of some of the highest military authorities in the country.

Mr. VALLANDIGHAM. And has been carefully prepared as to its details?

Mr. BLAIR, of Missouri. Yes, sir.

Mr. VALLANDIGHAM. The object of the bill is unquestionably a good one, and it is perhaps one that ought long since to have become a law. I made my inquiry solely with reference to its details, and I now withdraw my amendment.

Mr. CURTIS. I am directed by the Committee on Military Affairs to move to amend the third section of the bill by striking out all after the word "act," in the second line, down to the word "case," in the eighteenth line; as follows:

"Whenever any officer of the Army who may be incapacitated, as before recited, shall voluntarily apply to be retired from active service, or on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order; or whenever, in the judgment of the President of the United States, an officer of the Army shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of War to refer the case of such officer to a board of not more than thirteen or less than five commissioned officers, to be composed (as far as may be) of his seniors in lineal rank, and preferably of officers already retired. And the determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of War, to be laid before the President for his approval or disapproval and orders in the case."

And to insert, in lieu thereof, the following:

The Secretary of War, under the direction and approval of the President of the United States, shall from time to time, as occasion may require, assemble a board of the medical staff to determine the facts as to the nature and occasion of the disability of such officers as appear disabled to perform such military service, such board being hereby vested with the powers of a court of inquiry and court-martial; and their decision shall be subject to like revision as that of such courts by the President of the United States.

Mr. VALLANDIGHAM. Will the gentleman from Iowa state the purpose of that change? I understood that the bill had been carefully prepared. Why, then, is an amendment proposed?

Mr. CURTIS. I will state to the gentleman that this amendment is part of the preparation. It is thought necessary.

Mr. VALLANDIGHAM. By the committee?

Mr. CURTIS. By the committee.

Mr. VALLANDIGHAM. Not by any board or any officers outside of the committee?

Mr. CURTIS. Well, it is a part of a bill which has been heretofore presented to many officers of the Army, and approved by both old and young officers. It is a very difficult matter to prepare a bill for a retired list that will seem fair and just to all men. This bill which the committee now proposes is a kind of entering wedge. We have never had such a thing as a retired list before, and the consequence is that we have superannuated officers in great abundance, some of whom would be glad to retire, and others of whom ought to retire for the interests of the service. This provision relates to the character of the board which shall determine the disability. The bill, as originally drawn, provides that the board shall be selected from officers senior in rank to those who are supposed to be disabled; but it will be perceived that those already superannuated will hardly find superiors in age, and probably not in rank, to make up such a board. Hence the necessity of changing the character of the board.

The committee propose this amendment for the purpose of correcting that manifest error in the original bill. We propose that the board shall be constituted from the medical staff—the medical men of the Army—who, I believe, have no such jealousies and difficulties in regard to rank as may come in conflict with other officers. Besides that, the medical staff is generally composed of men who are particularly qualified to judge of the physical disability of men, and competent also to judge of the causes of mental disability that may exist. The committee, therefore, concluded that it would be best to have the board selected from the medical staff of the Army.

Mr. VALLANDIGHAM. Who is to make the selection from the medical staff?

Mr. CURTIS. The President and Secretary of War.

Mr. BLAIR, of Missouri. The committee ordered this amendment to be reported on the grounds stated by the gentleman from Iowa, and for the additional reason that medical men are supposed to know better about disability than other persons; and that which had a great influence upon the committee also, was the fact that medical officers, not being in the same line with other officers, would probably be more disinterested. The committee have sought to prepare a bill which would be free from objections, and they thought that this amendment was an improvement.

The amendment was agreed to.

Mr. BLAIR, of Missouri. I move that the committee rise, and report the bill, with the amendments, to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. RICHARDSON reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly a bill (H. R. No. 27) to promote the efficiency of the Army, and had directed him to report the same to the House, with an amendment, and with a recommendation that it do pass.

Mr. BLAIR, of Missouri, moved the previous question on the bill.

The previous question was seconded, and the main question ordered.

The amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BLAIR, of Missouri, moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The bill was passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

AMENDMENT OF JUDICIARY ACT.

Mr. McCLERNAND, by unanimous consent, introduced a bill for an act amendatory of the judiciary act of 1795, and to facilitate the removal of criminal proceedings in State courts in certain cases into the courts of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. WASHBURNE. I believe there is no more business to be reported from committees to-day for the action of the House; and I therefore move an adjournment.

MUSICIANS AND SOLDIERS AT FORT SUMTER.

Mr. CURTIS. I appeal to the gentleman to allow me to put upon its passage a bill for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina.

Mr. WASHBURNE. I withdraw my motion for that purpose.

Mr. BURNETT. I understand that it is not the purpose of the gentleman from Iowa to increase the amount contained in that bill as reported from the Military Committee. It gives $1,150 only.

Mr. CURTIS. That is all.

The bill was read. It directs the Secretary of the Treasury to pay the sum of $1;150, to remunerate soldiers and members of the band stationed at Fort Sumter, South Carolina, for losses of private property incurred in the removal from Fort Moultrie to Fort Sumter, on the evening of December 26, 1860.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was according read the third time, and passed.

Mr. CURTIS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

AUXILIARY GUARD—WASHINGTON CITY.

Mr. ROSCOE CONKLING, by unanimous consent, introduced a bill to amend an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington, and for other purposes;" which was read a first and second time, and referred to the Committee for the District of Columbia.

VOTE RECORDED.

Mr. SPAULDING. I was absent, by leave of the House, on the Committee of Ways and Means, when the vote was taken this morning on the resolution to expel Mr. Clark, of Missouri. I ask leave to have my vote recorded in the affirmative.

There was no objection.

And, then, on motion of Mr. WASHBURNE, (at two o'clock, p. m.,) the House adjourned until Monday next.

IN SENATE.

MONDAY, *July* 15, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Saturday last was read and approved.

PROSECUTION OF THE WAR.

Mr. DIXON. Mr. President, I rise for the purpose of presenting a memorial of citizens of Connecticut, asking for the adoption of such measures by Congress as shall sustain the Government of the

United States in the present crisis. In presenting this petition, I desire to say that I entirely concur in the sentiments of the petitioners. It is my purpose to vote for any measure which may be reported from the appropriate committees, calculated, in my judgment, to sustain the Government in the vigorous prosecution of the war for the defense of the Constitution and the preservation of the Union. I shall do this, sir, in the hope and belief that, strengthened and supported by the popular will, as manifested in the measures adopted by Congress, the Administration will throw into the conduct of the war all the ardor and energy and enthusiasm which now inspire the hearts of the people. It is my belief that the Administration has already done all that could be expected or desired in the vast preparations for war which have in so short a period of time been made—bringing the country, in a few brief weeks, from the long quietude of a peace establishment, in which preparation for war had been too much neglected, and the art of war almost lost and forgotten, to our present condition of security and power; so that at this moment, whatever may be the result of the present contest, the Government of the United States is the most firmly established Government on earth. Still, I acknowledge that I have shared somewhat in the natural impatience which I know the people feel at any signs, real or apparent, of inaction or unnecessary delay. Whatever may be the issue of the conflict, let it be short and decisive. Now that the arbitrament of war has been chosen by the revolutionists, let the war be so conducted as to bring the question in issue to a speedy and a decisive result. The contest is not one which my constituents have sought: they desire that its end may soon come, and that it shall be such as shall not invite to a repetition. "Beware of entrance to a quarrel; but being in, bear it that the opposer shall beware of thee." So they propose, on their part, to conduct this contest.

Men and money in any number and to any amount it is our business to grant to the Administration. That being done—no halting, no delay, no thought of peace, till the supremacy of the Government of the United States shall be an acknowledged fact throughout our entire domain. I rejoice at the signs which indicate early and energetic action on the part of the Government; for of all things, in my judgment, delay is most to be dreaded. Temporary defeat may not be fatal; but the slow canker of tardy inaction will rust into the very heart and spirit of the people. This war is to them a serious and costly business. They demand that it be short, decisive, terrific, and overwhelming; and if in any quarter they are thwarted of this purpose, their indignation will be proportioned to their disappointment.

The events of the day are marked by rapidity of movement. At the commencement of the last session of Congress, little more than six months ago, the great rebellion which has now reached its height, involving no less than eleven States, was only threatened. To-day, whatever may be its continuance in point of time, we may feel assured, that if the popular will shall be carried into execution, it is already more than half suppressed. That it cannot, if properly treated, grow from a rebellion into a successful revolution, is already decided. Its end is certain, though its length of duration may be uncertain. The United States of America are to remain one nation. The territorial integrity of the Union is to be preserved inviolate. This is what the people of the United States mean by the immense sacrifices they are now making—this and nothing less. Whatever stands in the way of this, whether it be a political creed or a vested right, whether it be democracy or slavery, must go down and perish. And this is true, not merely because twenty millions of people have so determined, but because, in the nature of things, a great nation like this cannot be overthrown and destroyed, without, in its dying struggles, if die it must, overwhelming all the institutions created by its laws in a common ruin. How, then, can the peculiar institution of the South escape destruction, when it shall be found to stand in the way of the preservation of the Government? Yet, in utter blindness to this obvious idea, the maddened South is rushing upon its fate.

Six months ago, Mr. President, I saw, as distinctly as I now see, the great conspiracy against the Union that has now reached the point of open, flagrant war against the Government. If I saw it then a little more distinctly than some others, it was, perhaps, because I had a more correct appreciation of the true character of the violent and desperate men who were engaged in it. Had it been possible then, by measures of conciliation, involving no sacrifice of principle, to disarm these men of the baleful influence they exerted at home, and so to strengthen the Union men of the South as to enable them to resist the torrent of secession, I would, under the circumstances then existing, have consented to such measures. The event, however, has shown that every such effort, however patriotic, was useless. The redress of grievances was not the object of the disunionists. They had, indeed, no practical grievances to be redressed; those of which they complained being wholly imaginary. If they declared that their constitutional rights were violated, before the question of the protection of their alleged rights could have been considered by any competent tribunal they had, to the extent of their power, overthrown the Constitution itself, and engaged in war against the Government of the United States. To talk of redress of grievances with such men were to parley with the assassin who attempts your life.

Looking, then, at the manner in which this great rebellion was commenced, and at its progress to this time, I have no difficulty in saying how it should, in my judgment, be treated. Its dimensions I know are immense. It involves, nominally at least, powerful and wealthy States. Among its adherents and supporters are brave men and able men; its armies are powerful; yet, after all, it is the work of a faction. It is, with all its pretense of State authority, a lawless rebellion still, and as such it must be treated. If it were confined to a single State, we should have no difficulty as to the mode of its treatment; that it extends over many States, may render its suppression more difficult, but does not render it impossible, and in no respects changes our duty with regard to it.

I speak for only one State; and the voice of that State is, that this rebellion must be crushed. Let it require a longer or a shorter time, let it cost more or less money, a greater or less sacrifice of human life, still it can be, it must and it will be, crushed. If the ordinary means of warfare can do this, let them, as I hope they may, suffice; but if more shall be required, more must be resorted to. It may be, should the war continue to drag its slow length along, that means, which seem to us terrific in their consequences, may be required; but it ought to be understood now, in the beginning, that whatever means may be necessary to preserve the territorial integrity of the United States and the unity of the nation, will, when the necessity shall arise, be used freely, fully, and unhesitatingly. If, in the course of events, it shall appear that either slavery or this Government must perish, then the voice of a united people will declare, let slavery perish, and let the Government live forever. Such is the stern determination to which thousands have come, who have been considered heretofore men of moderate views. I will not enlarge on this point. It is enough to state it. It is the calm, deliberate opinion of that great conservative class who, in the outset of these troubles, were anxious, if possible, to find a peaceful solution of our difficulties. Finding this impossible, they have come to the conclusion that the Government shall be saved from destruction whatever else may perish.

Let me not be misunderstood. The object of the struggle we are now engaged in, on the part of the loyal States, is not the abolition of slavery; but if it shall prove a long continued contest, that may be its inevitable consequence. Let those most interested consider this truth, in all its bearings.

Representing a constituency who are governed by the calm and resolute convictions of thinking men, moderate in their views, yet earnest and decided, slow to resort to extreme measures, yet never shrinking from the consequences of any measures, however extreme, that circumstances may render necessary, I have voted, and I shall vote for any and all bills tending to the vigorous prosecution of the war, till its last battle has been fought and its last victory won. If, now, the insurgents were ready to lay down their arms and acknowledge the supremacy of the United States, I should rejoice to see them return to their allegiance. Till they do so, the war will continue; and with every day of its continuance the consequences to the States in rebellion will become more and more serious and terrible. In their future, should the war go on, I see many scenes of horror, at which humanity shudders; but these horrors will be of their own seeking. We who are resisting their efforts to overthrow the Government are not responsible for the suffering they are bringing on themselves. Our duty is plain; and though we were to shrink from its performance, the true, fearless, patriotic heart of the nation, beating high, as it does, with the love of civil liberty, and devoted to our constitutional form of Government, would find other men to do its bidding.

Sir, my desire is to see an early, overpowering, irresistible movement of our troops upon the insurgents. Every day's delay, beyond the time absolutely necessary for preparation, is fraught with incalculable mischief to the cause of the Union; more especially if this delay is caused by political rather than military reasons. Negotiation has long since been exhausted. The question now is, whether rebellion shall triumph—whether, in short, the Federal Government has the power to protect and perpetuate itself? The sooner that question is decided, the better; whatever may be the decision. If the rebellion has sufficient inherent power to become a successful revolution, let the country know it. But if, as I fully believe, the Federal Government has power to enforce its laws, and defend the honor of its flag, on every foot of its soil—from the Atlantic to the Pacific—let the world have evidence of that power. To-morrow, next week—at the earliest possible moment—let the invincible columns move southward, and let the crushing blow be struck. When the stars and the stripes float in peaceful triumph over Richmond, Charleston, Savannah, Mobile, and New Orleans, the witness and the proof, not of subjugation, but of restoration and protection, the people of the loyal States will feel that the South is not conquered, but saved. I know that it is their deliberate purpose to accomplish this; that this purpose can be shaken by no disaster; that they have the power to carry it into execution; and that they will never abandon the contest, to which they have devoted their lives, their fortunes, and their sacred honor, until the Constitution and Union shall be everywhere acknowledged and supreme.

The petition was, on motion of Mr. DIXON, ordered to lie on the table.

ELECTION OF SECRETARY OF THE SENATE.

Mr. HALE. I offer the following resolution; and if there be no objection, I should like to have it acted on now:

Resolved, That the Senate do now proceed to the election of a Secretary of the Senate.

The resolution was agreed to; and the Senate proceeded to ballot for Secretary.

The ballots being collected and canvassed, the result was announced, as follows:

Whole number of votes cast, 36; necessary to to a choice, 19; of which—

John W. Forney received	26
Asbury Dickins	5
William Hickey	4
John Brown	1

There were two blanks, which were not counted.

JOHN W. FORNEY having received a majority of the whole number of votes, was declared elected Secretary of the Senate.

Mr. FORNEY subsequently appeared, when the oaths prescribed by law were administered to him by the Vice President, and he entered upon the discharge of his duties.

LIEUTENANT CHARLES THOMAS.

Mr. LATHAM. I ask leave to present the memorial of Charles Thomas, a lieutenant in the Navy of the United States, praying to be placed on the list for active service. I ask that the memorial may be read, and I accompany it with a joint resolution, and desire that both be referred to the Committee on Naval Affairs.

I will state to the Senate that, among the acts complained of the naval retiring board, there is none that I know of that is harder than this instance to which I now call the attention of the Committee on Naval Affairs. This gentleman is in the full possession of all his faculties, mental and physical. He is comparatively a young man. The retiring board struck his name off the list

without giving any reason whatever. He is very anxious to give his services to the country; and therefore memorializes Congress that his name may be put upon the active list, and that he may be put upon the same footing that he would have occupied if the retiring board had not acted as it did. I ask that the memorial may be read; it discloses the facts much better than I can state them; and then I ask that the joint resolution be read twice, and referred to the Committee on Naval Affairs.

The Chief Clerk read the petition, as follows:

To the honorable the Senate and
House of Representatives in Congress assembled:

The petition of the undersigned, Charles Thomas, a lieutenant in the Navy of the United States, would most respectfully represent:

That he entered the Navy of the United States as a midshipman, on the 2d of February, 1829; that he remained as such until the 8th of September, 1841, when he was promoted to the rank of lieutenant, and continued as such in active service (ten years and four months of which were spent at sea) until September, 1855, when, by the act of Congress creating the naval retiring board, he, by that board, was placed on the reserved list, for what cause he has never been able to ascertain—having, while holding the position of an officer in the Navy of the United States, always (as he believes) performed his duty faithfully to his country, and to the satisfaction of his superior officers. That from that time until the year 1860, he was without employment in the Navy of his country, to which he had devoted his entire energies; that, in the said year 1860, the then Secretary of the Navy called him again into active service, and placed him in command of the United States storeship Falmouth, stationed at Aspinwall; that he remained in command of said ship for nearly nine months, when, by order of the honorable Secretary of the Navy, on the 24th of June, 1861, he transferred the command to Commander E. W. Carpenter.

Fully believing himself to be, morally, mentally, and physically, competent to perform any duty the Department might think proper to honor him with, he would most respectfully ask to be placed on the active list of the Navy, and an opportunity given him to show, not only to the board, but to the whole world, that he was unjustly dealt with by said board.

I have the honor to be, very respectfully, your obedient servant,

CHARLES THOMAS,
Lieutenant United States Navy.

BALTIMORE, MD., *July* 13, 1861.

The memorial was referred to the Committee on Naval Affairs.

Mr. LATHAM asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 6) to place the name of Lieutenant Charles Thomas upon the active service list of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

PETITION.

Mr. BROWNING presented the petition of V. Y. Ralston, and other residents of Quincy, Illinois, praying the establishment of a national arsenal and armory at that place; which was referred to the Committee on Naval Affairs.

BILLS INTRODUCED.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 22) for the protection of Government contracts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TEN EYCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 23) to organize a metropolitan police for the city of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. RICE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 24) authorizing the Secretary of War to reimburse the New York seventy-first regiment for expenses incurred in employing a regimental band; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 25) to confiscate property used for insurrectionary purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CHANDLER, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 26) to provide for the confiscation of property belonging to rebels; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

CONTRACTS OF THE WAR DEPARTMENT.

Mr. POWELL. I desire to offer a resolution; and if there be no objection, I ask for its present consideration:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what contracts have been made by his Department since the 4th of March, 1861, giving the name and residence of the contractors, the article or thing contracted for, the place where it was to be delivered, the sum paid for its performance or delivery, the date and duration of the contract, or what military supplies have been purchased since that date, the price paid for the same, of whom and where purchased; also, what payments have been made to troops called out by the proclamation of the President, since the 4th March, 1861, from what appropriations such payments have been made, or by authority of what laws the warrants have been paid; whether any, and what, bounties have been paid to volunteers, as named above, for enlistment; if so, by authority of what existing law.

Mr. COLLAMER. I wish to call the attention of the honorable Senator from Kentucky to the resolution of inquiry already passed by this body, introduced by the honorable Senator from Illinois, [Mr. TRUMBULL,] covering, it seems to me, the whole ground of this resolution.

Mr. POWELL. I do not think it reaches several points in this resolution.

Mr. COLLAMER. It reaches all the points, according to my memory, except the amount paid to volunteers.

Mr. POWELL. If it does, the same answer will cover both.

Mr. COLLAMER. I do not think we ought to ask the same questions we have once asked, and have the same replies that were made before. I think if the gentleman would confine the resolution to that which the other one already adopted does not cover, there would be no objection to it.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) Does the Senator from Vermont object to the present consideration of the resolution?

Mr. COLLAMER. Yes, sir.

The PRESIDING OFFICER. The resolution lies over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ROBERT MORRIS, Chief Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina; and

A bill (No. 27) to promote the efficiency of the Army.

FINAL ADJOURNMENT.

The message further announced that the House had passed a resolution for closing the present session of Congress on the 19th of July, at twelve o'clock, m.; in which the concurrence of the Senate was requested.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, communicating, in compliance with a resolution of the Senate, the names of the judges of the district courts of the United States in the various States of the Union, and a list of the districts in which there are vacancies; which, on motion of Mr. TRUMBULL, was referred to the Committee on the Judiciary, and ordered to be printed.

REPORT OF A COMMITTEE.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill, (H. R. No. 19) making appropriations for the support of the Navy for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861, reported it with amendments.

ARMY APPROPRIATION BILL.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of the bill (H. R. No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861. There is a particular reason in relation to a part of it, at least, why it should be considered and passed to-day, if possible.

The motion was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill.

The PRESIDING OFFICER. Conversation is general in the galleries, and interrupts the proceeding of the body. The Chair gives notice to all persons in the galleries, that conversation there must be entirely suspended. This order must be regarded, even to the enforcement of clearing the galleries if it be not so regarded.

The first amendment reported by the Committee on Finance was, in section one, line twenty-eight, after the word "volunteers," to insert "two millions;" so that the clause will read:

For pay of the three-months volunteers, $2,507,000.

The amendment was agreed to.

The next amendment of the committee was, in section two, making appropriations for the year ending June 30, 1861, to strike out lines six, seven, eight, and nine; which are in the following words:

"For pay of three-months volunteers, $160,000.
"For pay of three-years volunteers, $1,600,000."

The amendment was agreed to.

Mr. GRIMES. I offer an amendment as a separate section:

And be it further enacted, That all appropriations heretofore made for carrying on the coast survey upon the Atlantic, Pacific, and lake coasts, be, and the same are hereby, discontinued.

Mr. FESSENDEN. I should like to hear some reason given for that, besides my friend's scruples about the coast survey. It has no connection at all with this bill.

Mr. GRIMES. My fear is that, in the Senator's estimation, there never will be a bill before the Senate to which any proposition to curtail the coast survey, or suspend its operations, will be applicable. I suppose it is as applicable to this bill as it is to any other. It has been the habit of Senators, and of the Senate, I believe, to attach similar propositions to appropriation bills. My object in offering the amendment is to suspend, as is apparent from the amendment itself, the operations of the coast survey during the period of this war. I suppose the Senator knows, and everybody knows, that it is impossible for the coast survey to be carried on now upon the Atlantic coast, or probably upon the Pacific coast, and we certainly have not the money to carry it on upon the lake shores. I want to show to the country, Mr. President, that while we are appropriating $179,000,000 in one bill, there is a little evidence on the part of the Senate of a disposition to curtail expenses somewhere else.

I have been told, I do not know with what truth, sir, that in order to keep up the coast survey, for which we appropriated last spring $450,000—nearly half a million of money—the forces have been transferred from the Atlantic, where it was impossible for them to carry on the survey, to the lakes, where they are pretending to prosecute it, and, for aught I know, are prosecuting it; but I do not think we have the means for doing it now, and therefore I wish that that money may be diverted to another channel, and be used for the energetic prosecution of this war.

Mr. FESSENDEN. I am hardly prepared to coincide with the views of the Senator from Iowa upon this subject. There has been no recommendation of that kind made to us by the Department which has it in charge—the Treasury Department. I suppose that this matter, like all others, has been wisely considered; and if it was thought necessary or advisable to disband this corps at the present time, we should have had some notice of it. At any rate, I am not prepared to act upon the bare suggestion of the Senator with regard to the means at our disposal, so far as to entirely overthrow this system; and this is overthrowing it for a certain time at least. We do not know how long this war may continue. It may end in the course of a few months; but if it does not, and is likely to last for a much longer period, I suppose we shall be advised in due time of the necessity of suspending these operations. We are agreed, I take it, all, or substantially all, of the Senate and of the House of Representatives, in the propriety of completing this work, which has now gone so far. Its utility none can question. The necessary result of passing the amendment which has been proposed by the Senator from Iowa is entirely to disband the corps; and we all know, because it has been demonstrated to us, that to disband it and reorganize it again, as we may have to do in a very short period, would be necessarily to entail a very considerable expenditure of money on the Government, to say nothing of the difficult operation

of bringing together again the material which is now ready and prepared for the prosecution of the survey, both in men and means.

It is not probable that there is any further expenditure of money going on than is absolutely necessary to keep the corps together, and to do that which it is advisable to do, and which can be done without difficulty. If, by next December, when we come together, it is found that we are to be involved in a long war, and it is then advisable to disband this corps entirely, and to suspend all operations until the conclusion of the war, I shall be willing to do it; but at this short session, called together for a single purpose, that purpose a limited one, I do not think it wise to introduce these questions, which necessarily lead to a very considerable division of opinion and discussion, and a protraction of the period of the session. We had better, at any rate, until we are advised by the proper Department upon this subject with regard to so necessary a work as this, let things remain as they are until we have more time for deliberation upon a question of so much national importance. I trust, therefore, that the Senate will not sustain the proposition of my friend from Iowa. It will cause discussion here, and it will lead to a great deal of discussion in the other House.

Mr. GRIMES. Mr. President, the Senate will observe that the amendment merely provides that this work shall be suspended, not that the corps shall be destroyed. Now, I understand it is virtually suspended except upon the lake shore; that all the vessels that were attached to the coast survey upon the Atlantic coast have been turned over to the Navy or Treasury Department, and are used for some other purpose; but that a great many of the officers who have been employed by the coast survey are now receiving their salaries, for the purpose of keeping them ready, as the Senator has well indicated, for prosecuting the work at some future time. I want those gentlemen to have an opportunity to leave their present business, and that they shall not be kept at our expense without having any employment at all. Let them go into the Army or the Navy, and render us the services which we have a right to expect from them under the circumstances, and then when we need that this coast survey shall again be resumed, I would be willing, perhaps, to vote for an appropriation.

Mr. TRUMBULL. Mr. President, I am very glad, indeed, that the Senator from Iowa has brought forward this proposition. I have been struggling almost ever since I have been a member of the Senate to limit the expense of this coast survey, but there has always been an influence here that not only carried through appropriations, but increased them. It has been going on increasing for years and years, and the amount of money that has been paid for this coast survey is many times as much as was estimated at the start as necessary to complete the whole of it. I believe they commenced on the northeast coast. I do not know to what part of the coast the surveys are being extended at this particular moment; but I think the most of this money was appropriated for surveys on the southern Atlantic coast, perhaps upon the Gulf. Well, sir, we all know there is a condition of things existing that prevents the harbors in that portion of the Union being examined at the present time, and it seems to me there never could be a better time to attempt to curtail this thing than now. I thought, before this trouble commenced, that this was a very large and a very extravagant appropriation. I hope, sir, that the amendment of the Senator from Iowa may be adopted.

Mr. FESSENDEN. Precisely, Mr. President, as I supposed. The other day, when the bill of my friend from Massachusets [Mr. WILSON] with reference to the Army was up, I expressed the idea that I did not think this was an occasion for officers of the Army to avail themselves of the present condition of things to increase their rank. Allow me to say I do not think this a proper occasion for Senators to avail themselves of to strike at what they have always been hostile to. I think these matters of discussion should be left to a more appropriate occasion, and not be put on these bills, the immediate necessity of which is apparent. I am especially surprised at my friend from Illinois, because everybody knows that although he is intensely national, he is, at the same time, intensely western, now that the coast survey has got up into his region, and is doing something upon a location where there has been so much complaint that nothing was done, and where we have heard so much of the necessity of doing something for the benefit of navigation there, that he should be desirous to stop the coast survey just at that particular point. That is a little surprising to me.

Why, sir, what is obvious from what has been stated? It is perfectly manifest that very little is being done, that very little of this money is being expended, that the whole operations on the Atlantic, and perhaps on the Pacific coast, though I do not know how it is there, and I think it might be carried on there—but on the Atlantic coast is suspended, and the vessels are devoted to other purposes; but for the purpose of preserving the corps, which is exceedingly well organized, in my judgment, and which ought not to be disbanded until we know what the necessities of the occasion require, the small expenditure necessary for keeping those men at work, where their work may be rendered available, is continued, and a region of country, or a region of coast, if I may so express myself, which needs a thorough examination, is now passing under the review of scientific men, for the benefit of that coast and the people of that section.

I repeat, again, that Senators may as well let this subject go by, and see how we are to stand when we come to make our next annual appropriations for the coast survey, and if then there is such a pressure for money that it will be necessary to strike down this corps altogether, if the opportunity is a good one to put an end to the coast surveys which have been continued so long, which have cost the country so much, and which are, spite of all gentlemen may say, of eminent importance to the navigation of the country, why, sir, then we can do it; but at the present time, I think it is hardly worth while to bring up this discussion and continue it, not only here but in the House of Representatives, where it must necessarily consume time, and where it must necessarily embarrass this bill, the necessity of the passage of which to-day, through both branches, has been explained to me, and of which I am satisfied. I really hope that the Senate will not sustain this amendment at the present time, whatever they may do in the future.

Mr. TRUMBULL. Mr. President, I think it not unlikely that the Senator from Maine, by his dexterity in debate, may succeed, as he has heretofore succeeded, in keeping up this appropriation of half a million dollars annually to survey the coast. His appeal to the sectional interests of the Atlantic coast may be successful. It is true, he makes it by assuming, or intimating, that because I happen to represent a western State, that that is the motive of opposition. I have made no such opposition, and never did, on the ground of coming from a western State; but the Senator from Maine thought proper to give it that turn, to rally eastern men to its support; and now he seeks to take advantage of the necessity of the passage of the bill, as he says, to continue this appropriation. We are told it is important that this bill should pass, and pass to-day, and therefore you must not put this on, for you will be interfering with the great military movements in the country. Sir, if we can save half a million dollars in a few minutes in the Senate, I think it our duty to do so. I always thought this appropriation was of questionable propriety; or so large an appropriation, at any rate; and we must know, everybody must know, that when the very coast which is to be surveyed is in such a condition that the surveys cannot go on, there can be no necessity for so large an appropriation. If the Senator wants a small amount to take care of the property, or prevent the corps from being entirely disbanded, as he says, let him propose an amendment of that character, and I should have no objection to it; but certainly there is no need for using this half a million dollars, when we require the money to pay the soldiers, and to defend the country. There is no propriety in wasting it upon officers who cannot now perform their duty in surveying the coast. The amendment strikes me as so eminently proper, that I hope it will be adopted.

Mr. FESSENDEN. One word in explanation. My dexterity in debate, large or small, I trust does not carry me so far as totally to pervert facts. Now, sir, does my friend really mean to say that, unless we suspend this work, we shall pay the officers half a million dollars? That is his intimation. Does he mean that if we do not suspend this appropriation, (although we are doing nothing but paying officers for very little work,) we must pay them the whole half million? Is that an argument? The honorable Senator who moved this amendment stated that very little was being done; that the corps was kept up; but that the expenditures were very small on the lakes; that the vessels, and a great number of the men, and all those matters which made it very expensive, and which would consume the amount named, were in fact suspended, and nothing was being done. But his motion goes to this point, as he intimated: "strike down the corps; avail yourself of this opportunity to expunge the officers; and, by way of argument to support that proposition, which the mover states, the Senator from Illinois says you are expending a half million dollars to pay the officers. No such thing, sir. It is no argument at all. The fact is, the question reduces itself to the simple one, not whether this half million dollars shall be expended, but whether the small amount shall be expended which is necessary to keep the corps of officers at work upon the lakes, while they cannot work upon the seaboard. That is the idea, and to that I am opposed.

Mr. GRIMES. Mr. President, I will say a word in explanation. The Senator from Maine intimated a little while ago, I think, that the Senators who were in favor of this proposition were opposed to the coast survey. I am not in opposition to it. I do oppose the method in which it has been conducted. I am opposed to this independent department of the Government, which has really become one of the most potential departments of the Government. I am opposed to the manner in which it has sprung up in this country, without any authority of law, and in opposition to law. I want to have the coast survey prosecuted in some legitimate and proper way, and under the direction of some legitimate and proper officers; but not at this time, Mr. President. I do not think we have the means or the men with which to prosecute it now to advantage. Whenever the time shall come when we have the facilities for pursuing it further, I shall be just as willing to pursue it, under proper direction, as the Senator from Maine can be.

The Senator has said something in regard to local considerations, and I believe he has referred to the fact that there are surveys of the northwestern lakes, in which those of us are interested who reside in that section of the country. It is true they have been triangulating the lakes there for the last ten years, more or less; and yet the only knowledge that any seaman who navigates the lakes has that there has been a survey there, is the fact that he is called upon to pay the amount that is appropriated for the prosecution of the survey.

Mr. COLLAMER. I cannot but feel it my duty to express, in a single word, what presses on my mind in relation to this amendment. Here is a bill making appropriations for the pay of the Army. There is nothing about the coast survey in it; no money asked for it; nothing in the bill in relation to it. It has no connection with that subject. This is not a time in which we are called upon to discuss the merits of the coast survey. But, sir, occasion is taken of this bill by a gentleman, who says he is opposed to the manner in which it is conducted, to avail himself of our desire to save money, to carry into effect a private object of his; to carry out his views.

Mr. GRIMES. A public object.

Mr. COLLAMER. It is private to that gentleman. It is not public until we adopt it. The effect is, that, instead of shortening our session and confining our attention to the proper subjects before us, every time an appropriation bill comes up, one man wants, if you please, to abolish the National Observatory; another desires to abolish the public printing, and save money in that way; another desires to abolish the Pension department; another does not like the manner in which the Land Office is administered, and he wants to reorganize that, and therefore proposes to disorganize it for the present, and take it up at some future time and reorganize it according to his notion of perfection.

I desire to take this occasion to protest utterly against entertaining any of these propositions,

from beginning to end, unless there is something in the bill before us which calls for them. Therefore now, once for all, I desire to give my vote in such a way as shall discountenance the introduction of any of these propositions.

The amendment was rejected.

Mr. KING. I offer the following amendment, to come in as an additional section:

And be it further enacted, That all appropriations and all provisions of law applicable to three-years volunteers, shall apply to two-years volunteers; and two-years volunteers shall, in all respects, be deemed, treated, and regarded as three-years volunteers, except as to the time of service.

I will state the reason for offering this amendment. In the State of New York, the Legislature being in session, an act was passed before the call was made by the President, in order to have their troops ready. They would as soon have made the term of service for one time as another; their object was to answer the exigency of the Government. Under these circumstances, a military board was appointed for the organization of that corps, a committee of which came here to Washington and consulted the President and Secretary of War on the subject. The result was an agreement to accept the New York volunteers for two years, to the extent of thirty-eight regiments—thirty thousand men; and they are now in the field. I simply propose to put these volunteers thus accepted by the Government on the same footing with the three-years volunteers.

Mr. FESSENDEN. I should like to amend that by inserting a provision limiting it to this bill. I do not like to legislate on this bill, and intend merely to confine it to the appropriations. So far, however, as payment is concerned, I suppose there is no objection to making the appropriations contained in the bill applicable to the volunteers spoken of by the Senator from New York.

Mr. KING. My hope and belief is, that the time of service of all these volunteers will be the same. It is my opinion and hope that these difficulties will be brought to a close within less than two years; but I feel as though there should be no question at any time in the Senate but that these troops thus organized, officered, and sent to the Government and accepted by them, should be placed on the same footing as those that are in for a longer time, or during the war. The three-years volunteers are accepted for three years, or during the war; they may only serve a year; they may serve even less than a year. It is well to meet the question at once, that the New York volunteers thus organized and accepted shall be put on a footing with the three-years volunteers. I have no doubt that many of them will serve longer, if they are wanted to serve longer.

Mr. WILSON. The State of New York provided by law that the volunteers should serve for two years. The State of Indiana promptly voted to raise some regiments for twelve months, and has raised two regiments for twelve months. The New York regiments are in for two years; two regiments from Indiana are in for one year, and the other regiments from Indiana for three years. Now, we want to provide in paying these men, as we have provided, or intended to provide, in the bill we passed the other day, that the volunteers from New York and these two regiments from Indiana shall stand upon the same footing as the three-years volunteers, in all respects. That is what the Senator from New York desires, I understand.

Mr. KING. That is right.

Mr. FESSENDEN. I should like to hear the amendment read again. So far as this bill goes, we ought only to provide for the pay, and not for bounties, or anything of that kind.

Mr. KING's amendment was again read, as follows:

And be it further enacted, That all appropriations and all provisions of law applicable to three-years volunteers, shall apply to two-years volunteers; and two-years volunteers shall in all respects be deemed, treated, and regarded as three-years volunteers, except as to the time of service.

Mr. FESSENDEN. That would not cover it. The Senate, of course, on this bill, does not want to provide for anything except the payment of those volunteers; and it should be so limited.

Mr. KING. I think it well to provide for it all so as to prevent any question being raised hereafter. My own opinion is, that all the volunteers raised by States and accepted by the Government should be put on the same footing. I would put the Indiana one-year volunteers on the same footing. The amendment I have offered is designed to do that; to treat all the volunteers who have thus far been accepted by the Government in the same manner, whether they have been accepted for a longer or a shorter period of service. They are all liable to be discharged before the expiration of two years. The two-years volunteers are to serve for two years, unless sooner discharged; and when their services are not wanted any longer, they will be discharged. If they are mustered out at an earlier period than two years, they will all go out together. Of the number accepted by the Government, those who promptly came here I think should not be put on a worse footing than others. I think we had better meet the case by a general provision, and say that all these volunteers shall be put on the same footing. If hereafter other volunteers are wanted for different periods of service, the terms and conditions on which they shall serve may be provided in the law authorizing their being called out. I hope the Senator from Maine will consent to let this provision be clear and full.

Mr. FESSENDEN. I cannot consent to any such thing. The Senator ought to be aware, and doubtless is, that this is nothing but an appropriation bill furnishing the money to pay the troops. I am opposed entirely to having provisions that properly belong to the bills under consideration before the Senate, introduced by the Senator from Massachusetts, [Mr. WILSON,] from the Committee on Military Affairs, added to this bill. If you want any general legislation upon the subject of volunteers, whether for three years, two years, or a less term, put it on the bill to which it appropriately belongs, and do not embarrass this measure with a subject of that description, which is entirely out of place. If the Senator will confine his amendment to a provision which is perfectly simple, making all the provisions of law in this bill contained respecting payments of money for services to volunteers, applicable to all volunteers who have enlisted for a period exceeding three months, I have no objection to it; it would be proper enough; but when you come to say that all, for whatever time they may have enlisted, are to be included with relation to bounties and other arrangements that are made to induce men to enlist and serve through the war, then it becomes, in my judgment, entirely improper. This bill is an improper place for it. To put it here will only tend to embarrass the passage of the bill, and I am opposed to it here at any rate.

Mr. WILSON. As the Senator from Maine states, this is simply an appropriation bill; and it seems to me all we want to do is, to provide that the provisions of this bill shall apply to the two-years volunteers of New York and the one-year volunteers of Indiana. The bill that the Senate has already passed takes care of the two-years volunteers of New York and the one-year volunteers of Indiana, and places them on the same footing with the three-years volunteers. I would suggest to the Senator from New York that therefore it is not necessary to put all these provisions in this bill. They are already provided for.

Mr. KING. The reason for my offering this amendment was, that I found in this appropriation bill an omission of any provision for the payment of the two-years volunteers or the volunteers for a shorter period of service. It was unquestionably an omission, because there is no intention to withhold payment from these troops. If it is the intention of the Senate to put them on the same footing with others, it will not embarrass this bill or any other. It is no matter where the provision is made which puts these volunteers all on the same footing. My desire is to have a general clause that shall put them all on the same footing, somewhere in one of the bills; because I find that these bills have been drawn omitting entirely all provision for the two-years volunteers. I desire to provide for them now, lest by any accident such a provision should escape in the other bills. I suppose it to be the intention of the Senate to make all these provisions applicable to all the volunteers; and I would inquire of the Senator from Maine if he does not so intend?

Mr. FESSENDEN. So far as this bill goes; but we do not want to put on this bill a provision that belongs properly to other measures.

Mr. KING. It seems to me it must go into some general bill in order to pass the House of Representatives. It is an omission, an error, in all these bills, that the two-years volunteers have not been provided for. There is no doubt about that. I propose to correct it. I find no fault about it. It is a mere omission, unintentional, no doubt; but I fear that the same omission may occur in other bills. I therefore desire and hope that the Senate will consent now to put all these volunteers on the same footing.

Mr. WILSON. In the volunteer bill passed by the Senate, this case is covered fully and completely, and intended to be so, to apply to the volunteers of New York and of Indiana.

Mr. KING. The case of appropriations?

Mr. WILSON. It puts them precisely in all respects on the same footing, with the same privileges and bounties, and under the same regulations as though they were three-years volunteers; and all you want here, is to apply this appropriation bill to them. That is all.

Mr. KING. I can see no objection to making this provision general, unless there be a willingness that in some of the bills, all of which, as I believe, have been drawn without describing these volunteers according to their technical term, they shall have the benefits which are to be given to the volunteers for three years. I do not understand the objection to making this provision general. I am willing to make the provision applicable to this bill of course, but I want it applicable in all cases, and I want a general provision in order that there may be no accidental omission of these volunteers for other purposes.

Mr. FESSENDEN. I think I can suggest an amendment which will cover everything in relation to this bill? Let the proposition be put in this shape:

And be it further enacted, That all appropriations and all provisions of law herein contained, applicable to three-years volunteers, shall apply to two-years volunteers, and all other volunteers who have enlisted for a period exceeding three months.

Mr. KING. I would strike out of the amendment of the Senator from Maine, the words "herein contained." I desire to embrace the Indiana and Ohio volunteers for a shorter period than three years; but I am disposed to take the vote of the Senate, and I am sorry to find the chairman objecting. I ask him how these other volunteers came to be omitted in this bill? They have been omitted in all of them.

Mr. FESSENDEN. It is said that the appropriation made for the payment of volunteers is in this bill applicable solely to the three-years volunteers. Now it so happens that there are those who have volunteered for two years, for one year, and for six months. It is desirable to provide for paying the whole of them, and it is meant to provide for paying the whole of them. By the amendment which I have suggested, that provision is made. It provides that everything herein contained with regard to appropriations, &c., in this bill, shall apply to those classes of volunteers. The difference between me and the Senator from New York is that, on this bill, he desires to put a rider, declaring that all provisions made already, or that hereafter may be made, no matter what, applicable to three-years volunteers, shall apply just as well to any volunteer whatever, who may have enlisted, perhaps, for no more than one hundred days. I am opposed to that. When you come to see what those provisions are which are contained in the other bills, then we can understand it; but I do not want to make it in advance upon this bill, which regards the payment of money. In this bill which regards the payment of money and nothing else, I am willing that they shall be put on a level. Here they are equal; elsewhere they may be equally provided for. That is all.

Mr. KING. Now I come to understand the objection to the amendment which I have proposed; and it is simply that there is an unwillingness to put these volunteers on the same footing——

Mr. FESSENDEN. No such thing.

Mr. KING. The only effect of changing the amendment as I offered it is to prevent this bill putting them on the same footing. The amendment as I offered it does put them on the same footing in all respects. Here has been an omission—an omission unintentional, no doubt—running through all these bills, so that they apply

only to the three-years volunteers. Undoubtedly, if the matter had been thought of by those who prepared them, the bills would have been made applicable to all the volunteers. I merely desire, by some general declaration, to put these volunteers on the same footing. The Senator from Maine intimates to me that he is willing they should all be put on the same footing, though I understood him to say, in advocating his amendment, that his objection to mine was that it put them on the same footing. I move to amend his amendment by striking out the words "herein contained."

The VICE PRESIDENT. The amendment of the Senator from Maine is an amendment to an amendment, and as such is not susceptible of further amendment. The only way the Senator from New York can accomplish his object will be to vote down the amendment of the Senator from Maine. The question is on the amendment submitted by the Senator from Maine.

Mr. KING. I should like to hear the amendment read as proposed. I understand the amendment of the Senator from Maine to be a substitute for mine.

The VICE PRESIDENT. It is an amendment to the Senator's amendment.

Mr. KING. Let me hear it read.

The Chief Clerk read the amendment.

Mr. FESSENDEN. I will say "have been or may be received into the service of the United States," instead of "who have enlisted."

Mr. KING. I agree to that. All of ours have been received at any rate.

The amendment was read as modified.

Mr. KING. I did not hear the limitation that I understood was there. I should like to hear the Clerk read it again as last proposed by the Senator from Maine, distinctly.

The Chief Clerk read, as follows:

And be it further enacted, That all appropriations and all provisions of law herein contained, applicable to three-years volunteers, shall apply to two-years volunteers, and all other volunteers who have been or may be received into the service of the United States for a period exceeding three months.

The amendment of Mr. FESSENDEN, as modified, was agreed to; and the original amendment of Mr. KING, as thus amended, was adopted.

Mr. HARRIS. Mr. President, I desire to offer an amendment to this bill; on page 9, after line one hundred and eighty-five, to insert:

For increasing the military defenses in the harbor of New York, $200,000.

It may not be known to Senators generally that there is in the city of New York great uneasiness felt——

Mr. FESSENDEN. I rise to a question of order upon that amendment. I believe it is not in order, according to the rules.

Mr. HARRIS. If it is not in order, I will withdraw it.

Mr. FESSENDEN. I raise the question; let the Chair decide.

The VICE PRESIDENT. The amendment is excluded by the rule of the Senate which requires amendments that increase appropriations to be made in pursuance of a recommendation from a Department, or on the report of a committee. The 30th rule is in these words:

"No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution, previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments."

Under that rule, the impression of the Chair is that the amendment is excluded.

The bill was reported to the Senate as amended; the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representative were read twice by their titles, and referred to the Committee on Military Affairs and the Militia:

A bill (No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina; and

A bill (No. 27) to promote the efficiency of the Army.

INCREASE OF THE ARMY.

The Senate resumed the consideration of the bill (S. No. 2) to increase the present military establishment of the United States. On Saturday the amendments made as in Committee of the Whole were concurred in with the exception of the following:

And be it further enacted, That the increase of the military establishment created or authorized by this act is declared to be for service during the existing insurrection and rebellion; and within six months after the constitutional authority of the Government of the United States shall be reëstablished, and organized resistance to such authority shall no longer exist, the military establishment shall be reduced to the number, grade, rank, and pay authorized by law on the 1st day of May, 1861.

Mr. FESSENDEN moved to amend the amendment, by striking out "six months" and inserting "one year;" and the pending question is on this amendment to the amendment.

Mr. KING. I assent to that, of course.

The amendment to the amendment was agreed to.

Mr. WILSON. Mr. President, when this proposition was first submitted, I was opposed to it. Being pressed, however, strongly by the Senator from New York, [Mr. KING,] and wishing, if possible, to obtain a united vote, I said to that Senator that I would not resist that amendment; and the other day I made that statement on the floor of the Senate. I have since reflected, however, on the subject; and I am constrained to say that I must change the assurance I then gave, and must oppose the amendment. I believe that its adoption will work injuriously to the public service. Upon that point I entertain no doubt whatever. The plan of the Government has been to fill one half of the field and company officers above the rank of second lieutenant out of officers from the old regiments. It will take about three hundred men from the old regiments and put them in these new regiments; and, sir, I venture to say that these new regiments, when completed, will be as well officered, if not better officered, than the old regiments; I think better. One of these regiments is a regiment of flying artillery, a regiment to be gotten up solely of good men; and it will take three or four years properly to instruct the men and the horses.

Mr. GRIMES. How long?

Mr. WILSON. Three or four years. So say some of our best officers, and among them Colonel Sherman, who wrote me a letter which I received from his headquarters yesterday in regard to that point. He thought it was very important to know precisely what the Government intended to do in raising that regiment.

Mr. GRIMES. Does the Senator then propose to extend the term of enlistment more than three years? If it requires more than three years to drill the officers and men how does it happen that we limit the period of enlistment to three years?

Mr. WILSON. I will answer the Senator frankly. We do not propose to disband the regiment; we do not propose to disband the horses, nor sell them; we propose to enlist our men for three years; and the probabilties are that they will reënlist. This amendment is a proposition to destroy the regiment when raised. I am opposed to it, and it seems to me unwise, in the present condition of the country, to put in this proviso in the length and breadth proposed. If it were a proviso saying that this force was raised at this time to meet the present wants of the country, and as soon as, or one year after, the war closed, the President should reduce the Army according to the wants of the country, without specifying how, leaving the Government to preserve these new regiments or a portion of the old regiments, I would not object to it.

Mr. COLLAMER. It it so now.

Mr. WILSON. It may be so; but upon that point I think it very doubtful.

Mr. COLLAMER. Let the amendment be reported again.

The Chief Clerk again read it.

Mr. WILSON. I may be in error in regard to the preservation of those regiments, but the amendment provides that the whole Army shall be reduced in grade, rank, pay, and number, to what it was on the 1st day of May last. Sir, I think the provision too particular and too sweeping. I think we had better make no amendment at all; but if an amendment be adopted, I think it had better be left more general in its terms. I must confess, sir, that I do not see the wisdom of any amendment, or why we at this time, in proposing to raise this force, should provide for its disbandment. Why may we not trust the Congress that shall then be assembled, trust the President who shall then be in the Government of the country, and trust the American people, to settle that question according to their own interests? The Senator from New York has great faith in the American people. I agree with him in that; but, sir, Congress will be as wise one year after we have put down this rebellion, as we are to-day. I think we shall then know what the country wants; whether it wants the twenty-two or twenty-three thousand men provided for by the passage of this act, in addition to what we already have, or whether it wants to come back to the fourteen thousand men we now have enlisted. In this emergency, with these men ordered out in the mode they have been, I think it better to leave that question to be settled by the future.

Such an amendment cannot fail to work most injuriously. If the officers of these new regiments were all taken from civil life, then we might disband those regiments at the end of three years without any trouble; but, sir, one half of them have been taken from the old Army. None of those officers will go into these new regiments with the same confidence they would have if they remained in their old ones, and they will tell you so. They think that most of the old regiments, being small regiments, will be kept at the end of the contest, and that the new regiments created by this act will be those that will be disbanded; and further, that by taking commands in these new regiments they are more likely to be thrown out at the end of the contest. Men who have agreed to accept commissions in these new regiments are in trouble in regard to this matter to-day, are anxious about it, and some of them are regretting that they left their old places in the old regiments.

Why then press this proposition? In this crisis of the country, when these troops have been called out in the mode and manner in which they have been, why should we continue to press this amendment on the country? If it would work no harm, if it would do no injury, I would not care about its being inserted in the bill, for this reason: believing that the country will know what it wants when this contest is ended, that the Congress of the United States will reflect the will of the people, and that the people and Congress can decide this question as well as we can, and better too, I would be willing that they should settle it, and I would not object to its being in the bill; but I am confident, and I know it is the opinion of nearly every man connected with the Army, that this amendment as it now stands will work injuriously to the Army of the United States.

Mr. HARRIS. Mr. President, I have not the vanity to suppose that anything I can say will change the views of any Senator upon this question; and yet, sir, I cannot satisfy my own sense of duty by giving a silent vote upon this amendment.

This measure of increasing the Army has been entered upon as a measure of the Administration. It has been thought proper by the Administration to enlarge the permanent force of the country by adding eleven regiments. Without waiting for an act of Congress, the execution of that measure has been commenced. Officers have been commissioned, and have been sent to various parts of the country to organize their regiments, and have entered upon the business of recruiting. Now, sir, it seems to me that for us to adopt this amendment will be virtually, practically, indirectly, to defeat this measure of the Administration; for I maintain that if this amendment be adopted, we convert these regiments into volunteer forces. They will amount to nothing else.

Why, sir, we have commissioned, as the Senator from Massachusetts has stated, some three hundred officers of the Army as officers of these new regiments. What will be the effect of this amendment upon those gentlemen? I ask you, sir, I ask any Senator, what will be its effect? Will an officer of the Army, who supposes he holds his position for life, accept a commission of major in one of these new regiments with the expectation that that regiment will be disbanded at the end of the war, and he thrown out of employment, when he holds the rank of captain in one of

your present regiments? No man will be so unwise as to do this; and you may depend that the effect of this amendment will be to drive off these three hundred officers that are now proposing to accept office in these new regiments, back into their old regiments; and these new regiments will become nothing more than regiments of volunteers

Again, sir; I have long been of opinion that our Army was quite insufficient for the exigencies of the country; and this opinion has been greatly strengthened by the remarks that I have heard from Senators representing the States on our frontiers. It has seemed to me that an army that was adequate for the state of the country when it was not half so large; when we had not half so great a frontier; when our population was not half so great, was quite inadequate even for a peace establishment at the present day. More than this, sir; let this war terminate as it may; let peace be established to-morrow, if you please; let the necessity for a large volunteer force cease; you know, sir, every Senator knows, that it will be necessary, for years to come, probably during the whole of our lives, to maintain, at certain important positions, military force. We cannot conceive of a state of things which will make it expedient or prudent to dispense with a large military force in our country; and no man, I apprehend, will suppose that that force can be sustained by a volunteer militia.

But, sir, I have another objection to this amendment. I object to it because it amounts to nothing as a matter of legislation. It seeks to prescribe to our successors at some future day a rule of action. I think it is enough for us to attend to the legislation of our own time, and to leave to a future Congress to dispose of this question as they shall see fit. I suppose, sir, that a future Congress may disband these new regiments, or the old regiments, as they shall deem most expedient. These regiments, as was well remarked by the Senator from Massachusetts the other day, are got up on a much more economical scale than the old regiments of the Army. Where in the old regiments of the Army there were three colonels, here we have one; where there were three lieutenant colonels, here we have one; where there were six majors, here we have three; and the companies are nearly twice as large as in the old regiments; so that in these new regiments there is a saving to the Government of nearly one half of the expenses of the officers. If we were to abolish any portion of the Army; if any of the regiments were to be disbanded, in my judgment, it should be the old regiments; but this amendment seems to look to a disbandment of the new regiments at the end of the war. I am opposed to it entirely.

Mr. HALE. Mr. President, it is well known to everybody who has watched the course of so humble an individual as myself, that I have always been opposed to an increase of the Army, and been in favor of the diminution of it; but I listened with a good deal of pleasure to the remarks of the honorable Senator from New York, and I agree to the policy that he assumes in opposition to this amendment. I think the amendment is unwise at this time. I think we ought to put forth vigorously whatever force we intend to put forth, and we should not paralyze the *morale* of the Army by such a prospective decapitation of them all as this amendment proposes. "Sufficient unto the day is the evil thereof," so far as this matter is concerned; and I will not answer, as I otherwise would, the remarks which fell from the Senator from New York in regard to the necessity of a standing army, and of a large one. I am willing to give this force which the President asks, and trust to the wisdom of those who will be our places when this war ceases, or those of us that are left here. Though I challenge any man in the Senate, or any one who has ever been in the Senate since I have been here, to find one who has been more radically opposed to an increase of the Army, and who has been more earnestly in favor even of a diminution of it than I have; yet, with great deference to the gravity and wisdom of the senior Senator from New York, [Mr. KING,] I think this is an unwise place to ingraft such an amendment as this. I think we had better give this Army, and give it all the means that we can, all the strength and encouragement we can, without hanging this ban over them to tell them that when the war is over they shall be disbanded. When the war is over, the Army will be reduced; and will be greatly reduced, I hope and trust and believe. I believe that the experience of this war will be to show that we do not want a standing army, but only such a standing army as Rhode Island had, and Massachusetts had, and as Maine will have under the wise and judicious legislation which she has introduced, and which I trust all of the States will have. While I think such will be the result of the experience of this war, I think it would be most unwise to ingraft such an amendment as this on the bill at this time.

I would not have made even this explanation, sir, had I not always heretofore opposed any increase of the regular Army.

Mr. GRIMES. One of the great arguments that seems to be urged by gentlemen in opposition to the proposition submitted by the Senator from New York is, that a great many of these officers who have been prospectively assigned to these eleven regiments, are taken from the line and staff of the old Army, and when the new regiments are disbanded they will be left out of employment. Now, I propose, if this amendment of the Senator from New York shall be adopted, to introduce a provision declaring that the officers appointed from the line and the staff of the old Army to these eleven regiments, shall be permitted to resume their old positions in the line at the expiration of the three years, or at the expiration of their term of service. The Senator from Massachusetts urges that these are the best officers of the Army that have been transferred from the old line into the new regiments, for the sake of leavening the whole lump. Let them go into the new regiments and leaven the lump; let them create that discipline and *morale* which they say they want to communicate to the eleven new regiments; and then when we want to disband a portion of the Army, and reduce it to a peace establishment, if it would be unjust to them to turn them out of employment, let them go back to their old places, and let the civilians who have been appointed in the old regiments to supply their places go back to civil life. That seems to be what the Senator is aiming at. He is trying to take care of the regular Army officers, and not to take care of the civilians. All the appeals that have been made to us on this subject have been in behalf of the regular Army officers, and not in behalf of the civilians who have been appointed. The Senator said if regular Army officers had not been appointed to these eleven regiments, he would not say a single word in their behalf, but would allow those eleven regiments to be disbanded; but because Army officers have been transferred into the new regiments, these long appeals are made to us.

Now, Mr. President, permit me to say that there is not a man in this Senate who will go before me in a disposition and in an anxiety to furnish to the President of the United States every means in my power, or in the power of this body, to put down this very causeless and wicked rebellion; but I do not believe that, by the creation of these eleven regiments, we do put any power in his hands. Although I am willing to vote for this bill as it has now passed through the Committee of the Whole, and place these eleven regiments in his hands in the character of volunteers, I do believe that in that character, or in the character of a regular Army, they will be inefficient to him, because there is a prejudice against a standing army. Men do not wish to enlist into the regular service. Why, sir, your Army now is authorized by law to be established at seventeen thousand eight hundred; and how many men have you left in your service? Why, you lack several thousand of having as many recruited in your service as you are authorized by law to have in your old regiments; and yet, knowing that you cannot recruit the old regiments, which you have been attempting to recruit for three or four months, you undertake to raise another regular service to the extent of twenty-four thousand men, and fasten that upon the country as a permanent standing army, knowing all the time that it has been impossible for you to increase your old regiments up to the standard authorized by law. I do not know with what truth the statement is made in the newspapers, but I see it stated that the week before last, in New York city, where are the headquarters of the eleventh regiment, and where there are between forty and fifty officers on recruiting stations, the whole number of men recruited for the whole six days was twelve—two men to a day. That is the progress they are making with the recruiting of these eleven regiments. If, instead of sending forty men there, you had sent one man, and called for volunteers in the name of the United States, instead of having only twelve men, you would have had twelve thousand.

It is said here that they want a more efficient force than the volunteers. Now, I should like to know, sir, if you call for volunteers for three years, if it is not just as possible to drill them, and to make them just as effective and as good soldiers, as it is if you enroll them under the name of regulars? In order to secure the recruiting of these eleven regiments, you have reduced the period of enlistment from five to three years, and you propose to give them the same bounty for recruiting that you give to your volunteers. You therefore have a period of service of only three years. Now, can you not make those volunteers just as efficient and just as good soldiers as if they were called regulars, and you had no provision by which they should be disbanded at the end of the war, or at the end of three years? I apprehend you could.

Another argument urged here is, that we need a larger standing army. I do not believe it. I cannot sympathize in that argument. I believe, with my ancestors, that standing armies are hostile in their tendency and effect on republican governments; that they are provocative of wars; and I am not willing to say to the people of my section of the country that they are hereafter to support a larger standing army than that which is now authorized by law. In this country, we want nothing but our armories, our arsenals, our depots of arms, and the nucleus around which, when a great exigency arises, the volunteers of the country can rally. We do not want any better evidence of it than we have seen during the last three months. When the President of the United States issued his proclamation for volunteers to defend this capital against the enemies of the country, regiment after regiment of volunteers and militia marched with greater celerity and with greater precision than any regulars that have ever been in the employment of the Government of the United States; and when the volunteers have exhibited the patriotism, the military ardor, and the military skill, that they have exhibited during the last three months, it is not the time for the Government, or the chairman of the Committee on Military Affairs, or for any other gentleman, to say that we must raise a large regular force, because the volunteers cannot be relied upon; because they are not firm enough in action. The volunteers, with a little more experience, will become as efficient, and, in my humble opinion, more efficient, than any regulars that will be drilled under the officers who have been proclaimed to the world as the appointees of the Administration to take charge of these eleven regiments.

Mr. President, if we need a larger standing army, after this war is over, it is not for us to determine the magnitude of that army, but for our successors. It is not for us to dampen the ardor of the people at home whom we represent, by telling them that hereafter, if they support this war and support the Administration, they are to have fastened upon them a large standing army of forty-three thousand men. Let me tell you more, Mr. President; the inevitable result of increasing the regular Army, by the creation of these eleven regiments, will be to enlarge the old regiments up to the standard of these new ones. When the chairman of the committee first introduced his bill it had a provision to that effect; but he or the committee has stricken it out. If that provision had been adopted, the standing army to be fastened upon the people of this country, instead of being seventeen thousand eight hundred, would have been sixty-five thousand seven hundred, besides your two regiments of engineers, your ordnance, and your staff, amounting to seventy thousand men, costing the Government about one thousand dollars per day, or $70,000,000 a year. I am not prepared to vote for any such standing army, or to provide, or to declare in any way, that we have got to raise anything like such an amount of money as that to support a future peace establishment. I am willing to vote all the volunteers that may be necessary; I am willing

to assist in making these regiments into volunteer regiments; but never into regiments of a standing army.

Mr. WILSON. Mr. President, the Senator from Iowa arraigns me before the Senate for having an anxiety to take care of the Army officers, and watching over their interests. I do not profess—I never have professed—to be devotedly attached to the interests of Army officers. I have been upon the Military Committee more than four years; I have been brought in contact with officers of the Army of the United States; and I must say, that my admiration of those officers has not been increased by my experience; but, sir, I will say here to-day what I believe to be true, that this Government, at this time, is not watching as it should watch over the interests and the rights of the Army officers of the United States.

Sir, we had, I believe, about seven hundred field and company officers in the one hundred and ninety-four companies or nineteen regiments of the old Army. Something like one hundred and fifty of those officers have resigned their places, and some of them are following the flag of rebellion against the country; some of them are in private life. They have left behind them some five hundred and fifty officers. Most of them have shown their devotion and their fidelity to the country. They stand by your flag to-day; they obey your orders; and whether they feel that they are treated justly or unjustly, in the face of the enemies of their country, they are true to the cause of their country. Now, when we believe the interests of the country require an increase of the Army of the United States, I say it is the part of every legislator to say to it, as far as in him lies, that the interests of the faithful men who stand by the flag of the country shall be cared for.

The Senator says that I remarked that if these regiments were to be officered by civilians, we could dismiss them at the end of three years. So we could; and work no particular injury, for this reason: by organizing these eleven regiments, and enlisting the men for three years, and appointing the officers from civil life, we simply make eleven regiments of volunteers—nothing more, nothing less; and when you bring men into the Army from civil life, if you tell them their commissions are to run only for three years, they can go out of the Army without any difficulty, and without any injustice. But, sir, in order to make these new regiments efficient, the Government has adopted the plan—and I believe it to a wise one—of putting in every one of these regiments twenty-seven officers from the line of the Army—men of culture, men of experience, men fitted to make these regiments at once veteran troops.

The Senator asks why they are better than the volunteers. Does not the Senator see why they are better? You have appointed eleven colonels for those regiments. Nine of those colonels, I think, are taken from the Army. One of them is a brother of the honorable Senator from Ohio, [Mr. SHERMAN,] a man educated, I think, at West Point—a man who has served the country, a gentleman acknowledged by military men to be a man of great capacity, who is at the head of a brigade over the river to-day. Then, sir, you have taken for colonels ten out of eleven men trained to the Army, and who have served their country in the public service. Take your list of lieutenant colonels and majors, and there you find men who are officers of the Army. Open your list of captains and of first lieutenants, and you will see about half of them taken from the Army. Would not a regiment thus organized, led by experienced and brave officers, be incomparably better at the end of a few days than a regiment raised in Massachusetts, or in Iowa, or New York, with not an officer, perhaps, trained in military affairs in the ranks of the regiment? You make these regiments at once, in the course of a very few days, good troops, to be relied on in all emergencies.

The Senator asks me in an under tone if we can enlist these men. I think there will be no difficulty in filling the ranks. I think, when the bill passes which allows them to be enlisted for three years, and gives them a bounty of $100 at the end of three years, and these officers are able to enter the field to recruit, that they will fill up the ranks in a short time. It is true, it has been difficult to fill up the ranks of the Army for five years without any bounty, when you take anybody in the volunteers without even the medical examination necessary, the fruits of which are before you in the hundreds of sick men that you have to dismiss and send home. I say without even a medical examination you take a man in the volunteers for the war and pay him $100 bounty, although the war may close in a few months.

Mr. COLLAMER. We do not pay bounty.

Mr. WILSON. Let me say to the Senator from Vermont that when the Administration called for volunteers for three years it promised that they should be enlisted for three years, or during the war, and that at the end of the war each man should have a bounty of $100; and it is in the present bill.

Mr. COLLAMER. I ask the Senator if there is not also a sum paid by the States to the volunteers in addition to what they receive from the United States?

Mr. WILSON. In many of the States, in addition to this liberal policy of the Government, the States or the townships have appropriated money—have increased the wages of the volunteers largely. In some townships of my own State they pay men a dollar a day, or agreed to pay them when they started. All sorts of bounties were poured out by the patriotic men of the country, to induce men to go into the volunteers. Under this pressure, under this mighty uprising and impulse, the ranks of the volunteer regiments were rapidly filled up; and if you want two hundred thousand more you can have them, I have no doubt, in the next thirty or forty days. Under such circumstances, it could not be expected that the ranks of the Army would be easily filled up, where they are particular about men in many respects; where there is no bounty at all, and where they are compelled to serve for five years. This bill provides that they shall be raised for three years, and that they shall have, at the end of the three years, a bounty of $100. In other words, they are placed on the same footing as the volunteer regiments.

The Senator from Iowa would not depress and dampen the patriotic ardor of the country, by letting the country understand that they have to support a large Army at the end of the war. Now, sir, I take it the country understands its own interests; and when this contest is closed, as I hope it will be closed at least in a year, I take it the public burdens will be such, the taxation will be such, that the people will seek all proper ways to reduce their expenditures; and if they have a man in the Army more than they want, they will strike that man's name from the rolls. Believing that the people then will know what they want, what their own interests require, and that they will be just as competent to decide this question as we are to-day, I choose to leave the question with them.

Now, sir, a single word in regard to the Army. It is a well known fact that we have about fifteen thousand miles of frontier, and during the last few years we have had about fifteen thousand men in the Army—one man to a mile on your frontier. You have three thousand square miles of territory, and thirty million people; and the idea that a little army of ten, fifteen, twenty, or forty thousand men can be dangerous to the liberties of the people, I think ought to be scouted by every American citizen. Our fortifications from Maine to the Rio Grande, during the last few years, have stood without sentinels, or guardians, or anybody to fill them. You have had a little Army, and it has cost about a thousand dollars a man. When you had your fortifications filled with a proper force, and when you had your frontiers not so large as they are now, you supported your Army for $400 a man, yearly. You have carried it up to more than $800 a year. You have had no stationary forces. You have had a little force that has had to fly from one end of the country to the other, and the great increase of expense has been owing to your vast expanse of territory, and your immense bills for transportation. A force that did not require to hurry a company from one end of the Union to the other, as we have had to do, would cost less per man than does this little force, that you have to scatter up and down the country, and keep on the wings of the wind all the time. That is the fact about it.

Sir, I believe if we had in October last placed men in the fortifications where General Scott then asked the Administration to allow him to place them, that you would have held the forts of Charleston and the mouth of the Mississippi to-day; that you would have held fortifications on the Gulf that would have checked this rebellion, or, if it had not checked it, would have enabled you to hold those strong positions which you have lost and have got to take back at the cost of millions of money, and nobody can say here to-day how much of human blood. General Scott asked the Administration in October last—when he saw to some extent what the country now sees, that there was a rebellion being organized—to allow him to place men in certain important fortifications in order to hold those strong military positions. It was thought that it would excite men who proposed to raise the flag of treason, and the advice of the old chieftain was disregarded, and the forts at the mouth of the Mississippi were lost; other important military posts and forts were lost; and now you propose to raise a military force to recover and reconquer them.

Mr. GRIMES. The Senator says that a force of forty thousand men last fall, properly distributed, would have prevented all this trouble.

Mr. WILSON. Not forty thousand; I said a proper force.

Mr. GRIMES. A proper force in the hands of proper men. If that force would exercise a conservative influence and save the country, under certain circumstances, would it not be equally dangerous to the liberties of the country, if it was controlled by wicked and improper men? Now my conviction is that if we had had a standing army last winter to the extent of seventy thousand men in this country under the command of the then Secretary of War, the present President of the United States would never have been inaugurated in the office which he holds.

Mr. WILSON. Well, Mr. President, that is a matter of opinion. The Senator has a right to entertain it. I do not entertain such an opinion. Sir, I have heard a great deal of treason in the Army. I am not the apologist of treason in or out of the Army; but I am not one of those who believe that treason originated in the Army, or that treason was taught these men at West Point. On the contrary, sir, the teachers of treason were the men who filled seats on this floor and the floor of the House of Representatives; the men who filled places in the Cabinet; the politicians of the country, who saw that, by the providence of God, by the growth of the population of this country, and by the spread of liberal ideas, power was to pass from their hands; and they, accepting the doctrines of secession, have taught treason to the country; and their own people, accepting their teachings, and raising the banner of revolt, have snatched from your Army men who went, many of them, with tears in their eyes, and unwillingly, to the call of their States, their wives, their children, and their friends; and to-day, sir, while we are here, there are men with our columns in Virginia, born on the soil of Virginia, whose relatives and friends, mothers and wives, are imploring them to resign their commissions and come home and live with the people of their States, and they on the soil of their native State are fighting under the banner of the Republic. Sir, I think injustice has been done the Army in these charges that have been made, as though the Army of the United States led in this treason. I do not think so.

Mr. GRIMES. I hope the Senator does not mean to convey the idea that I am throwing any aspersions on the Army. I referred solely to the late Secretary of War, who had the disposition of the Army and the power to place it in just such places as he saw fit; and with that power to distribute it over the country or to place it where he pleased, I do not think the present President would ever have been inaugurated.

Mr. LANE, of Kansas. I suppose there is no Senator on this floor who would be willing to induce the officers of the regular Army to enter the new regiments, with the understanding that they were to leave the profession of their lives when this trouble closes. That is the proposition of the honorable Senator from New York. The distinguished Senator from Iowa proposes to sugar-coat the pill of the Senator from New York, by saying to these officers of the old Army, "if you will accept commissions in the new, we will, at the close of the war, return you to the rank that you now hold in the old Army;" that is, sir, we will take a first lieutenant in the old Army and

advance him in that Army for his gallantry and courage, perhaps, to a brigadier generalship; we will take a second lieutenant of the old Army and transfer him to the new, and by his gallantry and courage he is advanced in the new regiments to a brigadier generalship. After the war closes, the Senator from Iowa proposes to bring back the brigadier general in the new regiments to the position of first or second lieutenant in the old. I do hope, Mr. President, that the amendment proposed by the Senator from New York may not be adopted.

Mr. HOWE. Is it in order to offer a further amendment to the amendment pending before the Senate?

The VICE PRESIDENT. It is in order.

Mr. HOWE. Then I move to strike out—I hardly remember the amendment, but I think it is—all commencing with the words "shall be reduced," to the end of the amendment before the Senate, and to insert "may be reduced in such manner and to such extent as Congress may direct."

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The Secretary read the amendment; which was to strike out of the amendment the following words:

"Shall be reduced to the number, grade, rank, and pay authorized by law on the 1st day of May, 1861."

And to insert:

May be reduced in such manner as Congress may direct.

Mr. HOWE. Mr. President, the purpose of the amendment, you perceive, is simply to change the character of the proposition so far as this: instead of imposing upon the Government the obligation absolutely and unconditionally to reduce the Army to its present *status* at the conclusion of the war, or within one year from the close of the war, to submit it to the discretion of Congress to reduce or not to reduce the Army, as in their judgment they shall think the exigencies of the country may demand. My own judgment, Mr. President, is that the country requires an addition to the standing Army of the United States. I can very easily understand, however, how Senators may differ from me in this opinion; I can very well understand how Senators may deem the present Army of the United States adequate to the purposes of a peace establishment; but I cannot, for my life, understand how any Senator can deem an addition to the regular Army at all requisite to the prosecution of the present war. If the only purpose for which you propose to increase the Army of the United States is to fight the present war to an end, that purpose does not meet my approval nor my sanction.

So far as the exigencies of the present war are concerned, it seems to me the volunteer force of the country is decidedly the best force. To prosecute and terminate this controversy, sir, I do not, for one, want men who are fighting for twelve dollars a month, and think themselves adequate to earn that sum. I want just the sort of men you have got in your volunteer regiments, men who are fighting in full view of the whole issue before them; men, every man of whom feels that the whole value of the country rests upon his single shoulders, and feels abundantly competent to redeem the whole value of the country. That is the sort of men I think you need. That is the sort of men I am happy to know, to-day, you have in the Army which is prosecuting this war, abundantly adequate to all its exigencies—men, I am happy to remind the Senate, who are to-day doing up the work of this war; and doing it, if you may allow me to use a commercial phrase, to order.

I do not understand, then, any propriety in calling this an addition to the military establishment of the United States, when its existence is limited by the very conditions which limit and which terminate the existence of this volunteer force. But, as I said before, and I submit it with great deference to the judgment of other Senators, I do think we need an addition to the Army of the United States; not, however, for the purpose which has been suggested and urged here as any reason for increasing our Army; not that the present Army is not adequate to enforce the laws of the United States in time of peace, and to enforce them upon the people of the United States. I think our present Army is sufficient for that purpose. But I submit, with all deference, that that is not the purpose of a standing army—to enforce the laws. A very small army, if any, is needed to enforce the laws upon a people which makes their own laws. We have other purposes. We have, as has been remarked here already, an immense frontier to defend. You have military posts, forts, and fortifications, scattered along over an exterior line of fifteen thousand miles; and that is not all. The countries bordering upon this exterior line are becoming every year more and more populous. Your whole northern frontier is becoming more settled; your whole southern frontier is becoming more settled; and you have new avenues of communication being opened every year between your Atlantic and your Pacific sea-boards, and of countries fronting them on the other side of the globe. Now, if there be any occasion for these military posts at all, it seems to me there is occasion for men to occupy them, and in proportion as these exterior dangers increase, seems to me the necessity for an additional force of some kind ought to be provided.

But this is not all: You have not only to provide for our own protection against any hostility which may be betrayed or developed on the part of our neighbors; we have other necessities for a military force of some sort. We have people, and very many of them, within our borders, who do not belong and do not constitute a portion of the people of the United States. We have numerous Indian tribes; very many of them. Our connection with them, or relations to them, are growing more and more intimate every year. We are throwing our own people faster and faster into their very neighborhood. They must be protected against them, or ought to be. It has been said here repeatedly, in the course of this debate, that the protection hitherto afforded has not been at all adequate.

It is said that, for want of a sufficient number of troops, you have had to move bodies of such men as you had in the Army, frequently to great distances, and with great speed; and, after all, have not furnished adequate protection.

Now, if the sole question was whether the present military establishment were sufficient to enforce the laws of the country upon our own people, it would be proper still to remember that you had, thirty years ago, seven regiments of infantry in your Army when you had a population of twelve million. Now the population is over thirty million, and you will have but nineteen regiments of infantry if you pass this bill as it stands. Your military force will not be greater in proportion to the population of your country than it was thirty years ago.

Mr. GRIMES. Each of these new nine regiments is equal to three of the old, so that you add three times nine, in fact.

Mr. HOWE. It is true that the number of privates in these regiments is larger than the number of privates in the regiments existing in 1830. Numerically, I know, your infantry will be larger when this bill is passed, in proportion to the number of regiments, than it was in 1830; numerically, it will be larger in proportion, I think, to the population than it was in 1830.

Mr. GRIMES. We had no cavalry in 1830; and now we have five regiments besides the new ones.

Mr. HOWE. I will not contradict the Senator from Iowa, for he is more familiar with this matter than I am; but I was under the impression that we had one regiment of cavalry and four of artillery at that time.

Mr. GRIMES. The first regiment of cavalry was called the regiment of dragoons, and was raised immediately after the Black Hawk war in 1833, of which Henry Dodge, of Wisconsin, was first colonel. That was in 1833.

Mr. HOWE. I have no doubt the Senator's recollection is correct; but, as I said before, our necessities for an army are not at all guided, governed, or limited by our own population. We want it for other purposes than to keep our own population in order and subordination. Nevertheless, it seems to me it is proper for the Senate to consider that when this war shall have terminated, you will have scattered through the country at least five hundred thousand discharged soldiers, men going into the country and into the towns with habits, tempers, and dispositions which they have acquired in the camp. This of itself must be a new cause of disturbance; this of itself ought to demand of us some provision—not the provision that is made in this bill, but some portion of that provision. You organized several new Territories during the last session of Congress. You opened those Territories to settlement. You are going to throw our people into those Territories in the very neighborhood of a great many new tribes with whom we have had no immediate contact. They must go there with or without protection. You have a post route now, one overland mail route all the way from the Mississippi river to the Pacific ocean, traversing a great many miles of uninhabited country—a country uninhabited, at least, by any intelligent and civilized population. All these facts exist, and seem to me to call for the provision of some force to make life and business and commerce reasonably safe, and that force must be provided by a regular army or by volunteers. It seems to me if you have any constant and continued demand for force of any kind in a Government like ours, it should be a profession by itself, and you should exempt all your laboring class, all your productive class, as far as possible, from all these extraordinary duties. That seems to me to be the true policy.

The labor of protecting these additional miles of frontier, these new routes of communication through the interior of the country, protecting our relations with these new nationalities or tribes of Indians within our borders, it seems to me should not devolve upon the industrial, the laboring classes of the community; but you should provide a regular profession for that as much as a regular profession to manage the business of your Departments here, to conduct the commerce of your country, or to conduct any other branch of business necessary to the well-being of the country. It may be, sir, when all these necessities are duly considered, when the war shall have terminated and Congress can look fully upon the necessities of the country, that the whole of this additional force may not be deemed necessary. When that time shall have arrived, the national Legislature will be able to comprehend what it does and what it does not require, and will be able to say whether the whole force should be continued or may be partially or wholly reduced to its present condition. I should like very much, therefore, to see the amendment I have offered to the amendment now before the Senate, which was submitted by the Senator from New York, adopted by the Senate.

Mr. CLARK. Mr. President, I do not propose to make a speech upon this matter; I merely want to suggest to the Senate the propriety of expressing our opinions by our votes, instead of by long speeches. Probably every Senator has his mind made up on this matter. The House of Representatives is very much ahead of us. It has sent in a resolution here that it will be ready to adjourn on Friday, and we must hasten our votes and our acts if we intend to be ready to go with them.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on concurring in the amendment as amended.

Mr. KING. I regard this amendment as a simple declaration of the purpose of this Congress. We all understand that one Congress cannot bind a future Congress. The present Congress at the next session, or any future Congress, may at any time make what law they think proper on the subject-matter. I have thought it better that, at this session of Congress, we should confine ourselves to that legislation which is desirable and necessary for the emergency that called us together; and I have been desirous, indeed anxious, to vote to furnish all the forces which might be required. I deemed it better that we should declare that that was the object and purpose; and that we should not here, at this session, attempt to pass upon the question of a permanent increase of the standing Army. There is no doubt that when the difficulties which exist now have passed by, and Congress assembles, it will legislate upon the subject, whether this amendment be adopted or not, and put the standing Army on such a footing as the exigencies and condition of the country may then require. There are various reasons to my mind why it would be desirable to make this provision for the increase of the force one for the emergency, and to declare it to be so.

The country has rushed with a patriotism that certainly commands, and must command, the admiration not only of ourselves, but of the world, to meet this emergency, and to put down this insurrection. Through all the loyal parts of the country, a disposition exists to pour out and to give all that may be necessary to accomplish the object—one in which I do not doubt that we here fully participate; but in the feeling that exists on such occasions, we should be careful how we undertake to deal with the permanent legislation of the country.

We are appropriating very large amounts of money, willing to give it *ad libitum* to the Administration. The debt of the country at the end of these difficulties must be some five hundred million dollars, or more. An annual expenditure to pay the interest and a very moderate amount for a sinking fund, may fairly be estimated at a sum of $50,000,000 annually of charge upon the Treasury. A permanent increase of the standing Army that shall carry up our expense for the Army to $30,000,000 a year, with a corresponding increase for the Navy, would make the charges for debt, Army, and Navy, amount to about $100,000,000 annually. We should desire by our action now to show the country, that we are not going to charge the Treasury with such heavy amounts permanently. I believe, I have not a doubt, that whatever is wanted for the present emergency, will be furnished under any circumstances; but our annual expenditures, after this emergency is over, are to be much greater than heretofore. Under all the circumstances, I have thought it better, without reference to what our opinion might be as to whether the standing Army ought to be increased or not, to provide that this increase shall be for the emergency. It has been usual to do so on former occasions. When an increase of the Army for the war of 1812 and for other wars was made, it was provided that it should be for the war, and it was provided that at the end of the war a reduction should take place; and it did take place. It took place under the action of Congress, as it will here.

Gentlemen who allude to this amendment as an attempt to forestall the future judgment of the country, do not do justice to the proposition. They do not choose to meet the question nakedly, as to whether the standing Army should be permanently increased or not. They speak of the propriety and fitness of the reduction of it hereafter, and yet are unwilling to say that it shall be reduced. In the war with Mexico—the statute has just been handed to me—when an increase of force was authorized, its reduction was provided for also. Let me read one of the acts then passed:

"That the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, one major general, and two brigadier generals, in addition to the present military establishment: *Provided*, That when the war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified, the number of major generals in the Army shall be reduced to one, and the number of brigadier generals shall be reduced to two; and the President of the United States is authorized and directed to select from the whole number which may then be in office, without regard to the date of their commissions, the number to be retained, and cause the remainder to be discharged from the service of the United States."

These provisions have been made heretofore when the standing Army has been increased, unless it has been intended that the increase should be permanent. There is a question of faith raised here, and it is put forward in relation to these officers who are appointed from the old regiments. It is said, that if it is expected that they are to go out of service at the end of the emergency which has called them into it, they cannot be induced to take these commissions. That proposition has its converse. If they go into the service with the expectation that they are to be continued, with what face can we, after inducing them to take these commissions, undertake to reduce them? My own opinion is against a great standing army. I know this subject is so well understood, that it needs no elucidation by argument, and I shall not attempt it. I have made my proposition because it is in accordance with my opinion, and I shall vote for it.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

The amendment was rejected.

The VICE PRESIDENT. The Secretary will read the next amendment.

Mr. KING. The second amendment was only a part of the first; and with the failure of the first, it of course falls. The whole proposition was designed to test the question whether the increase should be permanent.

The VICE PRESIDENT. It is not competent to withdraw it. The question is on concurring in the following amendment:

And be it further enacted, That the President of the United States shall cause regiments, battalions, and companies to be disbanded, and officers, non-commissioned officers, musicians, and privates, to be discharged, so as to reduce the military establishment as is provided by the preceding section.

The amendment was rejected.

Mr. JOHNSON, of Tennessee. I want to have the yeas and nays on the question of increasing the standing Army.

Mr. KING. The vote on the first proposition was the test vote.

Mr. GRIMES. I move to reconsider the vote rejecting those two amendments. I want the yeas and nays. I want to record my name against the permanent increase of the standing Army.

Mr. KING. I hope the Senate will unanimously consent to the reconsideration.

The VICE PRESIDENT. The Chair hears no objection; and it will be regarded as reconsidered. The question now is on concurring in the amendment.

Mr. GRIMES. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. I ask that the proposition be read.

Mr. FOSTER. I object to its being read. These amendments have been read over and over, and if gentlemen will absent themselves and not attend to the business, or will allow votes to pass here and then have to move to reconsider in order that they may vote on the subject, I do not think they are entitled to particular courtesy.

The VICE PRESIDENT. It has been read twenty times. The question is on ordering this proposition again to be read.

The motion to read the amendment again was agreed to; and it was read, as follows:

And be it further enacted, That the increase of the military establishment created or authorized by this act is declared to be for service during the existing insurrection and rebellion; and within one year after the constitutional authority of the Government of the United States shall be reëstablished and organized resistance to such authority shall no longer exist, the military establishment may be reduced in such manner and to such extent as Congress may direct.

Mr. COLLAMER. It seems to me that that proposition is susceptible of division. The first part of it declares that the increase provided by this bill shall cease at a certain time. The other part is, that the whole Army shall be reduced to what it was before. They are two things entirely. One of them relates peculiarly to the force raised by this act; the other extends to the whole Army.

Mr. KING. Whether this proposition be adopted or rejected, my second amendment is unnecessary. The amendment of the Senator from Wisconsin supplies the purpose of the second section. This proposition simply provides that the Army shall be reduced by the direction of Congress.

The VICE PRESIDENT. The impression of the Chair is, that the section itself is not susceptible of two distinct propositions. The Senator from Vermont can look at it himself.

Mr. COLLAMER. What was the amendment proposed by the Senator from Wisconsin, which was adopted?

Mr. KING. That the reduction should be made by Congress.

Mr. COLLAMER. Was that adopted?

Mr. KING. Yes, sir.

Mr. COLLAMER. We did not understand it alike. I understand that there is in the proposition a provision that the reduction shall take place by an act of Congress.

The VICE PRESIDENT. If the Senator desires a separate vote, he will be kind enough to take the section and indicate upon what part he desires the first vote, and on what part the second.

Mr. COLLAMER. I withdraw the call, if the Chair thinks the amendment is not susceptible of division.

The VICE PRESIDENT. The question is on concurring in the amendment as amended; and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 23, nays 18; as follows:

YEAS—Messrs. Bingham, Breckinridge, Carlile, Chandler, Cowan, Doolittle, Fessenden, Grimes, Johnson of Tennessee, Johnson of Missouri, King, Latham, Morrill, Pearce, Polk, Powell, Saulsbury, Sherman, Sumner, Trumbull, Wade, Willey, and Wilmot—23.

NAYS—Messrs. Anthony, Browning, Clark, Collamer, Dixon, Foot, Foster, Harlan, Harris, Howe, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Pomeroy, Rice, Ten Eyck, and Wilson—18.

So the amendment was concurred in.

The VICE PRESIDENT. There is an amendment still remaining.

Mr. KING. The second amendment ought not to be adopted by the Senate. The proposition, as I originally drew it, required, in distinct terms, the Army to be reduced, and the second section provided that it should be done by the President. The amendment of the Senator from Wisconsin provides that it shall be reduced under the direction of Congress hereafter, and therefore this clause ought to fall, the first providing the manner in which the reduction shall be made.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

APPROVAL OF PRESIDENTIAL ACTIONS.

Mr. BRECKINRIDGE. Mr. President, desiring some days ago to submit a few remarks upon the joint resolution to confirm the acts of the President since the 4th of March last, I obtained the floor for that purpose, but yielded it to the chairman of the Committee on Military Affairs, who desired to have some other bill then taken up. On Saturday last I was confined to my room from indisposition, and I expected to say something this morning. I do not desire now to interfere with the progress of business before the Senate; but with the leave of the Senate, I shall be very happy to have that joint resolution taken up and made the special order for to-morrow at one o'clock, so that I may know that I shall have an opportunity of making my remarks.

The VICE PRESIDENT. The Senator from Kentucky asks the unanimous consent of the Senate to take up joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for the purpose of making it the special order for to-morrow. The Chair hears no objection. It will, therefore, be considered as before the Senate; and the question is on making the joint resolution the special order for to-morrow, at one o'clock.

The motion was agreed to.

ORGANIZATION OF THE ARMY.

Mr. WILSON. I present an amendment, which I intend to offer to the bill for the better organization of the military establishment, as a substitute for it; and I move that it be printed.

The motion was agreed to.

THE LOAN BILL.

On motion of Mr. FESSENDEN, the Senate resumed the consideration of the bill (H. R. No. 14) to authorize a national loan and for other purposes; the question being on concurring in the amendments made as in Committee of the Whole on Saturday last.

Mr. FESSENDEN. Two amendments were made when we were acting as in Committee of the Whole the other day, which, on examination, the Finance Committee think it would be as well to leave out. I will name these two, and then the question can be taken on all the others in gross. In section one, line sixteen, an amendment was made striking out "three years after date," and inserting "at the pleasure of the United States at any time after three years from date." It is thought best to leave the text of the bill as it originally stood in this respect. In section two, line nine, the words "of the certificate" were stricken out, and "thereof" inserted. We wish to restore the words that were stricken out.

The VICE PRESIDENT. If there be no objection, the question will be taken on concurring in all the other amendments.

The amendments were concurred in.

The VICE PRESIDENT. The question now is on concurring in the two amendments indicated by the Senator from Maine.

The amendments were not concurred in.

Mr. FESSENDEN. There are several little amendments which I wish to make. I send them to the Chair to be read.

The amendments were read. The first was, in section one, lines seventeen, eighteen, and nineteen, to strike out the words "annually on the notes of fifty dollars and," before "semi-annually;" and to strike out "on the notes of a larger denomination," after "semi-annually;" so as to make the clause read:

With interest at the rate of seven and three tenths per cent. per annum, payable semi-annually.

The amendment was agreed to.

The next amendment was, in section four, line two, to strike out "stock," and insert "bonds."

The amendment was agreed to.

The next amendment was, in section five, line sixteen, before the word "interest," to insert "principal and."

The amendment was agreed to.

The next amendment was, in section six, line seven, before the word "provisions," to insert "foregoing."

The amendment was agreed to.

Mr. FESSENDEN. I propose an amendment now, to be inserted at the end of section one:

And provided further, That no Treasury note shall be issued of a less denomination than ten dollars; and that the whole amount of Treasury notes not bearing interest issued under the authority of this act shall not exceed $50,000,000.

Mr. KING. I will, simply as an expression of opinion, move to strike out "ten" and insert "twenty." It is unnecessary to argue the question.

Mr. FESSENDEN. I hope that will not be done. The matter has been very thoroughly considered in committee, and the necessities of the country are thought to require the provision as it is proposed.

The amendment to the amendment was rejected.

The amendment of Mr. FESSENDEN was agreed to.

Mr. FESSENDEN. I have one more amendment, to be inserted as section seven:

And be it further enacted, That the Secretary of the Treasury is hereby authorized, whenever he shall deem it expedient, to issue, in exchange for coin, or in payment for public dues, Treasury notes of any of the denominations hereinbefore specified, bearing interest not exceeding six per cent. per annum, and payable at any time not exceeding twelve months from date: *Provided*, That the amount of notes so issued or paid shall at no time exceed $20,000,000.

The amendment was agreed to.

Mr. FESSENDEN. I suppose there is no need of making a motion that the numbers of the succeeding sections be changed.

The VICE PRESIDENT. That will be done as a matter of course.

The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

EXECUTIVE SESSION.

Several messages in writing were received from the President of the United States, by Mr. NICOLAY, his Secretary.

On motion of Mr. HALE, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 15, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Saturday last was read and approved.

MEMBER SWORN IN.

Mr. UPTON. My colleague, Mr. WILLIAM G. BROWN, from the tenth congressional district of Virginia is present, and desires to be sworn in.

Mr. BROWN appeared and qualified by taking the usual oath to support the Constitution of the United States.

THE BLOCKADE OF SOUTHERN PORTS.

Mr. WASHBURNE, from the Committee on Commerce, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be directed to institute an immediate inquiry as to what further measures are necessary, if any, to make the blockade of the ports of the rebellious States more efficient, and to arrest the depredations of the pirates now preying upon American commerce under pretended letters of marque and reprisal issued by the rebel government of the so-called southern confederacy.

WRIT OF HABEAS CORPUS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of State, in answer to that part of the resolution of the House of Representatives of the 12th instant which requested the Attorney General to lay before the House a copy of the order suspending the writ of *habeas corpus*.

The communication was referred to the Committee on the Judiciary, and ordered to be printed.

ENLISTMENT IN THE NAVY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Navy, in answer to a resolution of the House of Representatives of the 10th instant, requesting him to inform the House whether he has issued an order in effect that none but American-born citizens should be accepted at the various recruiting stations for service in the Navy of the United States.

The communication was referred to the Committee on Naval Affairs, and ordered to be printed.

WYANDOTTE INDIAN LANDS.

The SPEAKER also, by unanimous consent, laid before the House an act of the State Legislature of Kansas in relation to the taxation of the Wyandotte Indian lands in Wyandotte county; which was referred to the Committee on Public Lands, and ordered to be printed.

DACOTAH TERRITORIAL GOVERNMENT.

The SPEAKER also, by unanimous consent, laid before the House a petition from the Governor and secretary of State of Dacotah Territory for an appropriation to defray the expenses of the territorial government of said Territory; which was referred to the Committee of Ways and Means.

RESIGNATION OF A MEMBER.

The SPEAKER also, by unanimous consent, laid before the House a communication from Mr. CARLILE, stating that, in consequence of his having been elected a United States Senator by the Legislature of his State, he had forwarded to the Governor of Virginia his resignation of the seat which he had held as a member from the eleventh congressional district of Virginia; which was laid on the table.

GENERAL BANKRUPT LAW.

Mr. ROSCOE CONKLING. I ask leave to offer the following resolution:

Resolved, That a select committee of five members of this House be appointed, to which shall be referred the subject of a general bankrupt law, and that such committee report at the next regular session of Congress by bill or otherwise.

Mr. WARD. I object.

CLOSE OF THE SESSION.

Mr. NIXON, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of Congress by adjourning their respective Houses on Friday, the 19th day of July, instant, at twelve o'clock, meridian.

Mr. NIXON moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EXCUSED FROM SERVICE ON COMMITTEE.

Mr. VAN WYCK. I ask unanimous consent to be excused from serving on the Committee on Territories. My business on other committees renders it necessary that I should ask this favor from the House.

Unanimous consent was given; and Mr. VAN WYCK was accordingly excused.

PENNSYLVANIA CONTESTED ELECTION.

Mr. JOHNSON, by unanimous consent, presented the memorial of John Kline, relating to his contest with Mr. VERREE for a seat on the floor of this House from the third congressional district of Pennsylvania; which was referred to the Committee of Elections, and ordered to be printed.

The SPEAKER proceeded to call for reports from committees for reference.

PROTECTION FROM PIRATES.

Mr. ELIOT, from the Committee on Commerce, reported the following resolution, and asked unanimous consent to have it put upon its passage:

Resolved, That the Secretary of the Treasury be requested to employ immediately a sufficient force to protect our commerce from the pirates that now infest our seas.

Mr. VALLANDIGHAM. The resolution is offered for reference only, as I understand.

The SPEAKER. The rule requires that resolutions shall be received for reference only; but the gentleman from Massachusetts asks unanimous consent to have this resolution put upon its passage.

Mr. VALLANDIGHAM. I understand that the resolution contemplates the employment of privateers. If so, I object.

Mr. ELIOT. Do I understand the gentleman from Ohio to object?

Mr. VALLANDIGHAM. Yes.

Mr. ELIOT. I withdraw the resolution.

Mr. VALLANDIGHAM. If the resolution be introduced for reference, I have no objection. I desire that the subject shall be thoroughly investigated by the House.

VOLUNTEER FORCES.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported a bill to increase the efficiency of the volunteer forces of the United States; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

THE MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri, also, from the same committee, reported a bill providing for the better organization of the military establishment; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

CALL OF STATES.

The SPEAKER stated that the States would now be called for resolutions, and that under the call bills could be introduced for reference.

Mr. VALLANDIGHAM. I do not understand that, under the call for resolutions, bills can be introduced except for reference alone.

The SPEAKER. The morning hour on Mondays is set apart for calls of committees for reports for reference only. If the hour be not consumed in that way, then the States are to be called, the same as on other Mondays, for resolutions; and under that call bills can be introduced, and then they are subject to the direction of the House.

Mr. VALLANDIGHAM. The question that I raised was, whether the call was not confined to bills for reference only?

The SPEAKER. It was decided last Congress that the call for resolutions was not for reference only; but that the resolutions came in for the action of the House.

PROTECTION FROM PIRACY—AGAIN.

Mr. ELIOT. I offer the following resolution, which has been considered and approved of by the Committee on Commerce:

Resolved, That the Secretary of the Treasury be requested to employ immediately a sufficient force to protect our commerce from the pirates that now infest our seas.

I move the previous question on the passage of the resolution.

Mr. COX. I move to refer the resolution to the Committee on Naval Affairs.

The SPEAKER. That motion is not in order while the demand for the previous question is pending.

Mr. VALLANDIGHAM. I trust the House will allow the gentleman from Massachusetts to answer the question which I asked before—whether this resolution does not contemplate the employment of privateers by the Federal Government?

Mr. ELIOT. It does not.

Mr. VALLANDIGHAM. All right.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

Mr. ELIOT moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. WEDNESDAY, JULY 17, 1861. NEW SERIES.....No. 9.

NAVAL ACADEMY AT NEWPORT.

Mr. SHEFFIELD presented resolutions from the General Assembly of Rhode Island with reference to the location of the Naval Academy at Newport; which were referred to the Committee on Naval Affairs.

GENERAL BANKRUPT LAW—AGAIN.

Mr. ROSCOE CONKLING. I offer the following resolution:

Resolved, That a select committee of five members of the House be appointed, to which shall be referred the subject of a general bankrupt law; and that said committee report at the next session by bill or otherwise.

I move the previous question on the passage of the resolution.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

Mr. ROSCOE CONKLING moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PROPOSITION FOR A NATIONAL CONVENTION.

Mr. WOOD. I offer the following resolution:

Resolved, That this Congress recommend the Governors of the several States to convene their Legislatures for the purpose of calling an election to select two delegates from each congressional district, to meet in general convention at Louisville, in Kentucky, on the first Monday in September next; the purpose of the said convention to be to devise measures for the restoration of peace to our country.

I move the previous question on its adoption.

Mr. WASHBURNE. I move to lay the resolution on the table.

Mr. BURNETT. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 92, nays 51; as follows:

YEAS—Messrs. Aldrich, Alley, Appleton, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Curtis, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Gooch, Goodwin, Granger, Gurley, Hale, Hanchett, Harrison, Hickman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Justin S. Morrill, Nixon, Olin, Patton, Pike, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, and Windom—92.

NAYS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cobb, Cooper, Corning, Cox, Cravens, Crittenden, Delaplaine, Dunlap, English, Fisher, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Lazear, Logan, McClernand, Mallory, Morris, Noble, Noell, Norton, Nugen, Odell, George H. Pendleton, Reid, Richardson, Robinson, James S. Rollins, Smith, John B. Steele, William G. Steele, Vallandigham, Vibbard, Voorhees, Wadsworth, Ward, Chilton A. White, Wickliffe, Wood, and Woodruff—51.

So the resolution was laid on the table.

During the call of the roll,

Mr. DELANO stated that his colleagues, Mr. RICE and Mr. TRAIN, were detained from the House by sickness.

Mr. RIDDLE stated that his colleague, Mr. TRIMBLE, was detained from the House by sickness.

FOREIGN INSURRECTIONARY CORRESPONDENCE.

Mr. CORNING submitted the following resolution:

Resolved, That the President be requested, if not, in his opinion, incompatible with the public interest, to submit to this House all correspondence between this Government and foreign Powers on the subject of the existing insurrection in the United States.

Mr. COX. A similar resolution has already been adopted by the House, I will say to the gentleman from New York.

Mr. CORNING. I prefer that this should be adopted, if the House will indulge me.

The resolution was adopted.

DECLARATORY RESOLUTIONS.

Mr. OLIN submitted the following resolution:

Resolved, That the resolution of this House adopted on Monday, the 8th instant, restricting the business of the present extraordinary session to questions of immediate national interest, be so construed as to admit of the consideration only of practical measures of legislation on the subjects embraced in the message of the President and the reports of the several heads of Departments, and to exclude all resolutions of a merely declaratory nature; and that the Speaker be directed to rule as out of order all matters thus excluded, without waiting for points of order to be raised thereon.

Mr. HOLMAN. I rise to a question of order. That resolution changes the rule of the House, and is out of order.

The SPEAKER. The Chair sustains the question of order.

Mr. OLIN. Upon what ground? It does not change the rules.

The SPEAKER. The Chair thinks it does. It gives construction to a rule.

Mr. OLIN. That is not a change of a rule.

The SPEAKER. The Chair decides the resolution to be out of order. Does the gentleman appeal from his decision?

Mr. OLIN. I do.

The SPEAKER. The Chair has decided that the resolution submitted by the gentleman from New York changes a rule of the House; and, one day's notice being required, under the rules, to submit any proposition for a change of the rules, that the resolution is not in order. From this decision the gentleman from New York appeals; and the question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. HOLMAN. I move to lay the appeal on the table.

Mr. OLIN. Will the Chair hear a single suggestion?

The SPEAKER. No debate is in order.

Mr. OLIN. I do not desire to debate, but simply to make a suggestion to the Chair.

The SPEAKER. Any suggestion is in the nature of debate, and is not in order.

Mr. ROSCOE CONKLING. I desire to make an inquiry of the Chair. I wish to know what rule of the House the resolution of my colleague repeals or modifies?

The SPEAKER. It gives construction to the resolution adopted on motion of the gentleman from Indiana, [Mr. HOLMAN,] the other day, confining the business of the House; which, having been adopted, becomes a rule of the House.

Mr. OLIN. It does not change that resolution at all.

The SPEAKER. No debate is in order.

The question was taken; and the appeal was laid on the table.

Mr. OLIN. I give notice that I will bring up the resolution to-morrow.

BANKRUPTCY.

Mr. WARD introduced a bill to establish a general and uniform system of bankruptcy throughout the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

STEAMER CATILINE.

Mr. VAN WYCK submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Departments and officers of the Government are hereby requested to withhold the payment of any and all moneys claimed to be due to any person or persons on account of the use or value of the steamboat Catiline, until the committee of investigation shall report thereon.

CLERK TO A COMMITTEE.

Mr. VAN WYCK submitted the following resolution:

Resolved, That the committee appointed to examine in regard to contracts made by any of the Departments of the Government be authorized to employ a clerk at the usual rate of compensation.

Mr. BURNETT. For how long?

Mr. WASHBURNE. During the sitting of the committee, I suppose.

Mr. BURNETT. If the time can be limited to the present session of Congress, I have no objection. The committee has received no leave to sit during the recess of Congress, and I will not consent that a clerk shall be appointed to continue in office after our adjournment.

Mr. WASHBURNE. I suggest to the gentleman that he withdraw his resolution.

Mr. VAN WYCK. Very well; I will withdraw it for the present.

PUNISHMENT OF CONSPIRACY.

Mr. HICKMAN. I present a bill to define and punish certain conspiracies, and ask that it may be put on its passage. I will state that it has received the sanction of the principal law officer of the Government, and also of the Committee on the Judiciary.

The bill was read for information. It provides that if two or more persons within any State or Territory shall conspire together to overthrow, or to put down, or to destroy by force, the Government of the United States; or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States, against the will, or contrary to the authority of the United States, or by force, or intimidation, or threat, to prevent any person from accepting or holding any office of trust, or place of confidence, under the United States, each and every person so offending shall be guilty of a high crime; and upon conviction thereof in any court of the United States having jurisdiction thereof, or district or supreme court of any Territory of the United States having jurisdiction thereof, shall be punished by a fine not less than $500 and not more than $5,000; or by imprisonment, solitary or social, and with or without hard labor, as the court shall determine, for a period not less than six months, nor greater than six years; or both such fine and imprisonment.

Mr. BURNETT. I do not understand that the gentleman can introduce that bill at this time and have it put upon its passage without unanimous consent; and I object.

The SPEAKER. The gentleman merely gave notice that he would move to put the bill on its passage.

Mr. BURNETT. I will not interpose any objection to the bill being put on its passage if it can be referred to the Committee on the Judiciary until it can be printed and we can have an opportunity to see it.

Mr. HICKMAN. That committee have already given the bill their assent, and it would be useless to refer it to them now.

Mr. BURNETT. I think it is too important a bill not to take the ordinary course of legislation.

Mr. HICKMAN. I will then withdraw the bill, and give notice that I shall move to suspend the rules to put it on its passage as soon as the morning hour has expired.

NATIONAL ARMORY.

Mr. BLAIR, of Pennsylvania, submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national armory at some point on the Juniata river, in the State of Pennsylvania.

Mr. COX. I have no objection to that, if the gentleman will allow the inquiry to go to the special committee raised at the present session of Congress.

Mr. BLAIR, of Pennsylvania. I have no objection to that, and will so modify my resolution.

The resolution, as modified, was adopted.

JACOB GATES.

Mr. BLAIR, of Pennsylvania, by unanimous consent, introduced a bill granting an invalid pension to Jacob Gates; which was read a first and second time, and referred to the Committee on Invalid Pensions.

METROPOLITAN POLICE.

Mr. CALVERT, by unanimous consent, in-

troduced a bill to organize a metropolitan police for the city of Washington; which was read a first and second time, and referred to the Committee for the District of Columbia.

REBELLION.

Mr. ALLEN. I ask the unanimous consent of the House for leave to introduce the following resolutions:

Resolved, That whenever the States now in rebellion against the General Government shall cease their rebellion and become loyal to the Union, it is the duty of the Government to suspend the further prosecution of the present war.

Resolved, That it is no part of the object of the present war against the rebellious States to interfere with the institution of slavery therein.

I demand the previous question on the adoption of the resolutions.

Mr. BLAKE. I hope the gentleman will insert the proviso, that their leaders will be delivered up to be hung. [Laughter.]

Mr. ALLEN. I demand the yeas and nays on the adoption of the resolution.

Mr. HICKMAN. I rise to a question of order. I make the point that this resolution is excluded by the terms of the order of the House, adopted on motion of the gentleman from Indiana, [Mr. HOLMAN.]

The SPEAKER. The Chair sustains the point of order.

Mr. ALLEN. It is certainly not excluded by the resolution of the gentleman from Indiana, which was intended confine the business of the House to matters connected with the military and naval operations. The resolutions which I offer look to the object of the present military and naval operations of the Government.

Mr HOLMAN. The construction of the Chair is certainly not warranted by the resolution. The subjects to be considered are those concerning the military and naval operations of the Government. Certainly, a proposition to limit those operations and declare their purpose, would be within the objects designed to be considered.

The SPEAKER. On examining the resolution of the gentleman from Ohio, and that adopted on motion of the gentleman from Indiana, the Chair adheres to his decision. The latter resolution, which is now the rule of the House, provides that only business concerning the military and naval operations of the Government shall be in order at this session. The resolution of the gentleman from Ohio only makes a declaration as to the object of the war. The Chair sustains the point of order.

CONGRESSIONAL TOWNSHIP IN OHIO.

Mr. ALLEN, by unanimous consent, also introduced a bill for the relief of congressional township eight south, of range three east, in Mercer county, Ohio; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. HOLMAN. I appeal from the decision of the Chair just made.

The SPEAKER. It is too late to take an appeal, other business having intervened.

BENJAMIN F. SIMON.

Mr. ALLEN, by unanimous consent, also introduced a bill for the relief of Benjamin F. Simon; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM Y. STRONG.

Mr. ALLEN, by unanimous consent, also introduced a bill for the relief of William Y. Strong; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. MALLORY. I rise to a point of order. Are not all of these cases out of order under the Holman resolution?

Mr. VALLANDIGHAM. That resolution specially provided for the introduction of bills for reference.

The SPEAKER. The Chair overrules the point of order.

JACOB BROWN.

Mr. ALLEN, by unanimous consent, introduced a bill for the relief of Jacob Brown; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CENSURE OF THE PRESIDENT.

Mr. VALLANDIGHAM. I offer the following resolutions, and move that they be referred to the Committee of the Whole on the state of the Union:

Resolved, That the Constitution of the United States confers upon Congress alone the power to "raise and support armies," and to "provide and maintain a navy;" and therefore the President, in the proclamation of May 3, 1861, and the orders and action, by his authority, of the War and Navy Departments, increasing the Army and Navy, and calling for and accepting the services of volunteers for three years without warrant of law, usurped powers belonging solely to Congresss, and so violated the Constitution.

Resolved, That the right to declare a blockade as against an independent Power, is a belligerent right, depending upon the existence of a state of war; and that as Congress, and Congress alone, have the power to declare or recognize the existence of war, the President has no right to order a blockade until after Congress shall have declared or recognized war with the Power whose ports are to be blockaded; and further, that Congress alone can abolish or shut up the ports of entry of any State within the Union; and that, therefore, the President, in blockading and shutting up the ports of entry in certain of the States of the Union, without the authority of Congress, violated the Constitution.

Resolved, That Congress alone have the constitutional power to suspend the writ of *habeas corpus;* and that until the writ has been suspended by act of Congress, it is the duty of the President, and all other officers, civil and military, to obey it; and that therefore the President, in suspending said writ himself, or attempting to authorize certain military officers to suspend it, or to disobey it, or in sustaining them in disobedience to it, violated the Constitution.

Resolved, That by the Constitution "no money shall be drawn from the Treasury but in consequence of appropriations made by law;" and that in ordinary the drawing from the Treasury of money unappropriated or appropriated for one purpose, and applying the same to purposes for which no appropriations had been made by law, the President violated the Constitution.

Resolved, That the search of certain telegraph offices in the month of May last by officers and agents of the Executive, without search warrant upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the things to be seized; and the seizure of papers and dispatches in said offices was a violation of the constitutional "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures;" and that the President, in ordering said search and seizures, violated the Constitution.

Resolved, That neither Congress, nor the President, nor the judiciary, have any constitutional power to abridge the freedom of speech or of the press; and that the suspension of newspaper presses by military authority and force, and the arrest of citizens by military or civil authority, for the expression by speech, or through the press, of opinions upon political subjects, or subjects of any kind, is a violation of the Constitution.

Resolved, That the arrest without civil process of persons not subject to the rules and articles of war, nor in cases arising in the land or naval forces or in the militia, when in actual service, by soldiers in the service of the United States, is a breach of the Constitution, and a violation of the constitutional liberty of the person.

Mr. LOVEJOY. I move that those resolutions be laid upon the table.

Mr. VALLANDIGHAM. I only desire that the resolutions may be referred to the Committee of the Whole on the state of the Union. I demand the yeas and nays on the motion to lay upon the table.

The yeas and nays were not ordered.

The resolutions were then laid upon the table.

Mr. HOLMAN. I ask the unanimous consent of the House to introduce a resolution in reference to the business of the House.

Mr. OLIN objected.

Mr. LOVEJOY moved to reconsider the vote by which the resolutions offered by Mr. VALLANDIGHAM were laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CONSPIRACY AGAINST THE GOVERNMENT.

Mr. HICKMAN. I now call up the bill which I presented this morning, and ask that it be read for information. If there be objection to its introduction, I will move a suspension of the rules. It is a bill to define and punish certain conspiracies.

Mr. COX. I insist on the call of the States proceeding.

The SPEAKER. The morning hour has expired.

Mr. VALLANDINGHAM. I object to the introduction of the bill unless it be agreed that before it is forced to its passage we shall have an opportunity to examine it.

Mr. HICKMAN. I move that the rules be suspended in order that it may be introduced.

Mr. BURNETT. We will not put the gentleman to that trouble if he will give us the yeas and nays on the passage of the bill.

Mr. HICKMAN. I do not object to that. I withdraw the motion for the suspension of the rules.

The bill was introduced, and read a first and second time by its title. It was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BURNETT. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. CURTIS. I ask that the bill be made to provide that it shall in no wise interfere with the right of military commanders to take cognizance of these offenses.

Mr. HICKMAN. I decline to accept the amendment.

Mr. VALLANDIGHAM. The object of the bill is a very proper one.

Mr. OLIN. I rise to a point of order. Is debate now in order.

The SPEAKER. It is, the previous question not having been called.

Mr. VALLANDIGHAM. I approve of the general purpose and object of the bill, and if time were allowed, in order that it might be printed, and members of this House could examine it, it is probable that it would command almost unanimous support. But I am not willing, upon a bill relating to the jurisprudence of the country, and which is to go upon the statute-book, and which ought to remain there permanently—for I am opposed to unstable legislation—to be brought to a vote without its consideration by a committee, and that, too, upon a bill not printed; a bill fixing a heavy penalty, and for which I doubt whether the gentleman from Pennsylvania can point to that clause of the Constitution under which he drew it up.

And now, sir, in order that I may not be misunderstood, let me say that, while I am not willing to vote against the bill—because the object I conceive to be a proper one—at the same time I am not ready to go upon the record in favor of it without the opportunity of examining it as to its details, and of satisfying myself that it is a bill a vote for which I may be satisfied with one, two, three, or four years hence. It is a bill which, if carefully drawn, ought to have been passed four or five years ago, because there are not a few, I believe, in some portions of the free States of this Union, who might have been justly and properly punished under it for conspiracies to resist the fugitive slave law. I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. WICKLIFFE. I am not familiar with the rules of the House; and I would inquire whether it is in order, after the previous question is seconded, to move to postpone the consideration of the bill. My object is to have the bill printed, that I may have an opportunity to read it. I have not been able to hear it read. I want to vote for it if I can; but I want to look at its details. A postponement until to-morrow cannot prejudice the bill, or prevent its passage.

The SPEAKER. The Chair would state that the motion is not in order, if objected to.

Objection was made.

The question was put; and it was decided in the affirmative—yeas 123, nays 7; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ancona, Arnold, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Calvert, Chamberlain, Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Cooper, Covode, Cox, Cravens, Crittenden, Cutler, Davis, Dawes, Delano, Duell, Dunlap, Dunn, Edwards, Ely, English, Fenton, Fisher, Fouke, Franchot, Frank, Gooch, Granger, Grider, Gurley, Haight, Hale, Hanchett, Harding, Harrison, Hickman, Holman, Hutchins, Jackson, Johnson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Law, Lehman, Logan, Loomis, Lovejoy, McClernand, McKean, McKnight, McPherson, Mallory, Menzies, Mitchell, Moorhead, Justin S. Morrill, Nixon, Noble, Noell, Norton, Nugen, Olin, Patton, George H. Pendleton, Perry, Pike, Porter, Richardson, Riddle, Robinson, Edward H. Rollins, James S. Rollins, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, John B. Steele, William G. Steele, Stratton, Benjamin F. Thomas, Thayer, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Vibbard, Wadsworth, Wall, Wallace, Charles W. Walton, Washburne, Wheeler, Whaley, Albert S. White, Chilton A. White, Wickliffe, Windom, Worcester, and Wright—123.

NAYS—Messrs. Ashley, Burnett, Diven, Edgerton, Goodwin, Pomeroy, and Wood—7.

So the bill was passed.

During the call of the roll,

Mr. WICKLIFFE said: I have read the bill,

and, though badly drawn, it is a good one. I vote "ay."

Mr. ANCONA said: I vote "ay;" but I vote under protest, not having had an opportunity to examine the bill.

The result was announced, as above recorded.

Mr. HICKMAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SUPPRESSION OF THE REBELLION.

Mr. McCLERNAND. I offer the following resolution; and if there is any objection, I move to suspend the rules:

Whereas a portion of the people of the United States, in violation of their constitutional obligations, have taken up arms against the national Government, and are now striving, by aggressive and iniquitous war, to overthrow it, and break up the Union of these States: Therefore,

Resolved, That this House hereby pledges itself to vote for any amount of money and any number of men which may be necessary to insure a speedy and effectual suppression of such rebellion, and the permanent restoration of the Federal authority everywhere within the limits and jurisdiction of the United States.

Mr. BURNETT. If my friend will give us the yeas and nays upon the resolution, I will not object to it.

Mr. McCLERNAND. Certainly; we want to get you upon the record, and I call for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLERNAND. I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was then put; and it was decided in the affirmative—yeas 121, nays 5; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Buffinton, Calvert, Chamberlain, Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Corning, Covode, Cox, Cravens, Curtis, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunlap, Dunn, Edgerton, Edwards, Eliot, Ely, English, Fenton, Fessenden, Fisher, Fouke, Franchot, Frank, Gooch, Goodwin, Granger, Gurley, Haight, Hale, Hanchett, Harrison, Hickman, Holman, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Law, Lazear, Lehman, Logan, Loomis, Lovejoy, McClernand, McKean, McKnight, Mitchell, Moorhead, Justin S. Morrill, Morris, Nixon, Noble, Nugen, Odell, Olin, Patton, Perry, Pike, Pomeroy, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Smith, John B. Steele, William G. Steele, Stevens, Stratton, Benjamin F. Thomas, Thayer, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Vibbard, Wall, Wallace, Charles W. Walton, E. P. Walton, Ward, Washburne, Wheeler, Albert S. White, Windom, Worcester, and Wright—121.

NAYS—Messrs. Burnett, Grider, Norton, Reid, and Wood—5.

So the resolution was agreed to.

Mr. LOGAN moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by J. G. NICOLAY, his Private Secretary, informing the House that the President had approved and signed an act entitled "An act further to provide for the collection of duties on imports, and for other purposes."

OFFICEHOLDERS UNDER THE GOVERNMENT.

Mr. SHANKS asked unanimous consent to offer the following resolution:

Resolved, That a committee of five be appointed by the Speaker, whose duty it shall be to ascertain the name, age, place of birth, education, and residence, when, where, and by whom appointed or elected, of all persons who have held, or may now hold, office under the national Government, whether elected or appointed, either civil, military, judicial, naval, or executive; and from which they have resigned, or may hereafter resign, or have been, or may hereafter be, removed, on account of their sympathy or connection with the rebellion against the national Government; as well as those whose term of office may have expired, or may hereafter expire, who may so connect themselves with said rebellion; and that they have power to send for and examine, or examine at the proper office, all papers, records, and persons, necessary to secure the proper information; and that they report to this House in full in writing, together with the testimony in each and every case, at the next regular session.

Mr. BURNETT. If the gentleman who offered the resolution will give us the yeas and nays upon it I shall not object. Otherwise, I must.

Mr. WASHBURNE. Most of the information called for by that resolution can be found in the Blue Book.

Mr. BURNETT. I object to the introduction of the resolution.

UNITED STATES COURTS.

Mr. ASHLEY, by unanimous consent, offered the following resolution, and called the previous question upon it:

Resolved, That the Secretary of the Interior be requested to furnish this House, at the meeting of Congress in December next, a statistical statement of the amount of business transacted in the several circuit courts of the United States; the number of cases docketed in each circuit and disposed of each year, from the 1st January 1850, to the 1st January, 1860; the number of days each supreme judge was occupied in the several circuits during each year; the aggregate amounts involved in litigation in each circuit; and the number of cases undisposed of on the several circuit dockets on the 1st January, 1860.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the resolution was adopted.

DISTRICT OF COLUMBIA.

Mr. ASHLEY asked unanimous consent to introduce the following resolution:

Resolved, That the Congress of the United States respectfully request of the government of the State of Virginia, during the sitting of the present session of the Legislature now convened at Wheeling, to retrocede to the United States the county of Alexandria, which, by cession of Virginia, for so many years constituted part of the District of Columbia. And also to cede so much of the county of Fairfax, not exceeding one mile square, as shall include that part of the Mount Vernon estate recently purchased by ladies of the United States, so that the soil which contains the sacred remains of Washington shall be under the exclusive jurisdiction of the national Government.

Mr. COX. I object to the resolution for the present, as I do not understand the purport of it.

BOUNTY LAND BILL.

Mr. HOLMAN. I ask leave to introduce the following resolution:

Resolved, That the Committee on Public Lands be discharged from the further consideration of House bill No. 5, entitled a bill granting bounty land to certain officers and soldiers who have been, or who shall hereafter be, engaged in the military service of the United States; and that said bill be referred to the Committee of the Whole on the state of the Union, and made the special order for to-morrow at two o'clock, p. m.

Messrs. LOVEJOY and BINGHAM objected.

Mr. HOLMAN. I move to suspend the rules for the purpose of introducing the resolution.

Mr. WASHBURNE. I believe that all business from committees is through with, and I move that the House do now adjourn.

Mr. POTTER. I appeal to the gentleman from Illinois to withdraw that motion.

Mr. WASHBURNE. If there is any business to be transacted, I am willing to withdraw it.

Mr. POTTER. There is.

Mr. WASHBURNE. Then I withdraw the motion.

Mr. POTTER. I rise to a privileged question.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules for the purpose of introducing his resolution.

Mr. LOVEJOY. I rise to a point of order. It is, that the resolution of the gentleman from Indiana contravenes the rule in relation to the business to be transacted this session.

The SPEAKER. The gentleman from Indiana moves to suspend the rules, which would suspend that standing order.

The question was taken on the motion to suspend the rules; and it was disagreed to—ayes twenty-four, noes not counted.

CONDUCT OF A MEMBER.

Mr. POTTER. I rise to a privileged question. I offer the following resolution, and demand the previous question upon it:

Resolved, That the Committee of Elections be directed to inquire whether Hon. HENRY MAY, a Representative in Congress from the fourth district of the State of Maryland, has not been found holding criminal intercourse and correspondence with persons in armed rebellion against the Government of the United States; and to make a report to this House as to what action should be taken in the premises; and that said committee have power to send for persons and papers.

Mr. DAWES. I hope the gentleman will modify the resolution. The Committee of Elections is not the appropriate committee to make an inquiry of this kind. I suggest that the Judiciary Committee, or a select committee, would be more appropriate.

Mr. POTTER. I will modify the resolution by substituting the Judiciary Committee for the Committee of Elections.

Mr. HICKMAN. I would suggest that if this matter is to be referred to the Judiciary Committee, the resolution is not sufficiently full to enable them to accomplish anything. The committee must not only have power to send for persons and papers, but to examine witnesses on oath or affirmation.

Mr. POTTER. I will agree to that modification.

Mr. COX. Now, I ask the gentleman from Wisconsin to modify the resolution—for I think it is very likely it will pass—by adding the words: "and said Hon. HENRY MAY be informed of this resolution, if practicable, before action is taken thereon."

Mr. POTTER. I have no objection to that modification.

Mr. BURNETT. I have been endeavoring to get the ear of the Speaker ever since that resolution was offered. I desire to enter an objection to the consideration of that resolution at all.

The SPEAKER. The gentleman from Wisconsin has a right to put the resolution in the shape in which he desires to offer it before that is done.

Mr. BURNETT. Well, let him get it in shape, and then I will object.

The resolution, as modified, was then reported, as follows:

Resolved, That the Committee on the Judiciary be directed to inquire whether Hon. HENRY MAY, a Representative in Congress from the fourth district of the State of Maryland, has not been found holding criminal intercourse and correspondence with persons in armed rebellion against the Government of the United States, and to make report to the House as to what action should be taken in the premises; and that said committee have power to send for persons and papers, and to examine witnesses on oath or affirmation; and that said Hon. HENRY MAY be notified of the passage of this resolution, if practicable, before action thereon by the committee.

Mr. BURNETT. I submit that that is not a question of privilege in contemplation of the rules of the House; and the gentleman cannot offer it as a privileged resolution, in my judgment.

The SPEAKER. The Chair will submit the question to the House for its decision. Will the House consider this as a question of privilege?

Mr. DAWES. Is that question debatable?

The SPEAKER. The Chair thinks not. It is a question whether the House will consider the subject at all.

The question was taken; and the House decided to consider the resolution as a question of privilege.

The question recurred on the adoption of the resolution.

Mr. DAWES. I wish to put an interrogatory to the gentleman from Wisconsin through the Chair. I sought to put it to the gentleman from Missouri [Mr. BLAIR] on Saturday. It is this: Mr. HENRY MAY has never taken his seat here in this House and been qualified as a member. Now, I simply wish to inquire what jurisdiction we have over him at all, or what jurisdiction we had over the gentleman whom we expelled on Saturday from the House before he ever became a member of it?

Mr. POTTER. I suppose it is well understood that the name of Mr. MAY is upon the roll, and that he is a member of the House. The charge contained in that resolution has been made in the public newspapers of this city; and it is but justice to Mr. MAY himself that the charge should be investigated. It may as well be referred to the committee now as during his presence in this House.

Mr. VALLANDIGHAM. Mr. Speaker, I desire to make one statement in connection with this subject. I believe I have a right to say, and high authority for saying, that Mr. MAY went to the city of Richmond——

Mr. LOVEJOY. I rise to a question of order. I submit that this question is not debatable after the gentleman from Wisconsin has demanded the previous question.

The SPEAKER. The Chair has not heard him demand it yet.

Mr. POTTER. I demanded it when I offered the resolution.

Mr. VALLANDIGHAM. That was before the resolution was received.

The SPEAKER. That was before the House entertained the resolution. There has been no demand for the previous question since the resolution was received.

Mr. LOVEJOY. That is a question of fact, I insist that there was.

The SPEAKER. The Chair overrules the point of order.

Mr. VALLANDIGHAM. I resume:—that Mr. MAY went to the city of Richmond with the knowledge and consent of the Administration, and with the authority of Lieutenant General Scott. Beyond that I know nothing; but that much I have a right to say.

Mr. WASHBURNE. And I am authorized to deny that Mr. MAY went there by the authority of the Administration.

Mr. VALLANDIGHAM. In justice to the gentleman whose name is in question here, I make this statement: he went there with a passport from the Lieutenant General of the Army of the United States—which could not have been issued, I assume, without the knowledge and consent of the Administration, and with a knowledge, too, of the purpose for which he went to the city of Richmond.

Mr. McCLERNAND. Mr. Speaker, I am not prepared to say, as my friend from Ohio has said, that Mr. MAY went to Richmond by the authority of the Administration; but I will say this, that I have strong and satisfactory reasons to believe that the Administration was not unadvised of the fact that Mr. MAY intended to visit Richmond; and that he afterwards visited that city. I will say further, that I have reason to believe that Mr. MAY went to Richmond on a pass granted to him by the Lieutenant General.

Now, what Mr. MAY did after he got to Richmond, I am not prepared to say. I know him personally, and believe him to be a patriotic and loyal gentleman. I am also informed, whether the authority is reliable or not, that Mr. MAY is detained at this time in Baltimore in consequence of sickness. Under these circumstances, I put the question, whether it is just to found an inquiry of this kind on a mere newspaper report. I therefore appeal to the magnanimity of my friend from Wisconsin to withdraw his resolution for the present.

Mr. RICHARDSON. Mr. Speaker, I was informed this morning by the brother of Mr. MAY, who is a citizen of this District, and a physician in this city, that his brother was confined at Baltimore by severe sickness, and that he had learned from him that he was thus detained. He asked me to make this statement to the House, if any question should arise. He further stated to me that he was informed by his brother that he had been detained in Richmond, after he had reached that city, by severe indisposition, and was consequently unable to leave there until a few days ago. He returned to Baltimore, and is now there prostrated on a bed of sickness. I submit, therefore, that it would be exceedingly improper for this House to take any action in regard to the matter.

Mr. CURTIS. I ask the gentleman from Ohio to yield me the floor for a moment.

Mr. VALLANDIGHAM. Certainly.

Mr. CURTIS. The gentleman asserts that the honorable member from Baltimore had a pass given him by the Lieutenant General. Now, I wish to say that these passes are generally issued without any reference to the bearer's condition or position in society, or to his connection with the Administration. I have had a pass, and have gone twice even beyond the lines; but I assure you I did not go to Richmond.

I suppose that any man can get a pass; but the fact of his having one does not imply that he has it for any particular purpose of the Administration or of the Lieutenant General.

Mr. VALLANDIGHAM. I do not wish to be misunderstood. I weighed well the statement which I made: that Mr. MAY went on his mission to Richmond, which was of a political character, a mission of peace, with the knowledge and acquiescence of the Administration, and by the authority of General Scott; bearing a pass, not in the ordinary form, but entitling him to be passed beyond the lines, and after a conference with General Scott, disclosing the purpose for which he went to Richmond.

Mr. STEVENS. On that statement of the gentleman from Ohio, which we are bound to suppose true——

Mr. VALLANDIGHAM. There is yet higher authority.

Mr. STEVENS. I do not want higher authority.

Mr. VALLANDIGHAM. I do not speak of myself, but of one higher in power.

Mr. STEVENS. I am not questioning your authority; but it becomes, I think, the mover of the resolution to modify it, so as to have inquiry made whether Mr. MAY went there on a political mission, with the knowledge and consent and authority of the Administration. I want that to be known in the first place, before we proceed further with this matter. I hope the resolution will be so amended, and will be then passed. I want to know whether this Administration is tampering with the rebels. I want to know whether there is to be any negotiation, or parley, or truce, except to bury the dead, until every rebel lays down his arms. I hope, therefore, that the gentleman will modify his resolution, so as to inquire whether, with the consent and knowledge of the Administration and General Scott, Mr. MAY went on a political mission to Virginia. When he has modified his resolution thus, I will vote for it.

Mr. WASHBURNE. If the gentleman will permit me, I wish merely to repeat what I said before—that Mr. MAY had neither the authority nor the assent of the Administration to go to Richmond, whatever pass he may have had from General Scott.

Mr. VALLANDIGHAM. I yield to the gentleman from Maryland, [Mr. CALVERT,] and call upon him for a statement of what he knows upon that subject.

Mr. CALVERT. I say that Mr. MAY did go there by the authority of the Government. I say that the President stated, in a conversation with me, that Mr. MAY called on him and asked, not authority to go there and speak for this Government, but to go there as a private individual; and the President, with that understanding, that Mr. MAY bore no acknowledgment or authority from this Government, not only conceded the request, but asked General Scott to grant him a pass to visit Richmond, as a member of Congress of the United States.

Mr. ALDRICH. As a private citizen?

Mr. CALVERT. No, sir; as a member of Congress.

Mr. WRIGHT. I raise the point of order, whether the House can entertain a resolution in reference to a gentleman who has not taken his seat and been actually qualified.

The SPEAKER. The House has just decided that question on a vote.

Mr. VALLANDIGHAM. I move to lay the resolution on the table.

Mr. KELLOGG, of Illinois. I ask the gentleman from Ohio to withdraw that motion for a moment, till I can make a suggestion.

Mr. VALLANDIGHAM. I do withdraw it a moment.

Mr. KELLOGG, of Illinois. Mr. Speaker, a suggestion was made by the gentleman from Massachusetts [Mr. DAWES] whether it was not improper to inquire into the action of a person who is not a member of this House, or in official connection with it. I saw the propriety and force of the suggestion. The friends, however, of Mr. MAY, charge on this floor that he went to Richmond, at least by the consent, of if not by the direction, of the Administration. When that statement was made, it occurred to me that if Mr. MAY were acting in any way under the direction or by sanction of this Government, it most clearly became our right—yea, more, our duty, to inquire whether he, with such sanction and with such authority, was holding communication with the rebels in actual armed rebellion against this Government. That would have induced me to vote for the resolution.

And now I say to the friends of Mr. MAY and to the friends of the Administration, that when the charge is made on the one hand that Mr. MAY went there as a loyal man, by the sanction of the Administration, to confer with those in arms against the Government; and when, on the other hand, it is said by my colleague [Mr. WASHBURNE] that such is not the fact, and that the Administration have never intimated to Mr. MAY to proceed in that matter, it is but just to Mr. MAY, and is but just to the Administration, that this question should be investigated.

For one, Mr. Speaker, I am anxious to know whether the Government, now raising its hundreds of thousands of men, and saying to the people of the nation, "this rebellion shall be put down," while its soldiers are in the field eager for the conflict, and its eagles are flying victoriously in western Virginia and Missouri, is holding correspondence with the rebels, by agents, unaccredited as it is claimed on one side of the House, or accredited as it is claimed on the other. I am for putting down rebellion. I am for sustaining the Government; and to that end am disposed to stand here, day by day, voting, as I will vote, the last dollar in the purse of the nation and in the purse of the citizen, and the last son of the Republic, to sustain the Government; and I want to know what part the Administration is taking in the matter. I therefore call upon the friends of Mr. MAY to let the investigation be made, and I call on the friends of the Administration to forward such investigation.

Mr. RICHARDSON. That being the case, I am not here to suggest any course that shall shield Mr. MAY from the fullest investigation. If I believed there had been in his conduct anything wrong or improper—anything that he could not explain and vindicate fully, if he were here—I would be the last man to rise in my place in his defense; but believing that he can do that, all that I ask this House to do is not to enter upon the investigation until he is able to attend.

Mr. VALLANDIGHAM. It is manifest from this colloquy that the plainest principles of justice demand that this House should not pass the resolution or enter upon the investigation proposed at this time. If any inquiry into the conduct of the Administration in connection with this matter is desired, let it be brought forward by another resolution, and come before us in another shape. I renew the motion to lay the resolution on the table.

Mr. BURNETT called for the yeas and nays upon the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 56, nays 82; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Cobb, Conway, Corning, Cox, Cravens, Delano, Delaplaine, Dunlap, English, Fouke, Grider, Haight, Harding, Harrison, Holman, Horton, Jackson, Johnson, Law, Lazear, Lehman, Logan, McClernand, Mallory, Menzies, Morris, Noble, Noell, Norton, Nugen, Odell, George H. Pendleton, Perry, Richardson, Robinson, James S. Rollins, Sheffield, John B. Steele, William G. Steele, Benjamin F. Thomas, Trowbridge, Vallandigham, Vibbard, Wadsworth, Wallace, Ward, Chilton A. White, Wood, Woodruff, and Wright—56.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Covode, Curtis, Cutler, Davis, Dawes, Diven, Duell, Edgerton, Eliot, Ely, Fenton, Franchot, Frank, Gooch, Granger, Hale, Hanchett, Hickman, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Justin S. Morrill, Nixon, Olin, Patton, Pike, Pomeroy, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sherman, Sloan, Spaulding, Stevens, Stratton, Upton, Vandever, Van Horne, Van Valkenburgh, Van Wyck, Verree, Wall, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, and Worcester—82.

So the resolution was not laid on the table.

The resolution was then passed.

Mr. POTTER moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

A message was received from the Senate, by Mr. PATTON, one of their clerks, informing the House that the Senate had passed a bill of the House (No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and to supply arrearages in the appropriations for the fiscal year ending June 30, 1861; with amendments, in which he was directed to ask the concurrence of the House.

Mr. MORRILL, of Vermont. I desire to call up that bill for action on the Senate amendments. I will state that the Senate have made but three amendments, and that they are informal in their character. With the permission of the House, I will state that the changes amount simply to this: two of them change an appropriation from one part of the bill to another, reducing it in one instance and increasing it in another, but leaving it the same in the aggregate.

The third amendment adds a new section, making the provisions of the bill apply to the

two-years volunteers that now apply to the three-months and three-years volunteers. These are all the changes the Senate have made; and I hope they will be concurred in by the House.

There being no objection, the bill was taken up, and the several Senate amendments were read and concurred in.

Mr. MORRILL, of Vermont, moved to reconsider the votes by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

VIOLATION OF CORRESPONDENCE.

Mr. WOOD asked consent to submit the following resolution:

Resolved, That the Postmaster General inform this House whether he has authorized any postmaster or any other person in or at any post office in the United States, to open letters or violate seals, or whether the same has been done with his knowledge and consent; or if he knows whether private correspondence has been violated at or in any post office in the United States.

Mr. BINGHAM. I object.

Mr. WOOD. I move to suspend the rules.

The question was taken; and the rules were not suspended, (two thirds not voting therefor.)

NAVY RATIONS.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported back Senate bill No. 9, to alter and regulate Navy rations; which was recommitted to the Committee on Naval Affairs, and ordered to be printed.

ASSISTANT NAVAL PAYMASTERS.

Mr. SEDGWICK, from the same committee, also reported back Senate bill No. 13, to provide for the appointment of assistant paymasters in the Navy; which was recommitted to the Committee on Naval Affairs, and ordered to be printed.

THE LEVANT.

Mr. SEDGWICK, from the same committee, also reported back House bill No. 33, fixing the date of the loss of the sloop-of-war Levant; which was recommitted to the Committee on Naval Affairs, and ordered to be printed.

TEMPORARY CLERKS.

Mr. SEDGWICK, by unanimous consent, introduced a bill to authorize the Secretary of the Navy to employ temporary clerks; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AUXILIARY GUARD.

Mr. ROSCOE CONKLING asked the consent of the House to report, from the Committee for the District of Columbia, a bill (H. R. No. 35) to amend an act entitled "An act to establish an auxiliary guard or watch for the protection of public property in the city of Washington, and for other purposes."

There being no objection, the bill was reported for the consideration of the House. It provides that from and after the date of its passage, that portion of the auxiliary watch or guard for the city of Washington, the appointment of which is now vested in the Mayor of the city of Washington, shall be appointed by the Secretary of the Interior, and continues in office such of said watch as now hold their appointments from the Mayor, until other appointments shall be made.

Mr. COX. I wish to inquire whether this is the bill we had before us on this subject at the last session of Congress?

Mr. ROSCOE CONKLING. I am not aware that any bill like this was ever introduced. It is very likely that this provision, or something like it, may have been introduced into some bill at the last session—I have not examined sufficiently to ascertain; but my belief is that this specific proposition was never before the House until now.

Mr. COX. I wish to inquire whether this bill increases the police force of the city as it is now organized?

Mr. ROSCOE CONKLING. I will state precisely what the bill does. In 1842, I think, a bill was passed creating what was called an auxiliary guard or watch, vesting in the Mayor the appointment of a certain portion of the force—numbering in all, I believe, thirty-five or forty men. A year, or perhaps two years ago, a section was included in one of the appropriation bills increasing the number of that watch to sixty, or thereabouts—perhaps fifty-odd; but still continuing the appointment in the Mayor. Under both of these acts this force are paid directly from the Treasury of the United States, and constitute a separate and distinct force from the ordinary police of this city. For reasons, upon which probably I need not enter, the committee, as well as others, think that the power of appointment should be vested at this time in the Secretary of the Interior—at least in some part of the Government—and we think in that officer, as the most appropriate one of all those connected with the Government. I demand the previous question on the engrossment and third reading of the bill.

Mr. BURNETT. Will the gentleman withdraw the call for the previous question for a single moment?

Mr. ROSCOE CONKLING. With pleasure.

Mr. BURNETT. I have had the pleasure of serving upon the Committee for the District of Columbia, during three terms of service in this House; and if I am not mistaken, at the first session of the Thirty-Fifth Congress, a proposition identical with this was offered in this House and voted down. The reason ascribed for the defeat of the proposition was, that as the police force of this city was well regulated, it was better that the appointing power should be continued in the hands of the Mayor. On that occasion, I believe, the vote of the House was almost unanimous against vesting the power of appointment in the then Secretary of the Interior. I may be mistaken, but such is my recollection. I ask the gentleman from New York, then, why is it we should change the appointing power of the police force of this city, if the duties of the position are now and have been faithfully discharged?

Mr. ROSCOE CONKLING. I do not remember what was the action of a former Congress. I do remember, however, upon information, that the then Secretary of the Interior made the precise request which this bill will answer. What the action was upon that request I cannot say. The gentleman states that the House based its action upon the fact that the police force of that time was satisfactory as to the mode of its constitution, and therefore rejected the proposition.

Mr. BURNETT. Yes, sir; that is my recollection.

Mr. ROSCOE CONKLING. I think that is very likely; and if the force now were satisfactory in character and management, if there were no complaint against it, doubtless this bill would not now be here, and being here, doubtless the House would acquiesce in what was the action of a former House.

Without going into particulars, I will state that the bill was reported for the reason that a change, and a change at this time—at the earliest possible time—would be fruitful of great benefits in the administration of the municipal order of this city. The committee have therefore reported this bill; and it will be seen that it is not reported in the face of any such hypothesis as that stated by the gentleman from Kentucky; namely, that the police force itself is satisfactory in character and administration, or that the appointing power is satisfactory.

Mr. COX. I believe the police force in this city at present, at least a large proportion of them, have their appointments from the Mayor of the city. If this bill passes, there will be a division; the Mayor will retain the appointment of some, and the auxiliary guard will remain to be appointed by the Federal officers. I approve of that measure throroughly. I believe we will have better peace, and more order in the city if that be the case. My observation, and my information now, are that the present police of this city are not in such repute as to be able satisfactorily to preserve the peace of the city as it ought to be preserved. Some such measure as this is necessary; some change is necessary. Whether this will produce the result, I am not able to say; but it seems to me that there ought to be a force which will act in harmony very closely with the Federal authority now in this city.

Mr. ROSCOE CONKLING. This bill, as far as it goes, is a cure for the difficulty which the gentleman suggests. There are some other propositions suggested in regard to the matter which, at a future time and in another bill, may come properly before this House. I renew the demand for the previous question on the engrossment and third reading of the bill.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ROSCOE CONKLING move to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

BANKRUPT LAW.

Mr. ROSCOE CONKLING. I move to reconsider the vote by which a bill introduced to-day, entitled a bankrupt law, was referred to the Committee on the Judiciary, with a view to have it referred to a special committee raised on that subject.

It was so ordered.

BOOKS OF DELINQUENT MEMBERS.

Mr. LANSING. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That all books ordered to be printed by the last House, and allotted to Representatives of districts which have sent no representation to the present House, be distributed equally among the members of this House.

Mr. BURNETT. I object.

Mr. LANSING. I move that the rules be suspended, in order that I may be enabled to introduce the resolution.

The question was taken; and the motion was agreed to.

The resolution was passed.

Mr. LANSING moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NATHANIEL M'LEAN, ETC.

Mr. ALDRICH, by unanimous consent, introduced a bill for the relief of Nathaniel McLean, Richard G. Murphy, and Charles E. Flandreau; which was read a first and second time, and referred to the committee on Indian Affairs.

Mr. BURNETT. If the House will consent, I propose to offer a resolution, in order that the House may be apprised, from the proper quarter, of the books and documents which remain here and are ready for distribution among the members of the House.

Objection was made.

ACTUAL SETTLERS.

Mr. ALDRICH, by unanimous consent, introduced a bill to prevent the sale of the public lands, except to actual settlers, for ten years after the same shall have been surveyed and the plats of survey returned to the local land office; which was read a first and second time, and referred to the Committee on Public Lands.

And then, on motion of Mr. OLIN, the House (at fifteen minutes past three o'clock, p. m.,) adjourned.

IN SENATE.

TUESDAY, *July* 16, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. GRIMES. I ask leave to present the petition and papers of John Egenolf, in relation to his claim to a California war bond, which I move to refer to the Committee on Claims, not with the expectation that anything will be done with them now, but simply as a safe depository until the next session.

The motion was agreed to.

Mr. FOSTER presented the petition of Oliver Allen, praying an extension of a patent granted him for an improved bomb lance for killing whales; which was referred to the Committee on Patents and the Patent Office.

Mr. THOMSON presented the memorial of Lieutenant Commanding David D. Porter, of the Navy, in relation to a patent quoin for pointing ordnance; which was referred to the Committee on Naval Affairs.

Mr. LANE, of Kansas, presented a letter from the chief clerk of the War Department, inclosing

a copy of the appointment of F. P. Stanton, as special agent to Kansas and New Mexico; which was referred to the Committee on the Judiciary.

Mr. CHANDLER presented the petition of officers of the volunteers called into service for three years, or for the war, praying that regimental and brigade staff officers may be appointed outside of the line of company officers, and that three lieutenants may be allowed to each company; which was referred to the Committee on Military Affairs and the Militia.

Mr. HALE presented the petition of James Hamilton, praying that the Navy Department may be authorized to avail itself of an improvement made by him in machinery for curvilinear and compound bevel sawing; which was referred to the Committee on Naval Affairs.

Mr. SUMNER. I present a petition numerously signed by women of the North, in which they pray Congress to propose to any State or States, beginning with Maryland, which shall proclaim emancipation within its borders, aid from the United States Treasury to remunerate the individuals who, having owned property in such slaves, would be impoverished by emancipation. I move that the petition lie on the table.

The motion was agreed to.

PAPERS WITHDRAWN.

Mr. FOSTER. I ask leave to withdraw the petition and papers of Frederick Vincent, administrator of James Le Caze, in order that the petition may be transmitted to the House of Representatives. The case received the favorable action of the Senate at the last session.

Leave was granted.

BILLS INTRODUCED.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 28) to suppress the slaveholders' rebellion; which was read twice by its title, and ordered to lie on the table, and be printed.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 29) for the confiscation of property of persons in rebellion against the Constitution and laws of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

MARSHAL O. ROBERTS.

Mr. HARRIS. I have the memorial of Marshal O. Roberts, who states that in April last the Government chartered from him a vessel for the purpose of transporting troops from Texas to New York—the Star of the West; that while in the employment of the Government that vessel was seized, and he deprived of his property. He asks that he may be paid the value of that vessel. The Secretary of War, and other officers connected with the Government, having knowledge of this fact, agree that he ought to be paid for it, but doubt whether they have the power. Under these circumstances, I ask leave, without notice, to introduce a bill for that purpose.

Leave was granted; and the bill (S. No. 27) for the relief of Marshal O. Roberts was read twice by its title, and referred, with the petition, to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 18) making additional appropriations for the support of the Army for the fiscal year ending the 30th of June, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861.

The message further announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 35) to amend an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington, and for other purposes;" and

A bill (No. 45) to define and punish certain conspiracies.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (H. R. No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861; and it was signed by the Vice President.

REPORTS FROM COMMITTEES.

Mr. HALE. The Committee on Naval Affairs have had under consideration the bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and have instructed me to report it back to the Senate, with a recommendation that it do pass. I do not ask for the present consideration of the bill; but I give notice to the Senate that I shall ask for its consideration at an early day.

Mr. HALE. The same committee, to whom was referred a bill (S. No. 14) for the reorganization of the Marine Corps, have had it under consideration, and have instructed me to report it back to the Senate, with a recommendation that it pass, with several amendments; and, if it be agreeable to the Senate, I should like to have the amendments adopted now, and then the bill can lie over until to-morrow.

Mr. FESSENDEN. I prefer that that should lie over until we pass the naval appropriation bill, which should take precedence. It has been on the table for some days.

Mr. HALE. Very well; then I simply report the bill with the amendments, and ask that it be placed upon the Calendar.

ATTORNEY GENERAL'S OFFICE.

Mr. TRUMBULL. The Committee on the Judiciary has had before it a bill concerning the Attorney General and the attorneys and marshals of the several districts. I am instructed by the committee to report it back, with some slight amendments. I ask that it be considered now.

There being no objection, the bill (S. No. 16) concerning the Attorney General, and the attorneys and marshals of the several districts, was considered as in Committee of the Whole. It proposes to charge the Attorney General with the general superintendence and direction of the attorneys and marshals of all the districts in the United States and in the Territories, as to the manner of discharging their respective duties; and the district attorneys and marshals are to be required to report to the Attorney General an account of their official proceedings, and the state and condition of their respective offices, in such time and manner as the Attorney General may direct. It also empowers the Attorney General whenever, in his opinion, the public interest may require it, to employ and retain (in the name of the United States) such attorneys and counselors-at-law as he may think necessary, to assist the district attorneys in the discharge of their duties, and to stipulate with assistant counsel the amount of compensation. It further empowers him to increase the clerical force of his office to discharge the increased duties occasioned by this act, by appointing additional clerks, not exceeding two, at an annual salary not exceeding —— dollars.

The amendment of the committee was, in section three, line three, to strike out the word "office," and insert "same;" and in the same section to strike out, in the fifth and sixth lines, the words "at an annual salary not exceeding —— dollars," and insert "and may fix their compensation at an annual salary not exceeding $1,400 each, per annum;" so that the section will read:

SEC. 3. *And be it further enacted*, That the Attorney General shall have power to increase the clerical force of his office, to discharge the increased duties of the same occasioned by this act, by appointing additional clerks, not exceeding two, and may fix their compensation at an annual salary not exceeding $1,400 each, per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PACIFIC RAILROAD.

The VICE PRESIDENT. If there be no further reports from the standing committees, the next business in order is the following resolution, submitted on the 13th instant by the Senator from California, [Mr. MCDOUGALL:]

Resolved, That a railway from the terminus of railway communication west of the Mississippi to the Pacific ocean is at the present time demanded as a military work, and also from political considerations growing out of our present disturbances.

Mr. MCDOUGALL. In offering that resolution to the Senate, it was not my purpose to interfere with the pressing necessary business of the Senate; yet, in what is affirmed in the resolution, there is much more of truth than is generally understood by Senators, I think. My particular object, however, has been to present the matter, and at this early day to organize such a committee as may prepare for action at the next session of Congress a measure to meet the demands expressed in the resolution. It is itself a very important question. It involves many details and a large amount of labor. Between now and the next session of Congress there is much time that may be profitably employed; and I hope the Senate will consent to the formation of a select committee to take the subject into consideration and mature a measure to answer the demands of the country. I move that the resolution be referred to a select committee of five.

Mr. WILSON. I should like to ask the Senator from California what he proposes to do with it at the present session?

Mr. MCDOUGALL. I will answer the Senator from Massachusetts that I do not propose to interfere with the necessary business of the session, as I have said. If Congress shall adjourn as promptly as I hope it may, I do not suppose the Senate will hear of this question again during this session. I propose to organize a committee that may take charge of the matter and pursue such inquiries and make such arrangements as may be necessary for the production of a bill at an early day in the next session of Congress.

Mr. WILSON. It seems to me that it would be better to let the Senator's resolution lie over until December. I shall not press that suggestion, however; but I think we had better not raise any committee in regard to it at this session. We cannot, certainly, act on the subject now, and I doubt whether a committee during the recess can examine it or make a report. I think the Senator had better let his resolution go over to the first Monday of December, and then take it up, and there will be full time to examine the question.

Mr. MCDOUGALL. I do not expect Senators to be able to examine this measure at all during this session; but there will be an interval of some four months; and as it is a very important part of my business in the Senate, I should like to know to whose hands the matter is to be committed, so that there may be consultation between those having charge of it, in order that something may be matured. I think it will promote the progress of the measure to organize a committee at this session.

Mr. LATHAM. I do not intend to oppose this motion, because, as the Senate knows very well, the subject-matter of this resolution is one that my colleague and myself have more at heart, probably, than any other measure that can be brought before Congress; and if a committee of this kind is organized by the Senate, I know of no one who is better calculated to manage questions of such magnitude than my honorable colleague, who has devoted so much of his life and time to the consideration of this subject. I only want to state what has been my own observation as to the action of the Senate on this question and the formation of these select committees.

The measure itself is one of such magnitude and importance that the past experience of these committees has shown that they really amount to nothing at all. During the early agitation of the question, the subject of a Pacific railroad was universally referred to a select committee. The subject properly belongs to the Military Committee of this body, regarding it as a military measure, or the Post Office Committee, if you regard it as a postal measure; but its magnitude led the Senate, as well as the House of Representatives, during its early consideration, to refer it to a select committee. The experience of both bodies shows this to be the fact: that let as much time and labor as possible be given in committee to this great measure, when it gets back into the Senate and into the House of Representatives, it has been heretofore as much debated and criticised by them in Committee of the Whole as if it was an original measure before those bodies. So much has this been the case, that during the time I have occupied a seat on this floor the Senate has universally refused to appoint a select committee on this great measure. I know that last winter and the winter before, when my honorable friend's predecessor, who had this matter in charge, offered

a railroad bill, it was referred directly to this body as in Committee of the Whole, and put upon the Calendar. An honorable Senator from Illinois, (Mr. Douglas,) who offered a bill, did the same thing with it; the two Senators from Texas did the same thing with their bills. They occupied a position on the Calendar, and at a specified time, when the Senate proceeded to consider the measure, all of them were brought before the body as in Committee of the Whole, the Senate regarding itself as a better judge—each gentleman having objections and criticisms to make—in the organization and forming of a proper bill, than any select committee. If the Senate revokes this rule I have no objection. It may be best, as a great many new members are on the floor, to do this, on the suggestion of my colleague that it is not his purpose to bring forward the measure during this session, and as it will give time during the recess to prepare and bring forward a bill, as perfect as any committee can make it, at the early portion of the next session. Having been present at the discussion of this question at the last session of Congress, and heard the objections made by Senators representing different sections of country, during the vacation I prepared a bill with a view to obviate those objections as much as possible; and it was my intention, if this body took up general legislation, to offer the measure at an early period; but the Senate having indicated its intention to take up no measure at this session except what immediately related to the troubles of the country, I of course did not bring forward this proposition; but if the resolution of my colleague be adopted, I give notice to the body that I shall to-morrow introduce the bill that I have prepared, in order that it may be referred to that committee, and by them considered, with any other schemes that may be brought before them, between this time and the opening of the next session of Congress.

Mr. McDOUGALL. I regret that my colleague did not inform me that he had prepared a bill on this subject before I offered the resolution, and intimated my purpose. I do not understand him to object to the organization of a select committee.

Mr. LATHAM. Not at all.

Mr. McDOUGALL. If I had known that he had prepared a bill, I should have preferred to let him introduce it in the first instance.

The motion to refer the resolution to a select committee was agreed to.

The VICE PRESIDENT. In what manner shall the committee be raised?

Mr. McDOUGALL. By the Chair.

The VICE PRESIDENT. That will be considered as the sense of the Senate, if there be no objection.

Messrs. McDOUGALL, POMEROY, CLARK, POLK, and COWAN, were appointed the committee.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were read twice by their titles, and referred as indicated below:

A bill (No. 35) to amend an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

A bill (No. 45) to define and punish certain conspiracies—to the Committee on the Judiciary.

SLOOP-OF-WAR LEVANT.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the bill (S. No. 21) for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes, have had the same under consideration, and have instructed me to report it back, with the recommendation that it pass; and I am further instructed to ask for its immediate consideration. It is the same bill that was passed when the Albany and the Porpoise were lost. It fixes a time when the vessel shall be considered lost, so that pensions may commence and pay may cease, and gives the relatives twelve months' pay. It is precisely the same provision the Government has been in the habit of making in the case of lost vessels for a number of years. I hope the bill will be passed at once.

By unanimous consent the bill was considered as in Committee of the Whole. It designates the 30th of June, 1861, as the day on which the sloop-of-war Levant shall be considered as having foundered at sea, for the purpose of fixing the time at which shall commence the pensions, under existing laws, of the widows and orphans of officers, seamen, and marines who were lost on board that vessel. It also provides for giving twelve months' pay of any officer, seaman, or marine who perished on board the Levant to the widow, or child, or children of the deceased; or, in case there should be no widow or children, to the parent or parents; and if there be no parents living, to the brothers and sisters of those who perished on board the vessel.

The bill further provides that the proper accounting officers shall settle the accounts of Andrew J. Watson, late purser in the Navy, who was lost in the Levant, and allow him a credit for whatever sum appears to be due from him on the books of the Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. FESSENDEN. I ask the Senate to take up House bill No. 19, making additional appropriations for the naval service.

Mr. POWELL. If it is agreeable to the Senator from Maine, I should like to have the resolution which I offered yesterday, asking for information from the War Department, taken up and passed.

Mr. FESSENDEN. I would rather not give way. That resolution can be taken up after this bill is disposed of. There will be some debate on the resolution.

The motion of Mr. FESSENDEN was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 19) making additional appropriations for the naval service for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861.

The Committee on Finance reported the bill with several amendments. The first amendment of the committee was, in section one, in the appropriations for the navy-yard at New York, to strike out line one hundred and twelve, in the following words:

"For the extension of main sewer, $890."

The amendment was agreed to.

The next amendment of the committee was, in line one hundred and thirty-one, of section one, making an appropriation for the navy-yard at Mare Island, to strike out "fifty," and insert "sixty;" so that it will read:

For repairs to floating-dock and other repairs in the yard, $60,000.

The amendment was agreed to.

The next amendment of the committee was to insert, after line one hundred and thirty-one, under the head of "Mare Island," the following:

For machinery for machine shop, $30,000.

The amendment was agreed to.

The VICE PRESIDENT. Those are all the amendments reported from the Committee on Finance.

Mr. GRIMES. I move to amend the bill by inserting, in line thirty-five of section two, after the word "dollars," the following:

And the Secretary of the Navy is hereby authorized to expend so much of the sums remaining in the Treasury on the 1st of July, 1861, to the credit of printing and publication of sailing directions, wind and current charts, astronomical observations, and hydrographical surveys, as may be necessary for completing the unfinished work left at the Observatory by the late superintendent.

I will state, Mr. President, that I have not examined into the merits of the proposition very much. I have submitted it solely upon the recommendation of the Committee on Naval Affairs of the House of Representatives, all of whose signatures are appended to a note connected with the amendment, saying that they neglected to add it to the bill in that House. It makes no additional appropriation, but merely authorizes the Secretary of the Navy to expend a sum of money already in his hands, unexpended, in the completing of certain charts and sailing directions, which are necessary at this time. The appropriation has already been made.

The amendment was agreed to.

Mr. GRIMES. I offer another amendment as an additional section:

And be it further enacted, That no patented article connected with marine engines shall be hereafter purchased, or attached to, or used in connection with, any steam vessels of war until the same shall have been submitted to and officially recommended in writing for purchase and use by a competent board of naval engineers.

The amendment was agreed to.

Mr. GRIMES. I have one more amendment to offer as an additional section:

And be it further enacted, That in case of a vacancy in the office of engineer-in-chief of the Navy the appointment thereto shall be made from the list of chief engineers.

Mr. FESSENDEN. I should like to have an explanation of the amendment. I did not object to the other one because that seemed to be necessary; but the Committee on Finance are very desirous to keep general legislation off these appropriation bills altogether. The other amendment seemed to be exceedingly important, and therefore I did not raise any objection to it.

Mr. GRIMES. My motive in introducing the amendment was simply this: whenever there is a vacancy in the office of the engineer-in-chief, there is always an effort made to appoint some man outside of the Navy, who has never had any connection with it, to that office. An effort of that kind was made in March last. Four years ago a similar effort was made, and it was also made four years preceding that. Now I simply wish that this engineer-in-chief shall always be appointed from the line of the service, from the number of chief engineers, that one of them shall be ranked up, who has had some experience, some familiarity, with the duties of the position. The amendment is right in itself.

Mr. FESSENDEN. I agree perfectly with the Senator from Iowa, that the amendment is right in itself; but, sir, I cannot agree that this is the right place to put it. There are half a dozen bills from the Senator's own committee—the Committee on Naval Affairs—connected with the organization and reorganization of the Navy in one way or another, now upon the table, all of which, or certainly some of which, will be acted upon. Upon one of those bills the amendment will be perfectly appropriate. Upon this it is entirely inappropriate; and it would be opening the door to a great many abuses which I wish to avoid as far as possible.

Mr. GRIMES. There is no bill reported that is appropriate.

Mr. FESSENDEN. Oh, yes; any bill in relation to naval affairs is appropriate. The amendment that was previously adopted had relation to the expenditure of money, was a saving of expenditure, and seemed to be in some degree appropriate to the bill, and therefore I did not object to it. This I consider to be entirely otherwise, and I really hope my friend from Iowa will withdraw it, and put it upon a bill where it more properly belongs. I think it is proper in itself; but if the door is opened to this legislation upon general subjects connected with the Navy upon these appropriation bills, we shall have difficulties over and over again in relation to it, as we have experienced heretofore; and I say now, sir, so far as I am concerned, I mean to oppose in every case, unless it is one of pressing necessity, which cannot be accomplished in any other way, this attempt to legislate on general subjects—subjects connected even with the bill under consideration—upon appropriation bills. I think we shall save a great deal of difficulty by inaugurating a new state of things in that regard. If the Senator from Iowa desires to have this amendment made, he is a member of the Committee on Naval Affairs, and that committee has half a dozen bills here, upon any one of which it might go, and therefore I hope it will not be put upon this bill.

Mr. GRIMES. My experience here has taught me that it is utterly futile to war against the chairman of the Committee on Finance. His eloquence and will and persistency are such that it is useless for me at any time to press any amendment that I may desire against his wishes; and therefore I withdraw the proposition, hoping that I shall receive his support when I offer it to some other bill.

Mr. HALE. I am instructed by the Committee on Naval Affairs to offer an amendment to the bill, as an additional section:

And be it further enacted, That the sum of $8,000 be appropriated for the printing of one thousand sets of the watch

and station bills of the different classes of vessels in the Navy, and for the binding of twenty sets of the same for the use of the Department and the Navy.

I will state that this amendment is unanimously recommended by the Naval Committee, and it is asked for by the Secretary of the Navy on the report of several of the oldest and most experienced captains in the Navy.

Mr. FESSENDEN. I should like to understand the object of this. The chairman gives no explanation of it. Let it be read again.

The amendment was read.

Mr. COLLAMER. What are watch and station bills?

Mr. HALE. I am asked what they are. I do not know what they are; but the Secretary of the Navy earnestly recommended the printing of them, and several of the senior officers, such as Commodore Smith, Commodore Paulding, and several others, recommended it to the Secretary, and the committee adopted the recommendation of those officers without any very practical knowledge of what these watch and station bills are.

Mr. ANTHONY. Does the special appropriation for this imply——

The VICE PRESIDENT. The hour fixed for the special order has now arrived.

Mr. FESSENDEN. I am exceedingly unwilling to interfere with the honorable Senator from Kentucky, and will not, if he desires to go on now; but if it suits his convenience as well to let this bill go on for half an hour, I think we may finish it.

Mr. BRECKINRIDGE. I am quite content; the Senator may have half an hour for this bill.

The VICE PRESIDENT. That will be understood as the sense of the Senate, unless it be objected to.

Mr. ANTHONY. I desire to ask whether this special appropriation is intended to have these bills printed elsewhere than at the Government printing establishment? If not, I do not see the necessity for any appropriation. I have no objection to the printing of them.

Mr. FESSENDEN. You can put in an amendment that the printing shall be done at the printing office.

Mr. ANTHONY. The Senate decided at the last session that they would not commence, even in the case of the Supreme Court, the system of having particular jobs of printing done at other offices than the Government printing office. All I wish is, that these bills, whatever they are, shall be printed at the usual place and in the usual form.

Mr. FESSENDEN. That unquestionably is right in every particular; we ought not to break into the system. Let the Senator from New Hampshire draw the proposition over again, so as simply to provide for printing the quantity he desires at the Government printing office, without any specific appropriation.

Mr. HALE. I would rather withdraw the amendment, for I do not know enough about it to alter it. I offered it at the suggestion of the Secretary of the Navy and his officers. I withdraw the amendment.

The VICE PRESIDENT. If no further amendment be offered, the bill will be reported to the Senate.

Mr. HALE. I have another amendment which I wish to offer. It is to come in as a separate section:

And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized to withdraw all naval officers now employed in the coast survey and light-house board, or so many of the same as he may need for the service; and the Secretary of the Treasury he, and he is hereby, authorized to appoint persons from civil life to supply such vacancies as may occur in the light-house board, and at the same compensation as the persons withdrawn.

Mr. FESSENDEN. I trust that will not be passed. That is general legislation, and open to the same objection that I made to the proposition of my friend from Iowa. There seems to be no pressing necessity for it on an appropriation bill. It can be put in a naval bill. I must object to it, unless there is some good reason for it on the score of pressing necessity.

Mr. HALE. I know nothing about it; but I understand there are some officers detached from the naval service by law and assigned to duties on the light-house board. This is a provision simply authorizing the Secretary of the Navy, if he deems it necessary, to withdraw them from that duty, and cause their places to be filled by persons from civil life. It is merely to enable the Secretary of the Navy to command the whole naval force in time of war.

Mr. FESSENDEN. Has it been recommended by any officer either of the Navy or Treasury Department?

Mr. HALE. I do not know that it has been. It is recommended by the Committee on Naval Affairs.

Mr. FESSENDEN. This bill is an improper place for it. I do not know that I should object to it in a proper place, but I must oppose it here on the same principle that I opposed the other amendment. I do not want it on an appropriation bill. It embarrasses us exceedingly and gets up debates on the passage of those bills, which delay them very much. I hope the Senator from New Hampshire will withdraw it.

Nr. HALE. I am not obstinate, but I think we might as well have a vote on it.

Mr. FESSENDEN. We do not want it here. It is certainly not of such pressing necessity that it must be put here.

Mr. HALE. Very well; I will withdraw it, and try another place for it. Now I have another amendment, which I am instructed by the Naval Committee to offer:

And be it further enacted, That captains in the Navy who, under existing laws, have been, or shall hereafter be employed as chiefs of bureaux, shall be entitled to receive the same pay as captains "on other duty," from and after the date of the act "to increase and regulate the pay of the Navy of the United States," approved June 1, 1860, to be paid out of any money in the Treasury not otherwise appropriated.

Let me explain the amendment in a few words. By the last section of the last act that raised the pay of the Navy, this provision was made:

"Nothing in this act contained shall be so construed as to increase or modify the present pay of the chiefs of bureaus in the Navy Department, with whom shall be classed the present superintendent of the Naval Observatory."

The chiefs of bureaus, you see, were there made an exception to officers performing "other duty." I do not know that it affects more than a single man in the Navy, and he is one of the oldest officers in the service—Commodore Smith—who is at the head of a bureau. He, by this act, is made inferior in pay to his junior. I believe the sum is a small one, only about a hundred dollars a year; but he feels it as a personal degradation to be placed by an act of Congress, without any charge brought against him, below his junior officers. This provision is simply to put him with the same class of officers of equal grade, doing other duty, with the pay which he would have had but for this clause in the pay bill.

Mr. FESSENDEN. I agree that that is wrong, and it should be remedied. If the commodore is in that condition, he ought not to remain there, but should be put on the same footing with others; but the same objection applies to this amendment as to the other. This is a bill providing for the payment of Navy expenses according to existing laws. The proposition is to pass a new law with reference to salaries. They are totally distinct, and I am quite surprised that the Senator who represents the Committee on Naval Affairs should have chosen one of the appropriation bills from the Committee on Finance to put on legislation with regard to the salaries of officers in the Navy. This is no place for such propositions, and I really must make the same objection to this amendment that I made to the others. I admit that the proposition should be passed, and I will support it with pleasure in any proper place where the Senator will move it; but I must object still, and strenuously, to introducing this legislation on these bills, and I hope the Senate will sustain me; for I assure them that if they do, we shall save ourselves a great deal of trouble and annoyance with reference to the appropriation bills.

Mr. HALE. The Senate will see that I have not been pertinacious in these matters. I have yielded to the seductive influence of the Senator's eloquence twice. This is a simple act of justice in a very small matter, due to an old and faithful officer of the Government, who feels himself degraded by this discrimination; and it is agreed that it should be done. The sum is very trifling; he cares nothing about the sum; but he does not want to stand on the legislation of his country this slur at him. I do not know that I shall overstep the truth if I say that he feels and thinks that it was put on to do the very thing which it does—mark him with degradation; and it ought to be removed.

In regard to putting these matters on a naval appropriation bill, I will say this: it is wrong, I know, as a general thing; but still it is right if precedent is to sustain it. You did it at the last Congress; you have done it every Congress since I have been here, and you have done it in instances where it ought not to have been done. I should be glad to-day to see every law paying any officer of the Army and Navy a single cent above the regular pay-bill, repealed. Such provisions have been put on appropriation bills constantly. Here is a meritorious case—a small matter for an old man who may not live to another session of Congress—over seventy years old; and I hope the Senate will do him this little bit of justice.

Mr. FESSENDEN. Inasmuch as the Senator from New Hampshire admits that it is wrong to attempt to put such provisions on the appropriation bills, and admits, at the same time, that the money is of no sort of consequence to the individual, and we all know there are half a dozen bills from the Naval Committee on which it can be put, I really hope he will withdraw this too; or if not, that the Senate will vote it down.

The question being put, there was, on a division, ayes five, noes not counted. So the amendment was rejected.

Mr. THOMSON. I have been instructed by the Committee on Naval Affairs to offer an amendment, to come in at the end of line twenty-five:

For completing the iron steam battery at Hoboken, New Jersey, being erected under the superintendence of Edwin A. Stevens, Esq., a sum not exceeding $812,000: *Provided*, That the Secretary of the Navy, upon an examination being made by a board of examiners to be appointed by him, shall deem it expedient to complete the same.

This provision is in accordance with the views of the Secretary of the Navy, and the recommendation of the Secretary in the report which has been transmitted to Congress.

Mr. FESSENDEN. I ask if it comes from the Committee on Naval Affairs.

Mr. THOMSON. Yes, sir.

Mr. FESSENDEN. Reported by their order?

Mr. THOMSON. Yes, sir. It has been recommended, as I was stating, by the Secretary of the Navy; and I believe it is very much desired by other officers of the Government, including the highest. We have already expended on this battery $500,000; and by the reports which I have before me of William Kemble, an eminent civilian, and Captain Hudson, of the Navy, (who were ordered by the Department to investigate the matter,) it is estimated that it will require $812,000 more to complete the battery; and then it will be the most efficient battery afloat in the world, capable of performing any service, with a speed greater than that of any vessel on the river or on the ocean. Its steam power will be equal to a horse power of eighty-six hundred and twenty-four tons. It is to be four hundred and twenty-four feet long; and I think will be shot proof and shell proof, and be able to resist any ordnance that is now in use.

It will be seen, Mr. President, that the amendment which I have offered is a mere conditional one. A board of examiners is to be appointed by the Secretary of the Navy, and if they make a report which is satisfactory to him, then he can go on and complete the battery. If the report is not satisfactory, of course he will expend no money. I do hope that, in the present times, this amendment will be adopted. In four months from to-day this great machine can be completed, and will be of immense service to us. This vessel can go to New Orleans or to Charleston.

Mr. GRIMES. How much water will she draw?

Mr. THOMSON. She can be reduced to less than seventeen feet.

Mr. CLARK. She cannot go into Charleston harbor.

Mr. THOMSON. I believe there are new channels opened there. She certainly can get into New Orleans. I do hope this amendment will be adopted. It is certainly quite germane to the bill. It is not open to the objections which have been made by the honorable chairman of the Committee on Finance, because it is an appropriation, and it does belong to the naval appropriation bill. I think, myself, it was an omission on the part of the other House in not inserting it there.

Mr. FESSENDEN. I appealed to the Senate to support me in keeping from the bill everything that did not properly belong to it, even though it was $100. Now, that this is $800,000 seems to me a stronger reason for acting on the principle. There is no existing law that I am aware of which renders it necessary to make a further appropriation for this purpose. I am not prepared to give a definite opinion as to the merits of this vessel; there are others who know much more about it than I do. Certainly, twenty years ago the first appropriation was made to build this vessel. It was then represented, I think, that she was to be completed for $400,000.

Mr. THOMSON. Six hundred thousand dollars.

Mr. FESSENDEN. Four hunded thousand, I think. I was in Congress at the time. It is not a new subject to me. The Government has expended $500,000, and now the demand is to appropriate $800,000 more to complete the vessel, and there is not the slightest proof adduced that any one officer of the Government is in favor of it; that any board of officers of the Navy was in favor of it; or that any living man, except the individual, a very respectable gentleman, who desires to complete it, wants to have this sum appropriated. In the present state of the Treasury, upon a matter so entirely doubtful, about which we have no recommendation from any officer of the Government; no report from any board of Navy officers; no report from engineers; as the Yankees say, "nothing from nobody," I think it was hardly worth while to crowd on this bill a debate which must necessarily be a long one, on a subject of that description. I hope that the Senate will reject it.

Mr. THOMSON. I think the honorable chairman of the Committee on Finance must have forgotten the recommendation in the report of the Secretary of the Navy, and I will read it:

"It is nearly twenty years since a gentleman of New Jersey, possessing wealth and talent, projected the construction of a floating battery, and the Government aided the work by a liberal appropriation. The death of this gentleman a few years since interrupted the prosecution of this experiment; and application has been recently made by his surviving brother, the authorities of New Jersey, and others, for additional means to carry it forward to completion. The amount asked is of such magnitude as to require special investigation by a competent board, who shall report as to the expediency and practicability of the experiment before so large an expenditure should be authorized."

The amendment that I have introduced from the Committee on Naval Affairs carries out the views of the Secretary of the Navy precisely. It authorizes him to appoint a board of examiners, and upon their report, if it is a favorable one, he will proceed, and we give him the means of completing this great battery. That is the recommendation on which we act; and if this is not a proper subject to go on a naval appropriation bill, I do not know what is. I cannot conceive of anything that is proper for it, unless such an appropriation as this. I have read the report of the Secretary of the Navy, and I can say to the Senate that the Secretary of the Navy has informed me that he desired that an additional appropriation should be made for this purpose. That was the object of his report.

Mr. GRIMES. I have no desire to trespass upon the time of the Senate, and would not do so but for the fact that, after the statement made by the Senator from New Jersey as to the action of the Naval Committee, my vote on this occasion will be inconsistent with what is reported to be my previous action. I have not been present myself at any meeting of the Naval Committee when authority was conferred on any gentleman to introduce this proposition. I have been told that such authority was granted; and, so far as I was concerned, I did authorize the Senator from New Jersey to present it, but I did not recommend it; but I stated, at the same time, that I should not vote for this appropriation.

As I understand it, Mr. President—I have not looked much into the matter—there have been about seven hundred and fifty thousand dollars already expended on what the Senator very properly denominates this machine, by the Government and by Mr. Stevens; and it is now proposed, with this appropriation, to pay him the excess that he has expended over the appropriations that have heretofore been made, and to expend $600,000 more, and in great uncertainty, too, as to what will be the value of the machine when completed.

I understand that there are gentlemen here present in the city who are willing to contract with the Government to deliver to it, within ninety days from this time, armed gun-boats carrying six heavy guns on a side, and two large pivot eleven-inch guns, for $140,000. They do not ask the expenditure of a dollar by the Government until the boat shall be completed, and shall be tested and shown to be able to be propelled by the machinery they are to put in her, at the rate of eight miles an hour. I do not know anything about the responsibility of the gentlemen who make this proffer to the Government, and, at the same time, I do not know anything about the value of the armed vessel when she will be built; but if we are going into the construction of vessels of this kind, it would certainly be a great deal better for the Government to build three or four of these armed gun-boats at a cost of $140,000 each, and with no obligation resting upon us to receive them from the contractors unless they shall answer the reports which they make to us in regard to them, than it would be for us to expend $800,000 in the completion of this battery.

Mr. FESSENDEN. Will my friend allow me to call his attention specifically to what the Secretary says, which may have escaped the attention of Senators? The Secretary of the Navy, instead of recommending this appropriation, says:

"The amount asked is of such magnitude as to require special investigation by a competent board, who shall report as to the expediency and practicability of the experiment, before so large an expenditure shall be authorized."

Before you make the appropriation, have a board. That is precisely my objection.

Mr. THOMSON. That is not what he intended. I will say a single word in reply to my friend from Iowa. The vessel which he speaks of was one which some contractor, whom I do not know—he was in our committee-room this morning—proposes to furnish. He wants to build a vessel ninety feet long and forty-five feet broad, with two hundred horse power, [Mr. GRIMES. Four hundred,] to go eight miles an hour, and carry six guns; and he says he can do it for a certain sum of money—$140,000, I believe. What a difference between that machine and this of Stevens's! That is to go eight miles an hour, when it is reduced to a certainty that Stevens's machine can very readily go twenty-one miles an hour. Two hundred horse power against eight thousand horse power; four hundred feet against ninety feet! There is all the difference in the world.

While I am up, I will say another word in answer to my friend, the chairman of the Committee on Finance. He said, very confidently, that the sum at first appropriated was $600,000. I think he will find, on examination, that it was a sum not exceeding the cost of the Mississippi or the Missouri, and I think that amounted to $580,000.

Mr. FESSENDEN. It may be.

Mr. THOMSON. Five hundred thousand dollars was paid by the Government, and they retained $80,000 in their possession, to be held until the vessel was completed, and that is due; and an appropriation was made, I think, three years ago, in the Senate of the United States for that $80,000. I have no doubt of the practicability of the plan; and I believe, myself, it will be the best thing we can possibly have in these times. We have expended $500,000; it is estimated that it will take $800,000 more to complete this vessel and make her as efficient as a whole navy. Now, if we make no further appropriation, what we have spent is all gone.

I am very sorry indeed to occupy so much of the time of the Senate, but I will say further that the engineers in charge of the works which are being erected at Sandy Hook, say that they must have a floating battery, for the purpose of protecting the port of New York. That fortification which they are erecting at Sandy Hook will protect one of the modes of ingress; but there is another, which cannot be protected in any other way than by a floating battery, for which this vessel would be admirably adapted. I hope the amendment will prevail.

Mr. TEN EYCK. I have no special charge of this matter, sir, and therefore I do not propose to make any extended remarks; but inasmuch as the Legislature of our State, which did, at the special session in the month of May last, pass a bill to raise $2,000,000 to arm and equip the troops of that State, for the purpose of coming to the protection of the capital and the Union, also passed joint resolutions requesting Congress to pass an appropriation for the purpose of completing the construction of this steam battery, I feel myself called upon to say a word or two in favor of the appropriation. If the joint resolutions had been sent to me, it would have given me pleasure to have the honor of presenting them to the Senate now in session.

This is a very large sum of money, it is true, sir. The exigencies of the public service demand large expenditures. I understand from very high quarters, that prior to the making of the recommendation contained in the report of the Secretary of the Navy, he did dispatch a competent officer to visit this battery, and in consequence of that report, this recommendation was made conditionally in the form in which it is. This vessel is particularly designed for harbor defense; but by reason of its tremendous power—over eight thousand horse power, I think—it will, when completed, not only be efficient in harbor defense, but will be an engine of swift and sure destruction to the enemies of the Union anywhere along the coast; or in the harbors of the coast. It is of such a character, so shielded and protected, that, according to the judgment of the most scientific men, it can go into any harbor along our coast. It can run between the forts in the harbor of Charleston with perfect defiance, and, by reason of its proposed armament, can destroy any battery now in existence in the hands of the disunionists; and we have thought, our Legislature thought at the session to which I refer——

The VICE PRESIDENT. The Senator will yield. The time has arrived for the consideration of the special order.

Mr. TEN EYCK. Just one word. I apologize for referring to my State; but as we had sent our troops from the fields and workshops, and were stripped of defense, we thought an appropriation might well be made for the purpose of protecting our harbors adjoining New York, as well as the harbor of New York.

APPROVAL OF PRESIDENTIAL ACTION.

The VICE PRESIDENT. The special order assigned for half past one o'clock is the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, the question being on the passage of the resolution.

Mr. BRECKINRIDGE. Mr. President, the grounds of opposition to the joint resolution now before the body have been very fully stated by the Senator from Missouri [Mr. POLK] and by my colleague, [Mr. POWELL.] I have heard no defense of this joint resolution offered by the majority party in the Chamber. Under ordinary circumstances I should content myself with a simple vote; but regarding the subject as one of immense importance, I am unwilling to see the resolution pass without a brief expression of the reasons of my opposition to it.

It proposes, sir, after enumerating certain acts of the President done since the 4th of March last, to declare that—

"All of the extraordinary acts, proclamations, and orders, hereinbefore mentioned, be, and the same are hereby, approved and declared to be in all respects legal and valid, to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States."

The joint resolution would seem, upon the face of it, to admit that the acts of the President were not performed in obedience to the Constitution and the laws. If that be true, I should be glad to hear some reasons assigned by gentlemen showing the power of the Congress of the United States, by joint resolution, to cure a breach of the Constitution or to indemnify the President against violations of the Constitution and the laws. If, in any respect, that officer has violated the laws, he has also violated the Constitution; because one clause of that instrument declares that "he shall take care that the laws be faithfully executed." It confers on him the power to see that they are executed; but no power to violate them.

I deny, Mr. President, that one branch of this Government can indemnify any other branch of the Government for a violation of the Constitution or the laws. The powers conferred upon the General Government by the people of the States are the measure of its authority. Those powers

have been confided to the different departments, and the boundaries of those departments determined with perfect exactitude. The President has his powers and rights conferred on him by the Constitution; the legislative authority its powers and rights; the judicial authority its powers and rights; and I deny that either can encroach upon the other, or that either can indemnify the other for a usurpation of powers not confided to it by the Constitution. Sir, Congress, by a joint resolution, has no more right, in my opinion, to make valid a violation of the Constitution and the laws by the President, than the President would have by an entry upon the executive journal to make valid a usurpation of the executive power by the legislative department. Congress has no more right to make valid an unconstitutional act of the President, than the President would have to make valid an act of the Supreme Court of the United States encroaching upon executive power; or than the Supreme Court would have the right to make valid an act of the Executive encroaching upon the judicial power.

To say that Congress, by joint resolution, may indemnify the President against a breach of the Constitution is substantially to declare that Congress may alter the Constitution in a manner not provided by the instrument; may add to it or take from it. If a bare majority of the two Houses of Congress can, by resolution, make that constitutional and valid which was unconstitutional, by the same authority it may confer upon the President in the future powers not granted by the Constitution; so that, sir, in whatever aspect the subject may be viewed, it appears to me the principles involved in this joint resolution are utterly subversive of the Constitution, and contain the very essence of a Government without limitation of powers. I had supposed that these general principles were too clear and too well recognized in this country to need statement or illustration.

But it may be well, Mr. President, to inquire, has the President of the United States assumed powers not delegated by the Constitution or the laws? I speak not now, sir, of many acts of the President not enumerated in this resolution. I shall confine myself, for the present, to the enumeration here. I think that the acts here enumerated were usurpations on the part of the Executive of the United States; and that so far from a resolution being passed ratifying and approving them, I think the Chief Magistrate of the country—and I have a right in my place to say it—should be rebuked by the vote of both Houses of Congress.

The President of the United States, first, has established a blockade of the whole southern coast, and an interior blockade of the chief rivers. By what authority has he done it? Where is the clause of the Constitution that authorized him? An attempt was made at the last session of Congress to confer the authority by bill. It did not pass. Congress refused to grant this authority by law in face of the fact that seven States had then withdrawn from the Federal Union. Will any Senator say that the power exists, under the Constitution, upon the part of the President to establish a blockade? It is an incident of war, sir; it is the exercise of the war power; and the Constitution of the United States declares that Congress shall pass an act to declare war, or exercise that power.

But, Mr. President, since no argument has been made in favor of the constitutional right of the President to do this thing, I might rest the case here. I propose, however, to fortify what I have said by a little authority. I remember, sir, during the last session of Congress, that questions arose here in regard to the right of the President to collect the revenue without the ports of the seceded States, or the right of the President to institute a blockade; when the late Senator from Illinois (Senator Douglas) delivered a speech upon this floor against the power to blockade those ports, which was not only not answered, but, in my opinion, was unanswerable. I read a brief extract from what he then said. It was a speech delivered upon the 15th day of March last in this body:

"But we are told that the country is to be precipitated into war by blockading all the southern ports; blockading ports within the United States; blockading our own ports with our own Army and Navy! Where is the authority for that? What law authorizes the President of the United States to blockade Federal ports at discretion? He has no more authority to blockade New Orleans or Charleston than he has to blockade New York or Boston"—

Remember, the state of facts which exists now existed then. Those States had set up a government of their own, and withdrawn from the Union—

"and no more legal right to blockade Mobile than Chicago. Sir, I cannot consent that the President of the United States may, at his discretion, blockade the ports of the United States or of any other country. He can do only what the Constitution and laws authorize him to do. He dare not attempt to obstruct commerce at the mouth of the Mississippi river, or at Mobile, or at any other port in the seceded States, or even those that have remained loyal to the Constitution and to the Union. The intimation that he is to do this implies a want of respect for the integrity of the President, or an ignorance of the laws of the land on the part of those who are disturbing the harmony and quiet of the country by threats of illegal violence."

At this point, the Senator from New York [Mr. KING] suggested that, under the right to prevent smuggling, the President might have the power to blockade the southern coast; to which Mr. Douglas replied:

"I am not talking about smuggling. It is his duty to enforce the laws of the land in respect to smuggling. But, sir, it is not his duty to prevent smuggling in any other mode or by any other means than those provided by law. Will the Senator from New York intimate to the Senate and to the country that, under the pretext of preventing smuggling, the President can close a port created by law, and stop all commerce connected with it? Will he intimate that, under suspicion that if the revenue cutter allows a vessel to enter the port of New Orleans she will not pay any duties, therefore the President will prevent her going there? The law gives him no such power, no such discretion. The suggestion, therefore, of the Senator from New York, that these ports of the United States are to be blockaded by the Navy at the discretion of the President, under pretense of preventing smuggling, only shows how loosely even Senators talk about the powers and duties of the President. It is not necessary to argue the question. There is no law that authorizes it. To do the act, or attempt it, would be one of those high crimes and usurpations that would justly subject the President of the United States to impeachment."

That, sir, was the language uttered by that Senator at that time. I will read also a few words uttered by one who ought to be authority with many in this Chamber, and, indeed, ought to be an authority with all Americans upon questions of constitutional law. It is an extract from some remarks made by Daniel Webster, during the troubles in South Carolina in 1832–33, when it was suggested that President Jackson would blockade the port of Charleston. That eminent statesman uttered the following language:

"Sir, for one, I protest in advance against such remedies as I have heard hinted. The Administration itself keeps a profound silence, but its friends have spoken for it. We are told, sir, that the President will immediately employ the military force, and at once blockade Charleston! A military remedy, a remedy by direct military operation, has thus been suggested, and nothing else has been suggested, as the intended means of preserving the Union. Sir, there is no little reason to think that this suggestion is true. We cannot be altogether unmindful of the past, and therefore we cannot be altogether unapprehensive for the future. For one, I raise my voice beforehand against the unauthorized employment of military power, against superseding the authority of the laws by an armed force, under pretense of putting down nullification. The President has no authority to blockade Charleston; the President has no authority to employ military force, till he shall be duly required so to do, by law, and by the civil authorities. His duty is to cause the laws to be executed. His duty is to support the civil authority."

Sir, I approve these sentiments uttered by these eminent men. They were formerly regarded as sound and true, and I trust the time will come again when it will not be considered treason to maintain them.

It is proposed, sir, to approve and make valid the act of the President in enlisting men for three and five years. I ask you by what authority of Constitution or law he has done this act? The power is not conferred in the Constitution; it has not been granted by the law. It is, therefore, an unconstitutional and illegal act of executive power. The President, of his own will—and that is one of the acts enumerated in this joint resolution which it is proposed to approve and ratify—has added immensely to the force of the regular Army. The Constitution says that Congress shall raise armies, and a law now upon your statute-book limits the number of the regular force, officers and men. Hence, sir, that is an act in derogation both of the Constitution and of the laws.

The President has added immensely to the Navy of the United States. The Constitution says that Congress shall provide and maintain a navy; and there is now a law upon the statute-book limiting the number of men to be employed in the Navy. That, like the rest, sir, will not bear argument. I doubt if an attempt will be made to defend it upon constitutional or legal grounds. I pronounce it a usurpation.

Again: this resolution, after reciting the authority conferred by the President upon the Commanding General of the Army, "to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington," and reciting the fact that "he did, on the 10th day of May last, issue a proclamation authorizing the commander of the forces of the United States on the coast of Florida to suspend the writ of *habeas corpus*, if necessary," proposes to ratify and make that valid. Mr. President, we have had a good deal of talk about rights, the rights of States, and the rights of individuals; some of them have been said to be shadowy and imaginary; but the right of every citizen to be arrested only by warrant, and his right to have his body brought before a judge, the judicial authority, in order that the grounds of that arrest may be determined upon, is a real right. There can be no dispute about that. It is a right of rights. It belongs to all—high, low, rich, poor. It is especially the right of that class whom his Excellency the President calls plain people. It is a right, the respect for which is the measure of progress and of civilization. It is a right that has been struggled for, fought for, guarded by laws, and locked up in constitutions. To have maintained it by arms, to have suffered for it, and then to have established it upon foundations so immutable that the authority of the sovereign cannot shake it, is the chief glory of the British people, from whom we derive it. I need not say to the Senate that in England, whence we derive this right, the legislative power alone can suspend it. We all know, sir, that the monarch of England cannot suspend that writ; but transatlantic freemen seem to be eager to approve and ratify acts which a European monarch would not dare to perform.

Mr. President, it needs no elaborate argument to show that the executive authority of the United States has no right to suspend the writ of *habeas corpus*. I content myself here, unless some defense be offered upon this floor, with referring to the fact that the privilege to suspend the writ in case of rebellion or invasion is classed among the legislative powers of the Constitution. That article of the Constitution which refers to the powers of the President, executive powers, touches not the question. I may add, that upon no occasion has it ever been asserted in the Congress of the United States, as far as I recollect our history, that this power exists upon the part of the Executive. On one memorable occasion in our history, Jefferson thought a period had arrived when, perhaps, that writ might properly be suspended. He did not undertake to do it himself. He submitted the question to Congress. He did not even recommend that it should be done; and in the long debates that occurred in this and the other branch of Congress upon the question of suspending the writ, which finally was not suspended, not one intimation was given by any speaker in either House, as far as I remember, that the power existed on the part of the President. I then point to the Constitution, and ask Senators who desire to approve this act, to point me to that clause in it which gives the right, or deduces it by fair construction from any provision of that instrument.

What part of the Constitution is it, sir, which confers upon the President the right to do this act more than upon any other officer, executive or judicial, of the Government? Surely it is not that portion of the Constitution which declares that he shall take care that the laws be faithfully executed. The most eminent commentators on the Constitution of the United States concur in saying that it is purely a legislative act. Justice Story, one of the most eminent judicial lights of New England, in his Commentaries on the Constitution, declares it to belong to the Legislature, and not to the Executive. The Supreme Court of the United States have determined that Congress alone can suspend the privilege of the writ. Upon a recent occasion, in a case which arose in Maryland, the present Chief Justice, in an opinion which has never been answered, and never will be answered, exhausts the argument, and makes all other reference to the subject idle and superfluous.

Sir, one of the worst signs of the times, I ven-

ture to say here, is the manner in which that opinion has been received. A subordinate military officer in the city of Baltimore arrests a private citizen by military force without warrant of law, and confines him in a fortress. His friends attempt to get out a writ of *habeas corpus* before the Chief Justice of the United States, and the reply is that he will not be delivered up by the military. The Chief Justice then gives an opinion, which has commanded the respect and acquiescence, not only of the profession of which he is so great an ornament, but of almost all thoughtful men in the country; and, sir, I must express my admiration for the prudence and the wisdom of those who, while they are determined that the military power shall usurp the judicial authority, do not undertake to defend it. The newspapers of the country, and men excited by the violent passions which mark the times, have denounced the Chief Justice, but they have not answered his opinion. There it stands, sir; and it is one of those productions which will add to his renown. The abuse of the press, the refusal to respect just authority, the attempt to make that eminent judicial officer odious, will yet recoil upon those who attempt it. I honor him, sir—I honor him for the courage with which he did his duty, as well as for the calm, temperate, conclusive manner in which he performed it. I am glad that he yet remains among us, a man so remarkable for his honored length of years, for his eminent public services, and for the rectitude of his private life, as that he may be justly ranked among the most illustrious Americans, living or dead.

You propose to make that valid; you propose to approve it, without making a defense of it either upon constitutional or legal grounds. What will be the effect, sir? In approving what the President has done in this regard in the past, you invite him to do the like in the future; and the whole country will lie prostrate at the feet of executive power when, in the opinion of the President, the the time shall have come to suspend the rights of individuals, and to have substituted military power for judicial authority.

Mr. President, although there are but few of us here who take the view of the Constitution and of right which I am advocating to-day, I trust that we will not, under any circumstances, fail to protest, in temperate, but manly language, against what we consider usurpations of the Constitution. Let me call the attention of the Senate and the country briefly to other acts, against which, in my place, I protest in the name of the Constitution, and in the name of the people I represent.

You have, sir, practically, martial law established all over this land. The houses of private citizens are searched without warrant. The right of citizens to bear arms is made nugatory by their being taken from them without judicial process, and upon mere suspicion. Individuals are seized without legal warrant and imprisoned; and they cannot be taken from prison by judicial process. They are taken upon suspicion and confined by military authority. The other day, since Congress met, a military officer in the city of Baltimore appointed a marshal for that city. Will any man defend that act? Is it not martial law? Does it not override all other law? Is it not substituting the will of a military commander for the laws of the land? What more authority had that officer to appoint a marshal for the city of Baltimore than he had to appoint a pastor for one of its congregations, or a president for one of its banks? The Constitution undertakes to guard the right of the people against unreasonable searches or seizures, or any seizure without warrant of judicial authority. Has not the President of the United States, by one broad and sweeping act, laid his hands upon the private correspondence of the whole community, ranging through some one or two years? Who defends it as conformable to the Constitution?

I am told, sir, (and if I had the power to do it, I would have it inquired into in the name of the public liberties,) that at this moment, in the city of Washington, in the jail of this city, are individuals who have been taken by the military authorities, in Maryland, in other States, and in this District, who now lie here and cannot be got out by judicial process; and in some instances such an oblivion, in the hurry of events, has come over the imprisonment that it has been absolutely forgotten. I was told by a Senator of one instance in which a man was seized by military authority without any process of law whatever, put in jail here, and remained perhaps for some weeks, forgotten—forgotten, sir, as if he had been in the Bastile. His friends at last made application at one of the Departments of the Government. They looked into his case, found nothing against him, and he was ultimately discharged; but in the rush of events the very existence of the man and the cause of his imprisonment had been forgotten.

Mr. President, we may pass this joint resolution to approve these acts; we may upon the face of the joint resolution make them valid; but we cannot make them valid in fact. I know, sir, that Congress, in the exercise of its legislative functions, may appropriate money which has been expended by the President without warrant of law; but whatever unconstitutional act he may have committed cannot be cured by a joint resolution of Congress; but stands there, and will stand forever, a breach of the Constitution. Nor can this Congress, by a joint resolution, prevent any succeeding one from holding any officer of the Government responsible for any violation of the Constitution. I enumerate what I regard as usurpations of the Executive to go upon the record as a protest of those of us who are not willing to see the Constitution subverted, and the public liberty trampled under foot, under whatever pretext, of necessity or otherwise.

The Constitution declares that Congress alone shall have power "to declare war." The President has made war. Congress alone shall have power "to raise and support armies." The President has raised and supported armies on his own authority. Congress shall have power "to provide and maintain a navy." The President has provided an immense Navy, and maintains it without authority of law. The Constitution declares that no money shall be taken from the Treasury except in pursuance of appropriations made by law. The President has taken money from the Treasury without appropriations made by law for the purpose of carrying out the preceding unconstitutional acts. One of the amendments to the Constitution declares that—

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

They have been disarmed, and disarmed without criminal charge and without warrant. One of the amendments to the Constitution declares that—

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

The people have not been exempt from unreasonable searches and seizures. Their property has been taken from them; their houses have been searched without authority of law, and by a pure military authority.

"No person"—

Says one of the amendments to the Constitution—

"shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury."

Many persons have been held to answer for infamous crimes without presentment or indictment, and without warrant, by military authority. The same amendment continues:

"Nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

Citizens have, by military authority, been deprived of liberty and property without due process of law.

These great and fundamental rights, sir, the sanctity of which is the measure of progress and of civilization, which have been carefully guarded and locked up in your Constitution, have been trampled under foot by military power, are being now every day trampled under foot by military power here and hereabouts in the presence of the two houses of Congress; and yet, so great upon the one side is the passion of the hour, and so astonishing the stupid amazement on the other, that we receive it as natural, as right, as of course. We are rushing, and with rapid strides, from a constitutional government to a military despotism.

The Constitution says the freedom of speech and of the press shall not be abridged. Three days ago, in the city of St. Louis, a military officer, with four hundred soldiers—that was his warrant—went into a newspaper office of that city, removed the types, and declared that it should no longer be published, giving, among other reasons, that it was fabricating reports injurious to the United States soldiers in Missouri. Mr. President, is there a Senator here, is there a citizen in all the land, who will say that the slightest color of authority exists on the part of a military officer, either to deprive a citizen of his liberty without warrant, or of his property, or to suppress the freedom of the press? We are told in the same dispatch that the proprietors of the paper submitted, and intended to make their appeal—where, and to whom? To the judicial authorities? No, sir; but to Major General Frémont when he should reach St. Louis; to appeal from General Lyon to General Frémont. The civil authorities of the country are paralyzed, and a practical martial law is being established all over the land. The like never happened in this country before, and would not be tolerated in any country in Europe which pretends to the elements of civilization and regulated liberty. George Washington carried the thirteen colonies through the war of the Revolution without martial law. The President of the United States cannot conduct the Government three months without resorting to it.

Mr. President, I presume every Senator here has read the opinion of the Chief Justice to which I have referred. I content myself by reading a few extracts from the close, as expressive of my opinions of the public danger. The Chief Justice says:

"The Constitution provides, as I have before said, that 'no person should be deprived of life, liberty, or property, without due process of law.' It declares that 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.' It provides that the party accused shall be entitled to a speedy trial in a court of justice.

"And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of *habeas corpus*, by a military order, supported by force of arms. Such is the case now before me, and I can only say that if the authority which the Constitution has confided to the judiciary department and judicial officers, may thus, upon any pretext or under any circumstances, be usurped by the military power at its discretion, the people of the United States are no longer living under a Government of laws, but every citizen holds life, liberty, and property, at the will and pleasure of the Army officer in whose military district he may happen to be found."

I cannot say whether this great judge will be able to preserve the Constitution of his country; but we owe him, and posterity will owe him, a debt of gratitude for the vindication of the principles of constitutional liberty and of personal liberty which antedated and possibly may survive the Federal Constitution.

Then, Mr. President, the Executive of the United States has assumed legislative powers. The Executive of the United States has assumed judicial powers. The executive power belongs to him by the Constitution. He has, therefore, concentrated in his own hands executive, legislative, and judicial powers, which, in every age of the world, has been the very definition of despotism, and exercises them to-day, while we sit in the Senate Chamber, and the other branch of the legislative authority at the other end of the Capitol. What is the excuse; what is the justification; what is the plea? Necessity. Necessity? I answer, first, there was no necessity. Was it necessary, to preserve the visible emblems of Federal authority here, that the southern coast should have been blockaded? Did not the same necessity exist when Congress, at its last session, refused to pass the force bill, that existed at the time the President assumed these powers? As Congress refused to do it, and adjudged that there was no necessity at that time, what was the additional necessity afterwards? Was it necessary, until Congress should meet, to the existence of the Union of these States, and of its Constitution, that powers not conferred by the instrument should be assumed? Was there any necessity for overrunning the State of Missouri? Was there a necessity for raising the largest armies ever assembled upon the American continent, and fitting out the largest fleets ever seen in an American harbor? What I mean to say is, that there was none of that overriding necessity for present preservation and existence

which is sometimes made the plea of unconstitutional usurpation. In the case of the man in Maryland, who has been confined so long in Fort McHenry, and upon whose case the question arose which drew out the opinion of the Chief Justice, to which I have referred, was there a necessity, in the view gentlemen take of it, for holding that man in that fortress, instead of turning him over to the civil authorities? What was the charge? The chief charge, I believe, was that weeks before he had been concerned in treasonable acts, and in burning down bridges. Was not the judicial authority there to take charge of it, try him, and, if guilty, to convict him and punish him? Will any Senator point out the necessity for the occurrences which are now taking place every day, of arresting individuals without warrant of law? If that be a necessity in the present condition of affairs, and when Congress is in session here, what a long necessity we have before us, and impending over us! Sir, let Congress adjourn approving and ratifying these acts, and the same character of necessity precisely, even stronger perhaps, will justify the President in superseding the laws in every State of this Union where, in his opinion, it should be done; and, sir, there will not be a vestige of civil authority left to rise after the passing tread of military power.

But, Mr. President, I deny this doctrine of necessity. I deny that the President of the United States may violate the Constitution upon the ground of necessity. The doctrine is utterly subversive of the Constitution; it is utterly subversive of all written limitations of government; and it substitutes, especially where you make him the ultimate judge of that necessity, and his decision not to be appealed from, the will of one man for a written constitution. Mr. President, the Government of the United States, which draws its life from the Constitution, and which was made by that instrument, does not rest as does the Constitution in many other countries, upon usage or upon implied consent. It rests upon express written consent. The Government of the United States may exercise such powers, and such only, as are given in this written form of government and bond which unites the States; none others. The people of the States conferred upon this agent of theirs just such powers as they deemed necessary, and no more; all others they retained. That Constitution was made for all contingencies; for peace and for war. They conferred all the powers they deemed necessary, and more cannot be assumed, to carry on the Government. They intended to provide for all contingencies that they thought ought to be provided for, and they retained to the States all the powers not granted by the instrument. If in any instance it may be supposed that the powers conferred are not sufficient, still none others were granted, and none others can be exercised. Will this be denied, sir? Or is the doctrine to be advanced that all constitutional questions are to be made entirely subordinate to the opinions and ideas that may prevail at the hour in reference to political unity and association? It has been held heretofore—I thought it was axiomatic, and received everywhere—that the terms of the Constitution of the United States were the measure of power on one side, and of obedience on the other; and let us take care how we establish a principle that, under the presumed stress of circumstances, powers not granted may be assumed; take care that you do not furnish an argument which the world and history will respect upon the part of people and States, to throw off an authority which no longer respects its own limitations.

Mr. President, these are a few of the reasons which control me in voting against this resolution. It seems to me that Congress should express some opinion upon it, and I trust it will be voted upon. If the vote shall be as I fear it will, it will be an invitation to the President of the United States, in the absence of other legislation, to do the like acts of usurpation whenever he thinks they are necessary. What will be the effect of it? Here in Washington, in Kentucky, in Missouri, everywhere where the authority of the President extends, in his discretion he will feel himself warranted by the action of Congress upon this resolution to subordinate the civil to the military power; to imprison citizens without warrant of law; to suspend the writ of *habeas corpus;* to establish martial law; to make seizures and searches without warrant; to suppress the press; to do all those acts which rest in the will and in the authority of a military commander. In my judgment, sir, if we pass it, we are upon the eve of putting, so far as we can, in the hands of the President of the United States the power of a dictator.

With such a beginning as that, what are we to expect in the future? Sir, when I see men imprisoned within hail of the Capitol, without a warrant, and the courts paralyzed, and Congress not rising to protest in indignant tones against it, my mind is filled with gloomy forebodings of the future. What may we expect, except a line of conduct in keeping with what has occurred?

Mr. President, is this contest to preserve the Constitution? If so, then it should be waged in a constitutional manner. Is the doctrine to obtain that the provisions of the Federal Constitution are to be entirely subordinated to the idea of political unity? Shall the rallying cry be, "the Constitution and the Union," or are we prepared to say, "the Constitution is gone, but the Union survives?" What sort of Union would it be? Let this principle be announced, let us carry on this contest with this spirit, and wink at or approve violations of this sacred instrument, and, sir, the people will soon begin to inquire what will become of their liberties at the end of the strife. The pregnant question, Mr. President, for us to decide is, whether the Constitution is to be respected in this struggle; whether we are to be called upon to follow the flag over the ruins of the Constitution? Without questioning the motives of any, I believe that the whole tendency of the present proceedings is to establish a Government without limitations of powers, and to change radically our frame and character of Government.

I was told the other day, by a very excellent and distinguished man, who was not long since in the service of the Government abroad, with whom I was conversing upon the present extraordinary condition of public affairs, that many Americans abroad, when they are asked by foreigners, in view of the present condition of things here, "We supposed that your Federal Government rested upon consent: how do you propose to maintain it by force?"—often, he says, the answer coming from citizens of the United States would be, "it was intended to rest upon consent; it has failed; it is not strong enough; we intend to make it stronger; we will change the character of the Government, and we will give it all the strength that we deem essential, without regard to the provisions of the Constitution, which was made some eighty years ago, and is found not to fit the present condition of affairs."

Sir, I think it is quite time that the attention of the Senate were called to the tendency of the day. I know that there are thousands and hundreds of thousands of true, conservative, thoughtful men, who love the Constitution of their country, scattered all through the adhering States, and who never would consent to conduct this contest with arms one step further or one day longer if they believed that any purpose existed substantially to change the character of our system, to interfere with personal rights, or the rights of political communities, and who are willing to go just as far as the Constitution warrants them, and no further. There are many who are of a different opinion, and have a different purpose to pursue. I read the other day in a leading, able, influential paper in one of the northern States, some suggestions which are abroad in this land, which fill many heads and many hearts, and which derive strength and consistency and point from much that I see passing around us here. That able paper says:

"The war may soon pass away; we may have a quick and vital battle-field, and the North prove its prowess, as certainly it will; but the truth of national unity and power that these events have given endures—combined, condensed, concentrated—in Army and Navy.

"It is the characteristic of the history of our times, that it gives to years the labor which was the burden in other times for ages; and the sudden rushing into one bounding artery of all the life-blood of the North may now create us. We shall ask the question, Why all these State lines? Why all this needless, cumbersome, intricate entanglement of different powers to make law and to decree judgment? We can afford now to efface the old colonial geography. It is the admitted powers of States within the nation that has been the source of all our trouble. Nor will the removal of State power, and the creation of a nationality, be a task so formidable." * * * *

"This artificial difficulty of State rights is not an insurmountable one. It must yield to the greatest good of one power; we are not strangers and strange to each other." * * * * "We need not all these Legislatures, all these sovereignties. We are one, and to move as one."

That, sir, in my opinion, is the purpose of a growing party in this country, and is the inevitable tendency of the present conduct of affairs. I remember to have read, not long since, a speech made by the present able Secretary of War, in this city, in which he said that the southern States must be subdued, and that at the end of this contest there would be no more Virginians as such, or Carolinians as such; but only Americans all. Sir, the name of American is a proud one, and I love it; but it is the preservation of the names of Virginians and Pennsylvanians, and the distinctive existence of all these States, which alone can keep the name of American a proud one. I never want to see them blotted out.

I said, sir, that in my opinion, the tendency was to change our character of Government, and that the purpose, if not avowed, is acted upon to conduct those proceedings without regard to the limitation of the Constitution. These things I have enumerated go to show it. This joint resolution goes to show it. I call upon Senators to defend the constitutionality of these acts, or else to admit that we intend to conduct this contest without regard to the Constitution. Sir, the character of the contest itself gives a fearful foreboding of it. The whole subject has been argued over and over again, and I will not weary the patience of the Senate in speaking of the character of the Government now. I content myself with saying that it never was in contemplation, by the framers of the Constitution that this Government should be maintained by military force to subjugate the different political communities that compose the States. It was declared by Madison, ay, and by Hamilton, the great Federalist, himself a member of the convention that framed the Constitution, that it was not in the competency of the Government thus to preserve it. But look at the contrast. An army of half a million men concentrating from all points, not to execute the laws against individuals; not a military force employed in aid of the civil power—the civil power of the United States does not exist in the States which have withdrawn—but for the purpose of military subjugation. Call it what you will, it is military subjugation if successful. Suppose the Federal troops are able to overcome all the opposition before them: what is contemplated and avowed? They are to march through Virginia, through the Carolinas, through all the Gulf States down to New Orleans, to occupy them, to subdue them, in the language of the press, and in the language of eminent gentlemen, who represent the feelings and the purposes of the majority. That, sir, is prosecuting the war unconstitutionally. Even if there was a warrant in the Constitution to carry it on in that way, it would be the overthrow of the Constitution finally, and of the public liberty. There is no warrant in the Constitution to conduct the contest in that form.

Sir, in further proof of my statement, that the disposition is to conduct this contest without regard to the Constitution, witness the remarks that fell the other day from the able and very eloquent Senator from Oregon, [Mr. BAKER.] He is a constitutional lawyer; he knows what the Constitution of his country is—no man better. He declared, in the presence of the Senate and the country, that he meant direct war, and that for that purpose nothing was so good as a dictator; he therefore was for conferring upon the President of the United States almost unlimited powers. I give his words. Nobody so good as a dictator to conduct this sort of war we were in, and of which he is in favor! Is anything necessary more than to state this to show that, at least so far as that Senator is concerned, he proposes to conduct it without regard to the Constitution? I heard no rebuke administered to that eminent gentleman. Upon the contrary, I saw warm congratulations from more than one Senator, apparently upon the sentiments and the character of the address.

In the course of the same speech to which I have referred, that eminent Senator declared that not only must that country be ravaged by armies, but that unless the people of those States paid willing and loyal obedience to the Federal Government, their State form must be changed, and

they must be reduced to the condition of Territories; to be governed by Governors sent from Massachusetts and Illinois. This was said seriously; and afterwards, when referred to by my colleague on a subsequent day, reaffirmed by that eminent Senator. If necessary, reduced to the condition of Territories! Is there authority in the Constitution to do it?

Mr. BAKER. Mr. President——

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. BRECKINRIDGE. Certainly.

Mr. BAKER. I deem myself very unfortunate that I cannot get either of the Senators from Kentucky, junior or senior, to understand what I did say, whether it was well said or ill. Now, with great respect for the Senator, I will try once more; and because I am so misrepresented, I hope he will bear with me one or two moments; it will not hurt his speech. I was making a speech the other day against giving too much power to the President. I was occupying my usual constitutional-guarded position against the increase of a standing army. I gave, as an excuse for voting for an army at all, the present condition of public affairs; and in that light and with that purpose, I did say, in a speech very well reported, that, in order to save the Union, I would take some risk of despotism. I repeat that now: I will risk a little to save all.

Again: I expressed my sincere hope—perhaps I may have added my conviction—that in a better and not a very distant day, the southern States would not only return to their allegiance, but would become loyal in sentiment, as well as opinion. I expressed then what I feel now, a fervent hope that the people for whom, he well knows, I pleaded, with his friends as well as mine, during the last session of Congress, should again be one with us, in feeling and in destiny. But I declared then what no comment of his or his colleague will drive me from, that if, contrary to that hope—if I may not add that conviction—they did not do it, if they would not send members here to govern them, it was better, far the sake of ultimate peace, for freedom, civilization, humanity, that they should be governed as Territories are governed, rather than permit perpetual anarchy, confusion, discord, and civil war. [Manifestations of applause in the galleries.] I did say that, and I do believe that now; and I think the events of the next six months will show that it would be better for the country and the world and the Senator himself, if he believed it. [Applause in the galleries.]

The PRESIDING OFFICER. It is the duty of the Chair to inform citizens in the galleries that there must be no interruption. There must be no marks of approbation or disapprobation. The Sergeant-at-Arms and the doorkeepers will see that the order of the Senate is strictly enforced, and will arrest any person who violates the rules.

Mr. BRECKINRIDGE. Mr. President, I did not misunderstand the position of the Senator from Oregon, and I think that I stated it in substance as he has stated it himself. I accept, however, his statement, if it varies from the one I made. The declaration just made by the Senator is additional proof that the Constitution of the United States is not to be the measure of the authority exercised by the Government in the prosecution of this contest; and the approval of the public, in so far as that public is represented here, is additional evidence to my mind that the sanctity of the instrument is ceasing to influence the feelings and actions of the people. Sir, I want the country at large, I want the people of the United States, to understand distinctly what the issue is. However they may determine it, it may be well to let them understand what it is. In the valley of the Ohio and the Upper Mississippi, they are, I think, resting under the impression that the Constitution of the United States is not to be violated; and they are not yet prepared to take the ground that the principle of political unity shall be held superior to the provisions of the Constitution. Now, the Senator reaffirms upon this floor that, if it should became necessary in the opinion of Congress, he would be in favor of reducing these States to a territorial condition. Well, sir, if they are out of the Union, I suppose we have the power to make war on them under that general power, which exists in all people to make war, and conquer them and do as we please with them; but if they are regarded as still being States in this Union, and to be treated according to the provisions and the powers conferred by the Federal Constitution, there is no pretense of argument, none will be made, that the instrument contains any authority to reduce them to the territorial condition. It is an additional proof of the statement I made, that the Constitution of the United States is put aside in this contest. I want the people to know it. Let them determine. They will determine as they think best for their own interest and their own destiny. Perhaps, sir, they will pause and consider what is likely to become of their own liberties after this spirit shall have worked out itself.

I consider it not only subversive of the Constitution, but I consider it subversive of the public liberty, to clothe any man with dictatorial powers, and to undertake, under a republican form of government, to govern ten million people as if they were in a territorial condition. This Union is composed of States. The people of the States made it. The Constitution declares, in express terms, that "the United States shall guaranty to every State in this Union a republican form of government;" and yet it is announced upon the floor of the American Senate, by a Senator of the United States, that, in a certain contingency, he would destroy a State itself and make it a Territory.

Mr. President, as a further proof, I will accumulate two or three more. The excellent Senator from Connecticut, [Mr. DIXON,] heretofore always regarded as one of the most moderate and conservative in the political organization to which he is attached, unless I misheard him yesterday in some remarks which he was making just as I entered the Chamber, said in substance that, if the institution of African slavery stood in the way of the Union, it must be abolished. I may not give his words; but I think I have given the substance of his idea, and he nods approval. Well, Mr. President——

Mr. DIXON rose.

The PRESIDING OFFICER. Does the Senator from Kentucky give way?

Mr. BRECKINRIDGE. Yes, sir.

Mr. DIXON. I have here what I said yesterday, as reported in the Globe. I have marked the passage to which the Senator alludes; and I ask the Secretary to read it.

The Secretary read, as follows:

"I speak for only one State; and the voice of that State is, that this rebellion must be crushed. Let it require a longer or a shorter time, let it cost more or less money, a greater or less sacrifice of human life, still it can be, it must and will be, crushed. If the ordinary means of warfare can do this, let them, as I hope they may, suffice; but if more shall be required, more must be resorted to. It may be, should the war continue to drag its slow length along, that means, which seem to us terrific in their consequences, may be required; but it ought to be understood now, in the beginning, that whatever means may be necessary to preserve the territorial integrity of the United States and the unity of the nation, will, when the necessity shall arise, be used freely, fully, and unhesitatingly. If, in the course of events, it shall appear that either slavery or this Government must perish, then the voice of a united people will declare, let slavery perish, and let the Government live forever. Such is the stern determination to which thousands have come, who have been considered heretofore men of moderate views. I will not enlarge on this point. It is enough to state it. It is the calm, deliberate opinion of that great conservative class who, in the outset of these troubles, were anxious, if possible, to find a peaceful solution of our difficulties. Finding this impossible, they have come to the conclusion that the Government shall be saved from destruction whatever else may perish.

"Let me not be misunderstood. The object of the struggle we are now engaged in, on the part of the loyal States, is not the abolition of slavery; but if it shall prove a long continued contest, that may be its inevitable consequence. Let those most interested consider this truth in all its bearings."

Mr. BRECKINRIDGE. I believe, sir, that I did not misrepresent the position taken by the Senator from Connecticut. Let us pause one moment, Mr. President, and consider to what that leads. Men who love the Constitution and the Union of the States as sincerely and cordially as the Senator himself could possibly do, consider the Union not an end, but a means—a means by which, under the terms of the Constitution, liberty may be maintained, property and personal rights protected, and general happiness secured. The substance of what is there declared by the Senator is, that the unity of the Government shall survive not only the Constitution, but all rights both of persons and of property.

The institutions of the southern States existed before the Constitution was formed, and were intended to be secured by it. Their political rights are no more sacred in the view of the Constitution than their other rights. Their property of any other description is no more sacred in view of the Constitution, or of their own laws, than the description of property to which the Senator referred. To declare that this contest shall be prosecuted, if necessary, to the abolition of slavery in the southern States, is in principle to declare that, if it becomes necessary, it shall be prosecuted to the total subversion of all State authority, to the total overthrow of all rights, personal and political, and to the entire subversion of their liberties, possibly of ours. The conclusions are not too large which I draw from the principle announced by the Senator; and taken in connection with the declaration of the Senator from Oregon, taken in connection with the acts which are treated in this joint resolution, and the other acts which I have enumerated, it proves what I fear, and what I desire the country to understand, that the Constitution of the United States is no longer to be held as the measure of power on one side and of obedience on the other, but that it is to be put aside to carry out the purposes of the majority.

I hold, sir, that it is no legitimate mode to preserve the Union of the States by trampling the Constitution under foot; and I do not believe that the people of the adhering States are willing to go into this strife with vast armies, make war, abolish institutions and political communities themselves, struggling simply for the idea of territorial integrity and national unity, finding, when they come out of the contest, the Constitution gone, and themselves at sea as to the character of the institutions with which they shall emerge from it.

Sir, I have accomplished my object if I have called attention in a broken, but plain and pointed way, to the fact that these acts which I have enumerated, and these declarations, and these proceedings which are occurring around us, prove that the Constitution is not to be the measure of action; and strangely enough it sounds for gentlemen to declare that they do all these things to preserve the Constitution of their country!

Mr. President, in my jugdment, the people of the United States are not for this; and, in my opinion, they will not agree to wage war for any such purpose with any such results. They will not agree to let any of the functionaries to whom they have confided power, under whatever patriotic pretext, wander away from the Constitution. If they shall become at any time satisfied that the tendency of this conflict, whether it be the purpose or not, shall be either to abolish the existence of any of the States or to abolish any of their institutions, including, I will add, that of slavery, however obnoxious to many, they will never consent to let the war be waged for that purpose.

Mr. President, I regret to say that what may be called the more extreme violent and resolute men of the Republican organization appear to have control of its destiny at this time, and all efforts are being made for the purpose of preventing any return to peace, and of inflaming the public passions against the institutions of the South. I heard a bill read at that table this morning by its title; and how did it read? "A bill to suppress the slaveholders' rebellion." If it had had a title, "A bill to provide for the execution of the laws," or any other parliamentary title known heretofore in American legislative proceedings, of course I should not have been astonished; but when I see in a deliberative body an attempt made, through the very heading of a bill, to create odium and prejudice against a particular interest, which is equally protected with others under the Constitution of your country, it shows a frame of mind which leads all thoughtful men to despair both of the Constitution and the country, if such a spirit can prevail. Yes, sir, there is now upon your Calendar, or has been referred to a committee, a bill, the title of which is, "A bill to suppress the slaveholders' rebellion." I have not seen the bill, but I am informed by a Senator near me that in the body of the bill there is a proposition to set free all the slaves in the States that have withdrawn. I suppose it will be printed.

Mr. BINGHAM. Will the Senator from Kentucky allow me to ask him a question?

Mr. BRECKINRIDGE. Will the Senator be kind enough to wait until I get through? Unless

it bears on what I am now saying, I prefer not to be interrupted.

Mr. BINGHAM. The question I wished to ask did bear on what the Senator was now saying.

Mr. BRECKINRIDGE. I will hear the Senator.

Mr. BINGHAM. I wish to ask the Senator if he denies that the present rebellion is a slaveholders' rebellion?

Mr. BRECKINRIDGE. I do, sir. I have no doubt that the question of slavery, and their rights as connected with that institution, as they understand them, had a great deal to do first with the controversies which preceded the separation, and then with the act of separation itself; but it is perfectly manifest to any one who takes the trouble to make himself acquainted through the public press and otherwise with the opinion in those States, that whereas the proportion of slaveholders to non-slaveholders is very small, the sentiments of the population are almost unanimous, without regard to the ownership of that description of property. Allow me to ask the Senator a question. Does he approve the title of that bill, and of what is represented to be contained in the body of it?

Mr. BINGHAM. I have not read the bill.

Mr. BRECKINRIDGE. I have told what it contains. Does the Senator think it an appropriate title for a bill, and does he approve the contents of the bill?

Mr. BINGHAM. I do not know what are the contents of the bill; but I do approve of its title.

Mr. BRECKINRIDGE. The Senator did not answer the other part of my question. I will ask him whether he is in favor of freeing the slaves in the seceded States?

Mr. BINGHAM. I will answer the Senator that I agree entirely with the remarks of the honorable Senator from Connecticut. If it be a necessity, I am.

Mr. BRECKINRIDGE. I am very happy that I asked the Senator the question, and that he has answered. I regret to hear that answer; I regret that the fact is so; but it serves to bring the mind of the country to consider the actual condition of affairs, and the danger which is impending over us.

Mr. President, there were some other aspects of this question which I proposed to discuss; but I will not now. I may, or I may not, at some time during the session, speak of them. The field is a boundless one. I say I may, or I may not, speak of them. I am quite aware that nothing which the few of us who are here, who take the same views that I do, can utter, will have the slightest effect; and I would not now detain the Senate with these broken and plain remarks, but that I consider it a public duty.

Mr. President, some of us came to this session of Congress with a lingering hope that something might yet be done to avert war; with a hope that words of peace might be heard from the Executive Mansion, or, if not there, might be heard from the Halls of Congress. We have been disappointed. In one branch of Congress, it is out of order to propose peace; and here it would be vain and idle. I have no proposition to make; none would be listened to; certainly none could succeed. But let the country know that war, unrelenting war, is resolved upon, and that the Congress of the United States has deliberately refused to embrace perhaps the last opportunity that was offered to avert the horrors of this internal strife.

Unconditional submission, it is said, is the alternative of war. What man's influence could or would produce this result? I know, you know, Senators, that there is no human power that could induce a peace upon those terms; because ten million people, earnest and sincere, never yet surrendered at discretion. The man who speaks of peace is looked upon with suspicion, if he is not openly accused of treason.

Let it also be remembered, history will record the fact, that when efforts were made at the last session of Congress, earnestly and persistently made, to heal our then existing difficulties, the gentlemen of the majority refused to listen to any terms, although what has since happened was predicted. It was stated upon the floor of the Senate, by the late Senator from Illinois, and I happened personally to know the fact myself, that the leading statesmen of the lower southern States were willing to accept the terms of settlement which were proposed by the venerable Senator from Kentucky, my predecessor. Senator after Senator, most of them from the southern States, a number from the northern States, offered and pressed here terms of adjustment. Everything was rejected and everything was refused. Was it worth while to bring the country to this condition for the sake of a political platform? Was it worth while, for the purpose of getting an opportunity to vindicate the power of the Government at the expense of the Constitution, to bring the country to this condition; to obstinately reject every proposition for adjustment?

My colleague has this moment handed me the bill that bears the novel title, "A bill to suppress the slaveholders' rebellion." The enacting clause of the bill, as might have been anticipated from the title, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, there shall be no slavery or involuntary servitude in any of the States of this Union that claim to have seceded from the Government and are in open and armed resistance to the execution of the laws and the provisions of the Constitution of the United States.

I believe that is to be carried out by a proclamation of the President:

And be it further enacted, That immediately after the passage of this act, the President of the United States shall cause his proclamation to be issued, setting forth the immediate and unconditional emancipation of all persons held as slaves in any of the aforesaid States under the laws thereof, and also ordering all officers to give protection to all such emancipated slaves, and to accept the services of all who may tender them in behalf of the Government, if, in the judgment of such officers, such services shall be useful or necessary to the prosecution of this war.

It is not only a congressional act of emancipation, but it is intended to arm the slaves against the masters. It is not only to confiscate the whole property, but it is to foment a servile war. That is a proposition offered in the Senate of the United States! Sir, I shall find myself denounced in the newspapers to-morrow morning as a man who was uttering treason here, for speaking a word in favor of the Constitution; but not one word will be uttered against a Senator who deliberately proposes to trample that Constitution under his feet, and to plunge the country into all the horrors of civil and of servile war.

Why argue the question further? I have done, sir; I shall trouble the Senate no longer. I know that argument and appeal are all in vain. The Senate pants for action. I shall not, for my part, longer delay it. I have cherished all my life an attachment to the Union of the States under the Constitution; and I have always revered that instrument as one of the wisest of human works. Now, I see it put aside by the Executive of the United States, and that act about to be approved by the Senate; and I see proceedings in regard to it which, in my opinion, will not only subvert the Constitution but destroy the public liberty. It is vain to oppose it. I am quite aware that, in the present temper of Congress, one might as well oppose his uplifted hand to the descending waters of Niagara as to reason or to appeal against the contemplated proceedings. The few of us left here who are faithful to our convictions can only look with sadness upon the melancholy drama that is being enacted before us. We can only hope that this flash of frenzy may not assume the form of chronic madness, and that in any event Divine Providence may preserve for us and for posterity, out of the wreck of a broken Union, the priceless principles of constitutional liberty and of self-government. [Applause in the galleries.]

Mr. LANE, of Indiana, obtained the floor.

Mr. TRUMBULL. I rise to address myself to this noise in the galleries. It has been announced here repeatedly—and I should not rise now if I did not suppose there were some persons in the galleries who did not understand it—that, by the rules of the Senate, these manifestations, either of approbation or disapprobation, require the Presiding Officer to clear the galleries. I wish it to be distinctly understood that I shall insist upon the enforcement of the rule if the offense is repeated. I would insist upon it now, but I suppose there are in the galleries persons who did not understand the rule. Any manifestation of applause or of disapprobation requires that the galleries be cleared, and kept cleared; and I give notice that that will be done, if it is repeated.

Mr. LANE, of Indiana. Mr. President, the joint resolution out of which this debate has grown is a resolution to confirm certain acts and proclamations of the President of the United States, performed and issued during the recess of Congress. Gentlemen take a technical objection against the action of the President, and say that he has violated the Constitution of the United States. I remember an incident, I think in Roman history, where an African pro-consul was required to swear that he had not violated the laws of Rome; instead of which, with uplifted hand, he swore that he had saved the Roman republic. And whatsoever differences of opinion may this day exist in reference to the action of the President, I take it for granted that every intelligent patriot in the land not only believes, but knows, that the President has saved the Republic, by his energetic and patriotic action since the 4th of March. I sanction and approve everything that the President has done during the recess of Congress, and the people sanction and approve it, and there is no power this side of Heaven that can reverse that decision of the American people. I not only sanction all that they have done, but I sanction all that they are soon to do. When your victorious and conquering columns shall sweep treason out of old Virginia; when they shall make that old Commonwealth a fit residence for the patriotic descendants of her revolutionary fathers, I shall sanction and approve that. I sanction and approve the use of force now, at once, immediately; and I would shake that traitorous Commonwealth as with an earthquake tread of a hundred thousand armed men.

What is it that the President has done since the last meeting of Congress? First, he has declared a blockade of the southern ports; and gentlemen tell us there is no constitutional authority for that. It is the first duty of the President to see that the laws are faithfully executed. We have a tariff law imposing duties upon foreign importations. That has been disregarded by the seceding States; they have assumed to pass a tariff act different from ours. That law of Congress cannot be enforced by the ordinary course of procedure under your collections of revenue at the proper ports established by law. There is no higher power in the Constitution of the United States delegated to the President than the power to "take care that the laws be faithfully executed." These high and extraordinary powers, although not perhaps technically granted in the Constitution, result as an incident to the war power, which is invoked, and constitutionally invoked, under that provision of the Constitution which authorizes the President to use force to suppress insurrection and to put down rebellion. I sanction, then, the proclamation establishing a blockade.

The next objection is to the declaration of martial law, by which the writ of *habeas corpus* was suspended. I only regret that when the writ was suspended, the *corpus* of Baltimore treason was not "suspended" too. It is necessary to the enforcement of the laws and to the preservation of the Union that this writ of *habeas corpus* should be suspended; and the Constitution of the United States says, in express terms, it may be suspended in case of rebellion and insurrection. Then the whole question comes to this: who is to judge? Where is the discretion lodged? Clearly with the President of the United States; and it can be safely lodged nowhere else. Suppose an insurrection breaks out during the recess of Congress: the President is sworn to uphold the law and the Constitution; he finds armed rebellion; has he no power to put it down? May he not use all proper power to put down armed rebellion? I approve, then, the suspension of the writ of *habeas corpus*.

What more does the honorable Senator from Kentucky say? That General Washington prosecuted the revolutionary war to a successful termination without ever suspending the writ of *habeas corpus*. That is true. He was in a contest with a foreign foe—a foe recognizing some of the usages of civilized and Christian warfare. Here we are engaged in entirely a different war, where our enemies are in our midst. What would gentlemen do? What would they have the President do? Suppose my distinguished friend from Kentucky had been elected President, and seven States had seceded and levied war against the United States, and were with an embattled host threatening to take and capture the capital: what would have been his action? Would he have folded his arms? No, no. He, I doubt not, would have

made a blow to defend the Union and the Constitution of the United States. Then what else could he have done than President Lincoln has done? If, as I suppose he does, the distinguished Senator from Kentucky echoes public opinion in Kentucky, or intends to echo public opinion there, I have no doubt that that proud Commonwealth would have sanctioned and approved and advised the very step the President has taken to vindicate the laws and to defend the Constitution of the United States.

But another charge which he made against this Administration—that private papers were seized. I suppose the honorable and distinguished Senator from Kentucky refers to telegraphic dispatches. They were seized, but not quite soon enough, as I think; and still they have proven a California placer of treason. It was right and proper to seize them. It was right to seize the dispatches to vindicate the character of honorable Senators on this floor. I have read to-day a letter placed in my hands, in which it is stated that a distinguished Senator upon this floor said that Lincoln's Congress should not be permitted to convene here upon the 4th of July, but should be confronted with Representatives of fifteen southern States. Now, sir, that is a charge in the public press——

Mr. BRECKINRIDGE. Will the Senator allow me a moment?

Mr. LANE, of Indiana. Certainly.

Mr. BRECKINRIDGE. Does the Senator refer to me?

Mr. LANE, of Indiana. The article in the paper refers to the Senator from Kentucky.

Mr. BRECKINRIDGE. I have to say, sir, that I never, at any time, took the ground that the Congress should not be convened here on the 4th day of July. On the contrary, I took the ground that the convening of this Congress would be the time to make the last effort for peace. Allow me to add one word. I have answered this because I thought, under the circumstances, it was due to the Senate and to the country. My relations with the Senator from Indiana have been of a character which led me to suppose that he would not intentionally perpetrate an unkindness or even a rudeness. I cannot feel towards him as I might do towards others who would do the act which he has just committed. He must allow me to say that, under the circumstances, I think the conduct was hardly becoming in a Senator to rise without having accosted me privately on the subject, and make that a question in the Senate.

Mr. LANE, of Indiana. I have given the distinguished Senator from Kentucky an opportunity to disavow the sentiment. I was proceeding to say that I know nothing whatever of its truth. I was using it for this purpose, to show that the seizing of those dispatches might be necessary to vindicate the character of Senators on this floor. Certainly nothing unkind was intended by me.

Mr. BRECKINRIDGE. I was aware that nothing unkind was intended by the Senator, and hence, in alluding to him personally, I framed my answer as I did.

Mr. LANE, of Indiana. I have only this to say: I had seen the charge before, and had seen no denial. Hence I used it.

Mr. BRECKINRIDGE. I have seen a thousand. I do not pretend to deny a charge against me now.

Mr. LANE, of Indiana. Now, Mr. President, the next count in the indictment of the distinguished Senator from Kentucky——

Mr. BRECKINRIDGE. Will the Senator pardon me for a moment? As I said, I never pretend to deny the charges in the newspapers that I see against me now. I will deny one other, and it shall be the last. I tried this system of denial. I was represented to have uttered some sentiments in Kentucky, not long ago, in one of the leading papers of the State, and I authorized a friend to contradict it. The sentiments attributed to me were so atrocious that I thought I was warranted in having them contradicted. They were contradicted in a friendly press on my authority. The day after they were contradicted the paper in which they originally appeared came out, saying: "We see they are contradicted by authority; we guess they are true." That was the reward I had for denying a slander of that sort.

The only other newspaper matter which I will contradict is this: I saw it stated that the Governor of Kentucky and myself sent a telegraphic dispatch to Mr. Jefferson Davis, or to some member of the southern confederacy, stating that Kentucky was ready to contribute seven thousand men to sustain the cause, &c. I do not know what else; perhaps that we were going to precipitate her into revolution; but I recollect that was the leading idea. I have to say, that that is totally unfounded and false. I had no such correspondence of any kind; and I am happy to be able to say, in regard to the Governor of my Commonwealth, who is one of the best abused men in America, as he is one of the best men in America, that I asked whether it was true in regard to himself, and he informed me that it was equally false. Now, sir, I shall deny nothing more.

Mr. LANE, of Indiana. Mr. President, another count in this indictment is that citizens have been imprisoned without any authority of law, which amounts to precisely the first charge, to wit: that martial law has been declared under the proclamation of the President in some few localities where it was eminently necessary. Citizens of Baltimore have been imprisoned under military authority, and, as I believe, have been rightfully imprisoned. When a New England regiment cannot march through the city of Baltimore to defend the capital without being attacked and shot down by a mob, it is time that the military authority should do what the civil authority was not able to do—suppress and put down that unauthorized mob. I sympathize with the true and loyal citizens of Baltimore. I sympathize with the patriotic soldiery of Massachusetts who were coming to defend the capital. I have no sympathy to waste upon armed traitors and rebels. I leave others to pronounce their eulogy, and to show them sympathy.

Another charge is, that the President has violated the Constitution of the United States in this: that he has disarmed citizens; refused them the privilege, under the Constitution, of bearing arms. Sir, it is true that he has refused traitors the privilege of using arms against the Government of the country. General Lyon, of Missouri, and the gallant FRANK BLAIR, and their associates, did disarm some fifteen hundred rebels at Camp Jackson, near St. Louis; and for that we are told they are violators of the Constitution. What other instance does the Senator from Kentucky remember in which the right to bear arms has been refused to any citizen? The President has not only guarantied, by his action, the right to bear arms, but he has invited the patriotic citizens of the United States to bear arms for the only noble purpose for which men can take arms—in defense of the Constitution and liberties of the people. Is the right to bear arms in Kentucky so sacred that it may never be violated? Then, why do you not bear arms in defense of the Constitution and liberties of the Republic? There is a right to bear arms that is worth something. Does Kentucky stand upon the right to bear arms? Why is she not bearing arms upon the battle-field to-day, beside Massachusetts and Indiana and Ohio, and the loyal States? Why does she not insist upon her right to bear arms, when traitors are seeking to tear down the Government under which we live? The right to bear arms, forsooth, is a forgotten right in the chivalric old Commonwealth of Kentucky. I have listened for her voice in this war; I have heard it not; and why? Because her action is, as I believe, paralyzed by the course of her State authorities; but, on the first Monday of next August the true voice of old Kentucky will be heard, and you will have a two thirds majority in favor of loyalty to the Union, and the places that know her distinguished Governor now, will soon know him no more forever.

Another count in this indictment against the Administration is, that they have put down treasonable newspapers. The Administration have shown a forbearance beyond all parallel in history. There is no government of constituted authority upon earth that would have tolerated either the treasonable utterance or publications of these traitors. I say that I not only approve of the destruction of that St. Louis paper, but I rejoice at it, as an evidence of returning common sense in those who are to defend the Government of the country.

One word, before I forget it, on the subject of this war, and the object of the war. There is no war levied against any State, or against any State institutions. The President has called out troops to suppress insurrection, and put down rebellion. These are the objects for which your troops have been called into the field. The abolition of slavery is no object contemplated for which this war is to be prosecuted. But let me tell gentlemen, that although the abolition of slavery is not an object of the war, they may, in their madness and folly and treason, make the abolition of slavery one of the results of this war. That is what I understand to be precisely the position of the Administration upon the subject of this war.

The gentleman closes his very able and eloquent speech with the assumption of a position and doctrine that I do not for one moment admit; and that is, that the States made this national Union of ours. I have read wrongfully, and to little purpose, the history of the convention that formed the Constitution, if that is historically correct. I understand the people of the United States to have made this Constitution; and so Webster understood it. Was he a constitutional lawyer—that man whose congressional speeches are text-books of constitutional law in every law school in Europe and America? He held that the Union was the result of the spontaneous action of the people of the United States.

This doctrine of State rights, as opposed to the rights of the General Government, under the Federal Constitution, is a most dangerous and pestilent heresy, which underlies this whole controversy. Out of that idea, and one other idea, the present disastrous state of things has been brought upon the country. The idea of social, political inequality among the respective members of the Confederacy, underlies this war at its very foundation. We are to teach them, I hope, a lesson of respect for the North; we are to teach them a lesson of equality. Claiming to be the superiors of no man or no section, we claim to be the peer and equal of the proudest member of this Confederacy; and wheresoever the troops of the loyal States have met the rebels in arms, they have illustrated that lesson, at least, in American history. They have performed prodigies of valor, which were not surpassed in the days of Greek and Roman glory. I am proud of this demonstration of public opinion and northern prowess. Whatever else this war may do, that one thing it will do—it will teach a lesson of equality for a thousand years; nay, more, it will add a thousand years to the glorious lifetime of this, the only true Republic upon the earth.

So much for these objections to what the President of the United States has done. But the closing argument, after all, and that upon which the gentleman places most stress, is, that an effort was made at the last session of Congress to give to the President this very power, and that the Congress of the United States refused to pass that bill. That is true; and why? Because the vacant seats around us were then filled by traitors, many of whom are now in arms against the Republic. For that reason, and that alone, we failed to confer this power upon the President of the United States. I do not desire to be misunderstood in reference to the doctrine of subjugation. First it was "coercion," and then "subjugation," of which we heard so much. What is the history of this term coercion? It occurs first in a manuscript letter, now being published, from James Madison, the father of the Constitution, in which he took the ground that the right to coerce obedience to all the Federal laws was necessary to the very existence of the Constitution. There is where it first occurred. When General Washington invoked the authority of the Government to put down the whisky insurrection in Pennsylvania, did anybody croak of coercion or subjugation? When General Jackson invoked by his proclamation the same power to crush out treason in South Carolina, did anybody hear of this "odious doctrine of coercion?" When it was necessary to call for the power of the Army and Navy to arrest a fugitive slave in Boston, did anybody talk about coercion? No, sir. The power to coerce is the power to enforce obedience. A Government without it is a mockery. No Government can exist without the power to enforce obedience to its laws and decrees. It is of the very essence of all government that the power to coerce the disobedient and the rebellious should exist and should be recognized.

But the gentleman says he is glad that the peo-

ple have their attention now directed to the true posture of American politics. I am glad that the people have their eye turned in the same direction. In the last sixty days, four hundred thousand troops have volunteered to defend the stars and stripes, and to defend the Constitution. There is no parallel in all human history to the widespread enthusiasm which has pervaded the whole people. The nearest parallel is when Peter the Hermit preached a crusade for the recovery of the Holy Sepulcher; and our cause is little less sacred than that for the recovery of the grave of the Saviour of mankind, for we propose a crusade in defense of the Constitution, the rights of man, and the liberties of the American people.

I understand by coercion, a right to march troops wheresoever the Government desires to march them. You hear much said about the invasion of a sovereign State. Who can invade a State? The home Government or a foreign Government? Virginia is to-day as much a part of the United States as Indiana, and the President has as much right to march troops there, and I hope is now engaged in marching troops there for the purpose of crushing out rebellion. Let us stand by the compromises of the Constitution. Let us hereafter send all our pacific messages to traitors at the mouth of the cannon. Let the politicians reflect honestly the will of the people, and your volunteer soldiers will crush out this rebellion without leaders and without officers. They have determined to do this very thing.

But gentlemen say how, from the ruins, will you reconstruct the Republic? We do not contemplate any destruction of the Republic which involves a reconstruction. We intend to protect the Union men of the border States, to foster the Union sentiment, to get up a counter-revolution, which will lay all secession and treason in ruins. That is what we propose to do. We expect soon to readmit Tennessee into the Union, as we have recently readmitted old Virginia; we expect soon to readmit North Carolina; and we expect to present, in six months, an unbroken front to all foreign Powers, no single star erased, the light of no star obliterated by treason in any part of the country. When we get the seceding States properly represented upon the floor of the Congress of the United States, then we shall have nothing to do but to punish the last remains and remnants of this most disgraceful rebellion; and the remedy, after all, is a Kentucky remedy; we propose—hemp. That is the remedy for treason; not under mob law, but under indictments in courts. We propose to have courts and judges sworn to support the law, and who will abide by that sacred oath. When this is done, I promise you that treason and rebellion will be buried forever.

Senators, I have regretted the necessity that compelled me to speak for a few moments on this occasion; but it was an occasion, it seemed to me, that called for utterance. If I had refused to raise my voice in defense of the Constitution and liberties of the country, the very stones would have cried out in mutiny. It is a time when patriots, without treachery, cannot be silent. We differ about this great question; but there is no diversity of opinion in reference to the transcendent importance and magnitude of the discussion in which we are engaged. If I have made myself sufficiently understood, I have accomplished my purpose. I sail under no false colors. Whatever I honestly believe, that I boldly avow; and upon the avowal of these sentiments I take my stand before my constituents and the people of the United States; nay, more, I am willing that these sentiments should be inscribed as an epitaph upon my tombstone. I desire no prouder eulogy than "there is a man who humbly discharged his duty to his country and his God, and dared to think there was something sacred in the nature of an oath to support the Constitution of the country."

Mr. WILSON. The Senator from Delaware [Mr. BAYARD] has given us notice that he desires to address the Senate on this resolution; and for that purpose, I move that it be postponed until Thursday, at one o'clock, and on that day I shall endeavor, if possible—and I hope to be sustained in it—to obtain a vote in the Senate. I make this motion to postpone at his request; and in the mean time we can take up some measures now pending before the body.

The VICE PRESIDENT. Does the Senator propose to make this the special order for Thursday?

Mr. WILSON. Yes, sir; at one o'clock.

Mr. DOOLITTLE. I name Saturday. We want to get on with our business, and then discuss the resolution.

The VICE PRESIDENT. The question is on the longest time. The first question will be on postponing the resolution until Saturday.

Mr. WILSON. I hope that will not be done.

Mr. LATHAM. I would suggest to the Senator from Wisconsin, that probably we may get through with the business before Saturday. The House of Representatives has passed a resolution to adjourn on Friday. If we can get through with our business, of course we shall concur in that resolution.

Mr. DOOLITTLE. I will not insist upon the amendment. All I wished to express was a desire that the practical business of legislation should take precedence of this discussion. If Thursday will answer, I will consent to fix Thursday.

The motion of Mr. WILSON was agreed to; and the joint resolution was made the special order for Thursday next, at one o'clock.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the act entitled "An act calling forth the militia to execute the laws of the Union, &c.," passed February 28, 1795;

A bill (No. 33) for the relief of the widows and orphans of the officers, seamen, and marines, of the United States sloop-of-war Levant; and

A bill (No. 46) to authorize the Secretary of the Navy to employ temporary clerks.

The message further announced that the House had passed the bill (S. No. 13) to provide for the appointment of assistant paymasters in the Navy.

The message further announced that the House had passed the following bills of the Senate with amendments, in which the concurrence of the Senate was requested:

A bill (No. 9) to alter and regulate the Navy ration; and

A bill (No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 14) to authorize a national loan, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. FESSENDEN. I move that the Senate resume the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 19) making additional appropriations for the naval service for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861; the pending question being on the following amendment, offered by Mr. THOMSON, from the Committee on Naval Affairs:

Insert after line twenty-five:

For completing the iron steam battery at Hoboken, New Jersey, being erected under the superintendence of Edwin A. Stevens, Esq., a sum not exceeding $812,000; *Provided*, the Secretary of the Navy, upon an examination being made by a board of examiners to be appointed by him, shall deem it expedient to complete the same.

The amendment was rejected—ayes two, noes not counted.

The bill was reported to the Senate, and the amendments made as in Committee of the Whole were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 20) to provide for the suppression of rebellion against and resistance to the laws of the United States, and to amend an act entitled "An act calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795—to the Committee on the Judiciary.

A bill (No. 33) for the relief of the widows and orphans of the officers, seamen, and marines, of the United States sloop-of-war Levant—to the Committee on Naval Affairs.

A bill (No. 46) to authorize the Secretary of the Navy to employ temporary clerks—to the Committee on Naval Affairs.

EXECUTIVE SESSION.

On motion of Mr. GRIMES, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 16, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

LAWS OF WASHINGTON TERRITORY.

The SPEAKER laid before the House the laws of the Territory of Washington; which were received, and referred to the Committee on Territories.

PUBLIC BOOKS.

Mr. BURNETT. I ask the unanimous consent of the House for leave to introduce the following resolution. It is a proper inquiry, in view of the resolution adopted yesterday.

Mr. BINGHAM. Is it for reference?

Mr. BURNETT. It is merely a resolution of inquiry.

The Clerk read the resolution, as follows:

Resolved, That the superintendent of the folding-room furnish this House with the number of books, documents, &c., to which members are entitled in States which have not sent Representatives here, a full and complete list of the number and character of said books, &c., and the names of the members who were entitled to the same.

There was no objection; and the resolution was adopted.

INCREASE OF THE NAVY.

Mr. BINGHAM. I call for the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. WASHBURNE. Mr. Speaker, a resolution was passed yesterday, directing the Committee on Commerce to institute inquiries as to whether any further measures are necessary to put a stop to piracy upon our commerce. The committee have had that subject under consideration. They have been in consultation with the Secretary of the Navy, the Secretary of the Treasury, and Commodore Paulding; and the bill which I now report has been the result of that consultation. Perhaps the subject properly belongs to the Committee on Naval Affairs; but as immediate action is demanded, and the inquiry has been referred to the Committee on Commerce, I am instructed by that committee to report to this House a bill to provide for the temporary increase of the Navy. I shall ask that it be put on its passage. If there be objection because it makes an appropriation, I will move that it be referred to the Committee of the Whole on the state of the Union, with a view to consider it there at once.

Mr. BURNETT. Let the bill be reported.

The bill was read through.

Mr. BURNETT. I make the point of order that the bill must, under the rules, have its first consideration in the Committee of the Whole on the state of the Union.

The SPEAKER. The point is well taken.

Mr. WASHBURNE. This bill ought to be passed at once. It is not necessary for me to refer to the depredations of pirates upon our commerce. They are well known. The Secretary of the Navy desires to be armed with the power which this bill gives him, and I hope it will be conferred upon him. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, to consider this bill.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and

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found truly enrolled an act (H. R. No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by JOHN W. FORNEY, Esq., its Secretary, notifying the House that that body had agreed to the loan bill, with an amendment; and had also passed a bill (No. 2) providing an increase of the present military establishment of the United States, in which he was directed to ask the concurrence of the House.

LOAN BILL.

Mr. MORRILL, of Vermont. I ask that House bill No. 14, to authorize a national loan and for other purposes, which has been returned from the Senate with amendments, be taken from the Speaker's table, and referred to the Committee of Ways and Means.

There being no objection, it was so ordered.

MILITARY ESTABLISHMENT.

Mr. MORRILL, of Vermont. I now ask that Senate bill No. 2, to increase the permanent military establishment of the United States, be taken from the Speaker's table, and referred to the Committee on Military Affairs.

There being no objection, the bill was taken from the table, received its first and second readings, and was referred to the Committee on Military Affairs.

INCREASE OF THE NAVY—AGAIN.

Mr. BURNETT. Mr. Speaker, I know that, so far as the passage of these measures reported by gentlemen from their several committees is concerned, where they have the recommendation of the Administration at the other end of the avenue, it is a foregone conclusion that the House will adopt them. But it did seem to me that there was no necessity for violating a very conservative rule of this House, which requires that all bills making appropriations shall go to the Committee of the Whole on the state of the Union. To be sure, the sum involved in this bill is very small for these times: only $3,000,000. Still, I thought it best that it should go to the Committee of the Whole. But, sir, having determined in my own mind that gentlemen who have the responsibility and the numbers here shall arrange and control matters here in their own way, so far as I am concerned, if the gentleman from Illinois will give us the yeas and nays, he can have the bill considered now without reference.

Mr. WASHBURNE. I have no control over the yeas and nays.

The SPEAKER. The Chair desires to say that this debate is not in order, and he has only indulged it by the acquiescence of the House.

Mr. WASHBURNE. I understand that the point of order is withdrawn.

Mr. BURNETT. I withdraw it, so far as I am concerned.

The SPEAKER Is there any objection to the consideration of the bill at this time?

Mr. COX. If the gentleman from Illinois will allow me to say a few words with reference to the business of privateering, I will not object; otherwise I think the bill ought to go to Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Ohio objects to the consideration of the bill unless he can make an inquiry.

Mr. COX. No, sir; I want to speak three, four, or five minutes.

The SPEAKER. Is there objection to that?

Mr. BINGHAM. I must object.

Mr. VALLANDIGHAM. Let the bill go to the Committee of the Whole on the state of the Union.

The SPEAKER. Does the gentleman object to the consideration of the bill now?

Mr. VALLANDIGHAM. I do, for the reason that I desire it to go to the Committee of the Whole on the state of the Union, where it can be considered.

The SPEAKER. The bill, then, must go to the Committee of the Whole on the state of the Union.

Mr. WASHBURNE. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering the bill.

Mr. BINGHAM. I hope not until the morning hour is out.

Mr. WASHBURNE. Well, if there are any reports from committees to be made, I withdraw my motion until the expiration of the morning hour.

Mr. BINGHAM. I demand the regular order of business.

Mr. SEDGWICK. I move that the bill reported by the gentleman from Illinois from the Committee on Commerce be referred to the Committee on Naval Affairs. That committee has the subject under consideration.

The SPEAKER. The bill is already in the Committee of the Whole on the state of the Union—carried there by the objection to its consideration in the House. The rule provides expressly that, if objection is made, the bill shall be referred to the Committee of the Whole on the state of the Union.

SUPPRESSION OF REBELLION.

Mr. BINGHAM. I am instructed by the Committee on the Judiciary to report back, with amendments, House bill No. 20, to provide for the suppression of rebellion against and resistance to the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795, with a recommendation that the same do pass.

I move the previous question on the third reading and engrossment of the bill.

Mr. VALLANDIGHAM. I desire to ask the gentleman from Ohio one question. This bill has not as yet been printed; has it?

Mr. BINGHAM. It has been printed. It was printed by order of the House last week.

Mr. VALLANDIGHAM. I understand that it imposes no limitation as to the time for which the President may call out the militia.

Mr. BINGHAM. The gentleman is mistaken. I withdraw the demand for the previous question for the purpose of making a brief explanation. I will state to the House that the bill is substantially the act of 1795, except that it repeals the provision of the act of 1795 which provides that the militia called out upon the proclamation of the President shall not be required to serve for a longer period than three months in any one year; and in lieu thereof, this bill provides that the militia called out in pursuance of the provisions of this act shall be continued in service until discharged by the proclamation of the President, provided that Congress shall not otherwise provide within sixty days after the commencement of the next regular session of Congress, so that the bill expressly puts it in the power of Congress to limit the time of service within the first sixty days of the next regular session.

Mr. VALLANDIGHAM. One question further. I desire to ask whether this is not substantially the bill introduced by Mr. Stanton at the last session of Congress?

Mr. BINGHAM. It is not the bill introduced by Mr. Stanton at the last session of Congress. There is no new principle of legislation whatever in this bill. The only additional substantial change that this bill makes in the act of 1795 is to incorporate in it the words of the act of 1808, under which one hundred thousand militia were authorized to be called out. That additional provision is this: that the militia of the United States, when called into actual service in pursuance of this act, shall be paid, and provided rations and clothing the same as the regular Army. The want of this provision in the act of 1795 was severely felt by the loyal men who enlisted upon the recent proclamation of the President; no provision, in many instances, having been made for them at all, for many days after their enlistment by the Federal Government.

Mr. VALLANDIGHAM. I understand that those are the only changes made in the act of 1795.

Mr. BINGHAM. Those are the only ones. The words in the several acts of 1803, 1806, 1808, and 1812, are incorporated in the first section of this act, which declares that the President shall exercise this power when in his judgment the public exigencies require it. These are the only changes. I again demand the previous question.

Mr. BURNETT. Will the gentleman permit me to ask him a question?

Mr. BINGHAM. Yes, if it does not take too much time.

Mr. BURNETT. Just a moment. Will the gentleman be kind enough to inform me why it is that section three of the act of 1795 is repealed? I see no provision in this bill in lieu of that provision of the act of 1795. Why, then, should the third section of the act of 1795 be repealed?

Mr. BINGHAM. According to my recollection, there are several sections of the act of 1795 repealed, simply because they are copied *in hæc verba* into this bill. If there is no difference between the two sections, as I believe there is none, that is the reason of the repeal of the third section.

Mr. BURNETT. The third section of the act of 1795 is omitted in this bill, nor is there anything like it in the provisions of the act now proposed to be passed.

Mr. BINGHAM. Will the gentleman be good enough to refer me to the page in the first volume of United States Statutes in which the act of 1795 is to be found?

Mr. BURNETT. I have not the book before me. I hope the gentleman from Ohio will indulge me a moment longer. The third section of the act of 1795 fixes and determines the case in which the President shall be authorized to call out the militia, or volunteer force of the country. That section is repealed by this bill, and makes the President of the United States the judge of the circumstances and of the case in which the President may call out the militia.

Mr. BINGHAM. The third section of the act of 1795 is repealed by the eighth section of the bill. The second section of the bill now before the House is the third section of the act of 1795; and therefore it is that the third section of the act of 1795 is specifically repealed by this bill. The second section of the bill now under consideration is in these words:

SEC. 2. *And be it further enacted*, That whenever, in the judgment of the President, it may be necessary to use the military force hereby directed to be employed and called forth by him, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes, within a limited time.

The third section of the act of 1795, which is repealed, is precisely the same thing. The first section of the act of 1795 is not affected by the bill. That section has relation to cases of insurrection against the lawful authorities of a State within the State limits.

Having answered the gentleman's inquiry with reference to the repeal of the third section of the act of 1795, and having shown to the House that we agree in our views, I shall, if the gentleman is satisfied, renew the demand for the previous question on the third reading and engrossing of the bill.

Mr. BURNETT. The gentleman does not wish to do me any injustice, I hope.

Mr. BINGHAM. Not at all.

Mr. BURNETT. I had to depend on my recollection for the section of the act of 1795. The section to which I referred as being the third section of the act of 1795, is the second section of that act. That is repealed by this bill. It provides that, whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State, by combinations too powerful to be

suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshal, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, and cause the laws to be duly executed; and that the militia so to be called forth shall be continued, if necessary, till the expiration of thirty days after the commencement of the next session of Congress.

Mr. BINGHAM. The first section of the act of 1795 is not affected by this bill. That section, as I said before, has relation to insurrections within a State against the lawful authority of the State. For the purpose of suppressing such insurrections against State authority, within the jurisdiction of a State, the first section of the act of 1795 remains in full force. That part of the gentleman's inquiry is thereby answered. The second section of the act of 1795 is repealed, for the reason which I before stated to the House, namely: that we have substantially inserted it in the first section of this bill, and have inserted the additional words, not found in that act, but justified by the precedents of 1803, 1806, 1808, and 1812, to which I before referred.

I called the attention of the gentleman to the fact before, that the act of 1808 authorized the President of the United States, when, in his judgment, the public exigencies require it, to call out one hundred thousand of the militia of the United States. We have incorporated these words in this bill for the purpose of avoiding and excluding what is, in my judgment, a forced construction which was put on the act of 1795, in the December message of the late Executive of the United States, wherein he informed this House, and the people of this country, that he had no power under the act of 1795 to call out the militia of the United States to vindicate their own Constitution against insurrection and rebellion, in the absence of a Federal court and a Federal marshal, within any State in which that rebellion or insurrection might arise. The gentleman is answered.

Mr. SHELLABARGER. I desire to make an inquiry from my colleague.

Mr. BINGHAM. I will yield for that purpose.

Mr. SHELLABARGER. I observe that in the second and third sections of this act there is a departure from the language of the act of 1795, in this: by the act of 1795, the continuance of the militia in service is limited to thirty days beyond the next session of Congress. In this bill it is provided that it shall not extend beyond the next "regular" session of Congress. Why the distinction? Why not let it stand so as not to extend more than a given number of days beyond the "next" session, instead of the next "regular" session?

Mr. BINGHAM. The bill expressly provides that the militia may be discharged at any time by proclamation of the President. My colleague may observe another limitation more important than that to which he refers, in the act of 1795. Under the limitation of the act of 1795, the President cannot employ the militia for a longer period than three months in any year. After that, they have to be mustered out of the service whether Congress wills it or not, if the militia demand it. I undertake to say that this three-months limitation has cost the people to-day a million dollars. To avoid a like difficulty in the future, we provide in this bill that the militia called into service shall serve until discharged by the President's proclamation, which the President may issue at any time; but, at all events, if not sooner discharged by the President, they will not continue in service longer than for sixty days after the next regular session of Congress, unless Congress provide therefor especially. It seems to me that the bill is fairly guarded.

Mr. VALLANDIGHAM. This bill proposes to authorize the President to call out the military force of the country, not in aid of the execution of the laws of the land by civil process.

Mr. BINGHAM. The gentleman is mistaken.

Mr. VALLANDIGHAM. I think not.

Mr. BINGHAM. The operative words in the act of 1795 are quoted in the bill in this form:

That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, "*by the ordinary course of judicial proceedings*," the laws of the United States, &c.

This is precisely the language of the act of 1795.

Mr. VALLANDIGHAM. Still, there is the addition of "rebellion," which has not been, as I understand, in any preceding act since 1795.

Mr. BINGHAM. The word "rebellion" is incorporated in the bill, as an amendment, because it is the word used in the Constitution. It is supposed that the legislation of 1795 had reference to rebellion, and to nothing else. We put the word in the bill in order to make its object and purpose plain.

Mr. VALLANDIGHAM. The point I make is this: that the theory of this Government contemplates the employment of a military force solely in subordination to civil authority, and for the purpose of executing laws, aiding the judicial and executive officers.

Mr. BINGHAM. I view the matter precisely as my colleague does. I have no doubt that the true construction of the act of 1795 was, that the President of the United States should, in the exercise of a sound discretion, call out the militia in aid of the execution of the laws, by suppressing rebellion against the laws. But a forced construction was put on that act, to the surprise of every intelligent man in the country, which was to the effect that if the rebels should cut the throats of the Federal judge and Federal marshal, in any State, the Executive could not act against their assassins, or enforce the laws within such State. We say, in the light of the legislation of 1808, that such was never the purpose of the legislation of 1795. The act of 1808, passed with singular unanimity under the administration of Jefferson, expressly provided that whenever, in the judgment of the Executive, the execution of the laws might be so obstructed by assemblages and combinations as to make it impracticable to execute the laws by the ordinary course of judicial proceeding, it should be lawful for him to call out the people in defense of the laws, and enforce obedience to them.

The principle, Mr. Speaker, in short, of all this legislation, is this: that the institutions, the Constitution and laws of this country, repose for their security, and look for their enforcement against resistance and rebellion, to the whole loyal people. This bill, sir, simply unfetters the hands of the Executive of the Government, so that when the Constitution is assailed by rebels and traitors, the people may come to its rescue, and assert its obligation against all combinations of men; and that, too, in obedience to and in conformity with the requirements of law.

Now, Mr. Speaker, I have no personal ambition to serve by any action the House may take upon this subject. I only desire to see the record made up, and to discharge my own duty as a Representative. I have no disposition to cut off debate; but as the morning hour is rapidly running out, I now demand the the previous question upon the engrossment and third reading of the bill.

Mr. VALLANDIGHAM. I will merely state that the gentleman has not controverted the position taken by me at all.

Mr. HARRISON. I desire to ask my colleague another question before the vote is taken. The militia which was called out in pursuance of the proclamation of the President in April last, was called out in pursuance of the act of 1795. Their time has not yet expired. Now, if that act is repealed, as is provided by this bill, in what condition will those volunteers be left, unless some saving clause is introduced into this bill on the subject, to legalize their enrollment until their time has expired?

Mr. BINGHAM. I will state, in reply to my colleague, that we have not considered it important to raise the question suggested by the gentleman, inasmuch as the time for which these volunteers enlisted has already nearly expired. Indeed, according to the construction of some, the time expires to-day or to-morrow, and the law, I say it with all respect for my colleague, takes no notice of small things. If there had been any considerable time to run, such a saving clause as my colleague has suggested would have been inserted. I now renew my demand for the previous question.

The previous question was seconded, and the main question ordered to be put.

The amendments proposed by the Committee on the Judiciary were then taken up and concurred in; as follows:

First and second amendments:

Section one, fourth line, after the word "persons," insert "or rebellion against the authority of the Government of the United States." And insert in the fourteenth line, after the word "States," the words "or to suppress such rebellion;" so that the section as amended would read:

That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President of the United States to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

Third amendment:

Section three, line five, after the word "President," insert, "*Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor: *And provided, further*, That the militia so called into the service of the United States shall, during their time of service, be entitled to the same pay, rations, and allowances for clothing, as are, or may be, established by law for the Army of the United States;" so that the section, as amended, would read:

SEC. 3. *And be it further enacted*, That the militia so called into the service of the United States shall be subject to the same rules and articles of war as the troops of the United States, and be continued in the service of the United States until discharged by proclamation of the President: *Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor: *And provided further*, That the militia so called into the service of the United States shall, during their time of service, be entitled to the same pay, rations, and allowance for clothing, as are, or may be, established by law for the Army of the United States.

Fourth amendment:

Section four, line thirteen, before the word "five," insert the word "twenty;" so that the section will read:

SEC. 4. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer or private shall be liable to imprisonment, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of such fine.

Fifth amendment:

Section eight, line three, after the word "Union," insert the words "suppress insurrections and repel invasions;" so that the section, as amended, would read:

SEC. 8. *And be it further enacted*, That sections two, three, and four, of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," approved February 28, 1795, and so much of the residue of said act, and of all other acts, as conflict with this act, are hereby repealed.

The bill, as amended, was then ordered to be engrossed and read a third time; and, being engrossed, was accordingly read the third time.

Mr. BINGHAM demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. BURNETT called for the yeas and nays upon the passage of the bill.

The yeas and nays were not ordered.

Mr. VALLANDIGHAM. *We* shall want to use some of these acts one of these days. I hope the yeas and nays will not be ordered.

The bill was passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. WASHBURNE. I move to reconsider the vote by which a bill from the Senate was this morning referred to the Committee of the Whole on the state of the Union, and that it be referred to the Committee on Naval affairs.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was received by Mr. NICOLAY, his Private Secretary.

VOLUNTEER BILL.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported back Senate bill No. 1, to authorize the employment of volunteers to aid in supporting and defending the Government of the United States, with an amendment in the nature of a substitute.

The amendment was read.

Mr. BLAIR, of Missouri. The amendment reported by the committee to the bill of the Senate is substantially the bill passed upon the other day by the House, and differs from the bill of the Senate in the particulars in which the House bill was amended here the other day, except in one or two features. The committee this morning ingrafted into the substitute a provision giving authority to the President to transfer major and brigadier generals from the regular Army to the volunteer force, to resume their position at the expiration of the war, in the regular Army, as if no transfer had taken place. We also provide that the families of soldiers in the Army may, with their consent, draw a portion of their pay, as is now the fact in the Navy.

The committee has concluded to strike out the provision which was added by the House to the House bill for paying a bounty of forty dollars, and in some cases fifty dollars, for the reënlistment of three-months men. We understand that provision to be unnecessary; that a great portion, and the best portion, of the three-months men will reënlist without the bounty, while most of the remainder would not reënlist with the bounty. It would involve a large expenditure of money, and we think it is unnecessary. I now demand the previous question upon the amendments, which the committee has reported.

Mr. ALLEN. I ask the gentleman to withdraw his demand for the previous question to permit me to offer an amendment.

Mr. BLAIR, of Missouri. I will hear the amendment.

The Clerk read the amendment, as follows:

Provided, That it shall be the duty of the President, in making requisitions for volunteers, as herein provided, or in the acceptance of volunteers from the several States, to apportion the same among the several States not in rebellion against the Government according to their representation in Congress, deducting from the whole number so required from any State such number as may have been accepted from any State under any of the calls heretofore made for volunteers on and since the 18th of April, 1861.

Mr. BLAIR, of Missouri. I decline to yield for the introduction of that amendment.

Mr. HOLMAN. I ask that the following amendment be read for information:

Provided, That every officer, musician, and private, who shall enter the service of the United States under the provisions of this act, or who shall have been engaged in the military service of the United States since the 12th day of April, 1861, shall be entitled to all the benefits of an act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855: *Provided, however*, That every officer, musician, and soldier, who shall volunteer or enlist in the service of the United States prior to the 1st day of August, 1861, and continue in such service until the end of the war, or until honorably discharged on account of sickness or wounds incurred in such service in the line of his duty, shall be entitled to receive a warrant for two hundred and forty acres of land: *And provided further*, That such officer, musician, or private, having received a warrant under the act aforesaid, or any former act of Congress, shall not impair his right to bounty land under this act.

Mr. BLAIR, of Missouri. I cannot yield for the introduction of that amendment.

Mr. VAN VALKENBURGH. It seems to me that the ninth section, as it now stands, will cut off the volunteers from New York accepted by the Secretary of War.

Mr. BLAIR, of Missouri. Let it be amended so as to read, "volunteers for one, two, or three years."

Mr. VAN VALKENBURGH. I move that amendment.

The amendment was agreed to.

Mr. BLAIR, of Missouri. I demand the previous question.

Mr. ALLEN. I think the volunteers should be apportioned among all the loyal States, not giving a preference to those the Administration may favor, in the way of granting commissions and accepting regiments.

Mr. HOLMAN. I trust that the House will not sustain the demand for the previous question, but that it will give me an opportunity to offer my amendment granting bounty land to the soldiers in our Army.

The previous question was seconded, and the main question ordered; and under the operation thereof the substitute, as amended, was agreed to.

The bill, as amended, was then passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NATIONAL LOAN.

Mr. STEVENS, from the Committee of Ways and Means, reported back the amendments of the Senate to House bill No. 14, authorizing a national loan, and for other purposes, with the recommendation that they be concurred in; and demanded the previous question on their adoption.

The previous question was seconded, and the main question ordered; and under the operation thereof the amendments were concurred in.

EXCHEQUER BILLS.

Mr. WRIGHT. I ask the unanimous consent of the House for leave to introduce a bill to authorize the Secretary of the Treasury of the United States to issue exchequer bills to the amount of $100,000,000, in lieu of any public loan authorized by law for a like sum.

Objection was made.

Mr. ALLEN. I ask leave to introduce a bill.

Objection was made.

NAVY RATION.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported back Senate bill No. 9, with the following amendment; on which he demanded the previous question:

Add:

SEC. 7. *And be it further enacted*, That the Secretary of the Navy be authorized to procure the preserved meats, pickles, butter, and desiccated vegetables in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

The previous question was seconded, and the main question ordered; and under the operation thereof the amendment was agreed to; and the bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ASSISTANT PAYMASTERS IN THE NAVY.

Mr. SEDGWICK, from the Committee on Naval Affairs, also reported back Senate bill No. 13, to provide for the appointment of assistant paymasters in the Navy, with the recommendation that it do pass.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

THE LEVANT.

Mr. SEDGWICK. I am instructed by the Committee on Naval Affairs to report back House bill No. 33, fixing the date of loss, for the relief of the widows, &c., of the sloop-of-war Levant, with a substitute.

The substitute, which was read, provides that, for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service, who were lost in the United States sloop-of-war Levant, as well as the time to which the pay of said officers, seamen, marines, and others in service, shall be allowed, the 30th day of June, 1861, shall be deemed and taken to be the day on which the said sloop-of-war Levant foundered at sea; that the widow, or child, or children, and in case there be no widow, or child, or children, as aforesaid, then the parent or parents, and if there are no parents, the brothers and sisters, of the officers, seamen, marines, and others in service, who were lost in said sloop-of-war Levant, including the captain's clerk, shall be entitled to and receive, out of any money in the Treasury not otherwise appropriated, a sum equal to nine months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel; and that the proper accounting officers of the Treasury Department be, and hereby are, authorized and directed to settle the accounts of Andrew J. Watson, late a paymaster in the Navy, who was lost in the sloop-of-war Levant, with all his accounts and vouchers for expenditures and payments made by him, and with all the money, stores, and supplies procured for the use of said vessel, and to allow him a credit for whatever sums appear to be due from him on the books of the Department.

Mr. SEDGWICK demanded the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the substitute was agreed to, and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The title was amended to read as follows:

A bill for the relief of the widows and orphans of the officers, seamen, and marines, of the United States sloop-of-war Levant.

TEMPORARY CLERKS IN NAVY DEPARTMENT.

Mr. SEDGWICK, from the Committee on Naval Affairs, also reported back House bill No. 46, to authorize the Secretary of the Navy to employ temporary clerks, with the recommendation that it do pass.

The bill provides that there shall be employed in the Navy Department, on temporary duty, three clerks in addition to the regular organized force, whose compensation shall be fixed at the rate of $1,200 per annum; and that there be employed in the office of the engineer-in-chief one clerk, at $1,400 per annum; one draughtsman, at $1,400 per annum; one draughtsman, at $1,200 per annum; and one messenger, at $600 per annum.

Mr. SEDGWICK demanded the previous question.

Mr. F. A. CONKLING. The clerks in the office of the engineer-in-chief are to be permanent, and therefore the title of the bill ought to be amended.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the substitute was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. F. A. CONKLING. I now move the amendment of the title that I have suggested.

Mr. SEDGWICK. I do not think that any amendment of the title is necessary.

Mr. F. A. CONKLING. I have no motion to make. I merely wished to call the attention of the chairman of the Committee on Naval Affairs to the fact that the title did not seem to cover the scope of the bill.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

INCREASE OF THE NAVY.

Mr. ASHLEY, by unanimous consent, introduced a bill for the temporary increase of the Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

DESTRUCTION OF NAVAL PROPERTY.

Mr. PIKE, from the Committee on Naval Affairs, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested to communicate to this House any information in his possession relative to the destruction of United States vessels and other property at the navy-yard at Norfolk, including copies of the order for the removal of the vessels, and the report of the commandant of the navy-yard, and any correspondence relative to the same.

WEST POINT ACADEMY.

Mr. ALLEN, by unanimous consent, introduced a bill to increase the number of cadets at

West Point Military Academy; which was read a first and second time, and referred to the Committee on Military Affairs.

REVENUE MARINE.

Mr. WASHBURNE, by unanimous consent, introduced a bill relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes; which was read a first and second time, and, with an accompanying communication from the Secretary of the Treasury, referred to the Committee on Commerce, and ordered to be printed.

EMPLOYÉS OF THE HOUSE.

Mr. HUTCHINS. I ask the unanimous consent of the House to introduce a bill defining the duties and fixing the compensation of the Clerk, Sergeant-at-Arms, Postmaster, Doorkeeper, and Librarian, and settling the number and pay of the other employés of the House of Representatives, and for other purposes.

Mr. McPHERSON. I object.

REPORT ON COMMERCIAL RELATIONS.

Mr. WALTON, of Vermont. I am instructed by the Committee on Printing to report the following resolution:

Resolved, That there be printed for the use of the House five thousand extra copies of the report of 1860 on commercial relations.

I desire to say that this is the usual number. This is the seventh volume of the series, and unless the order is made to print it, the series will be broken. The order should have been made at the last session of Congress, but it was accidentally omitted. I have an estimate from the Superintendent of Printing, and it will cost $1 63 per volume.

Mr. VAN WYCK. I would like to ask the gentleman from Vermont if he believes that a single one of these books that you send forth are of any sort of service to the people to whom they are sent; in other words, do they ever open or read them? Did he ever hear of such a thing?

Mr. WALTON, of Vermont. I think this is one of the most important documents published by Congress. It is on commercial relations, and affects all the commercial interests of the country.

Mr. VAN WYCK. The argument of the gentleman that this is the usual number of copies, is no reason why we should continue this publication now. I think this is a good time in the history of the legislation of the country to commence a little retrenchment and reform, in the publication and sending forth of books which are comparatively of no value at all, and I hope we shall commence with this report on commercial relations; and although this may be the number usually ordered, let us refuse altogether to print it.

Mr. WALTON, of Vermont. If it is the desire of the House to stop the publication of documents, this is the best time to do it. I do not wish to argue the question. I demand the previous question.

Mr. VALLANDIGHAM. What is the number of copies called for?

Mr. WALTON, of Vermont. Five thousand copies.

Mr. VALLANDIGHAM. In my judgment, it is a book that ought to be in every public library in the country.

The previous question was seconded, and the main question ordered; and being put, the resolution was agreed to.

TREASURY REPORT.

Mr. WALTON, of Vermont, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That five hundred copies of the report of the Secretary of the Treasury on the condition of the finances, with the accompanying documents, be printed for the use of the Treasury Department.

EULOGIES ON SENATOR DOUGLAS.

Mr. BAILY, of Pennsylvania, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed and bound, under the direction of the Committee on Printing, twenty thousand copies of the obituary addresses delivered in the Senate and House on the death of Hon. Stephen A. Douglas, for the use of the members of the House.

EMPLOYMENT OF A CLERK.

Mr. POTTER, from the select committee on the loyalty of Government employés, reported the following resolution:

Resolved, That the select committee of investigation appointed under the resolution of this House, adopted July 8, "to ascertain and report to the House the number of persons, with the names thereof, now employed in the several Departments of the Government, who are known to entertain sentiments of hostility to the Government," &c., be authorized to employ a clerk at a rate of compensation not to exceed four dollars per day.

Mr. VALLANDIGHAM. It ought to be confined to the present session.

Mr. POTTER. Probably before the present session closes it will be necessary that a resolution shall be introduced here authorizing the committee to sit during the recess. A very large amount of business is already before the committee, and it will be utterly impossible for them to close their labors before the close of the present session. For that reason, I object to the limitation suggested by the gentleman from Ohio.

Mr. WASHBURNE. I suggest to the gentleman that he modify his resolution by adding the words, "while the committee shall be in session, and while actually employed."

Mr. POTTER. I accept that modification.

Mr. VALLANDIGHAM. Is the resolution in order?

The SPEAKER. It is. It is a report from a committee.

Mr. VALLANDIGHAM. In a proper shape, I should have no sort of objection to it; but I think it is too broad.

The resolution was agreed to.

APPOINTMENT OF SELECT COMMITTEE.

The SPEAKER announced that he had appointed the following as the select committee to inquire in what manner the expenses of Government can be reduced: Messrs. FREDERICK A. CONKLING, KELLOGG of Illinois, BURNETT, BLAIR of Pennsylvania, NIXON, CHRISFIELD, and BROWNE of Rhode Island.

MESSAGE FROM THE PRESIDENT.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit to Congress a copy of correspondence between the Secretary of State and her Britannic Majesty's envoy extraordinary and minister plenipotentiary accredited to this Government, relative to an exhibition of the products of industry of all nations, which is to take place at London in the course of next year. As the citizens of the United States may justly pride themselves upon their proficiency in the industrial arts, it is desirable that they should have proper facilities towards taking part in the exhibition. With this view, I recommend such legislation by Congress at this session as may be necessary for that purpose.

ABRAHAM LINCOLN.

WASHINGTON, *July*, 1861.

The message and accompanying documents were referred to the Committee on Manufactures, and ordered to be printed.

MARITIME RIGHTS.

Mr. COX. I ask unanimous consent to offer the following resolution:

Resolved, That the President of the United States, if compatible with the public interest, communicate to this House all, or such portions as he may deem advisable, of the correspondence on file in the Department of State between this Government and all foreign Powers, from 1853 to the present time, with reference to maritime rights.

Mr. OLIN. I object to its introduction.

Mr. COX. I have no doubt the gentleman will withdraw his objection when he understands my motive in offering the resolution.

Mr. OLIN. I decline to withdraw my objection.

WEST POINT ACADEMY.

Mr. COVODE. I ask the unanimous consent of the House to have printed the bill relative to the West Point Academy, which was referred to the Committee on Military Affairs.

It was so ordered.

EULOGIES ON MR. SCRANTON.

Mr. WRIGHT, by unanimous consent, offered the following resolution; which was read, considered, and referred to the Committee on Printing:

Resolved, That ten thousand copies of the eulogies on the late George W. Scranton, late a member of this House, be printed for the use of members of the House.

THANKS TO GENERAL M'CLELLAN.

Mr. EDWARDS, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the thanks of this House be presented to Major General G. B. McClellan, and the officers and soldiers of his command, for the series of brilliant and decisive victories which, by their skill and bravery, they have achieved over rebels and traitors in arms on the battle-fields of western Virginia.

THE VOLUNTEER FORCES.

Mr. BLAIR, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on House bill No. 36.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. McCLERNAND in the chair,) and proceeded to the consideration of the bill (H. R. No. 36) to increase the efficiency of the volunteer forces of the United States.

The bill was read.

Mr. BLAIR, of Missouri. One word of explanation in reference to this bill. The Committee on Military Affairs were charged with the consideration of the President's message and accompanying documents, and especially of that part which concerns the military establishment of the country, and have had under consideration that recommendation of the Secretary of War to add to the military establishment of the country eleven new regiments—nine of infantry, one of cavalry, and another of artillery; which recommendation has been, in some sense, carried into execution by General Order No. 16, the officers for these new regiments having been selected in part, and, I believe, nearly entirely. The committee unanimously dissented from the recommendation of the Secretary of War. They do not consider that there is any occasion now for increasing the military establishment of this country. They believe that the volunteer force called out, and which we have authorized the President to call out, is amply sufficient to defend the country against the assaults of all its enemies. They believe, also, that if there shall be an occasion for a greater military establishment than that which we now have, as a peace establishment at the end of the war, the proper time to do so will be when the war shall have been ended.

The Congress which will be then in existence will have all the facts before it from which to judge of the necessity of it, while we would have to anticipate, and to form a judgment in reference to the future, if we should now undertake to form an establishment which is to subsist as a peace establishment.

In addition, it is believed that we shall have the advantage of the record which shall have been made by all the officers in the service, as well those of the regular Army as of the volunteer force, by which we will be able to select the most efficient officers for the new regiments; whereas these officers would now have to be selected, as it were, in the dark and at random, without our being able to put their fitness to any practical or certain test. They are appointed simply on their recommendations, and we can have now no knowledge of their capacity. If we were to make the selections now, we would cut off what will be one of the greatest incentives to exertion on the part of officers, both of the regular force and of the volunteer force, during the war.

Inasmuch, however, as something has already been done towards the formation of these new regiments by the appointment of officers, your committee have thought proper not to disturb it, except to strip it of that feature which alone makes it repugnant to a free people—that of establishing a large standing army. While we have left the organization precisely as it was made in every other respect by the Secretary of War and the General-in-Chief—left it with the number of men and the officers selected from the Army to educate and instruct them—we have recommended that these regiments shall, in the first place, be recruited by officers taken from civil life, and that the two hundred and fifty officers of the regular Army shall not be detached from their duties in the field, until these new regiments shall be ready to receive them.

The committee believe that it will require some time—may be six months—to complete the recruiting of these regiments; and during all that

time we would lose the services of two hundred and fifty experienced officers, who would be on recruiting stations instead of being in the field with their own regiments, in the regular service or in the volunteer service. For that reason, there has been a clause inserted in the bill, that these new regiments shall be recruited by the officers selected from civil life, and that the Commanding General shall, at his discretion, order the officers who have been appointed from the regular Army, and attach them to one of the volunteer regiments or regular regiments in the field, until the new regiments to which they are appointed shall have been recruited.

The bill also provides that these regular officers who have been appointed in those new regiments may, at the end of the war, return to their own regiments in the regular Army, with the rank, pay, emoluments, allowances, and promotion, to which they would be entitled if they had remained in their own regiments.

I have thought it proper, in introducing this bill, to give an explanation of some of the points which have been made by the committee in changing the system recommended by the Secretary of War, and in endeavoring to assimilate it to the volunteer system which the House has already authorized.

Mr. BURNETT. Mr. Chairman, I well understand that nothing which would emanate from me, or which I might say, would have a tendency either to check the legislation of this House or to prevent the passage of the series of measures that have been recommended by the Administration to the favorable consideration of Congress. But, sir, in obedience to a sense of what I regard as my duty as one of the Representatives on this floor, representing a constituency which is interested in this Government, the preservation of the Constitution intact, and the security of their rights under it, I cannot let this measure pass without entering on record my protest against many things that have been done and that are likely to be done here. I do not do this in the spirit of opposition simply. I trust that I am actuated by higher and nobler incentives to action than a mere desire to interpose opposition against those who are responsible for the legislation of this House, and have the power to carry it out.

Mr. Chairman, when you and myself, and many other members now on this floor, assembled here on the first Monday in December last, there was a deep and widespread distrust of the country's future. Fears for it extended all over the country. We came here determined to do all that honorable and patriotic men could do to give additional security and peace to our country, and, if possible, by our action to dispel the cloud which then hovered over the political horizon of the country. We came here determined to do all that honorable men could do to preserve the Constitution and the Union of these States. A brief reference to the past history of the country cannot be unprofitable at the present time.

When we assembled at the commencement of the last session of Congress, thirty-four States were represented upon this floor. When we came here, the first acts in that Congress looked to pacification and compromise. And these projects of compromises were not put forth by the men who are now here pressing this war on to the consummation of the subjugation of the southern States, and who are passing through whatever measures are demanded by the Administration, without even an examination. No, sir; they emanated from gentlemen from the slaveholding States, and from gentlemen of the Democratic party, who lived in the free States. No less than thirty-seven different propositions, looking to a peaceful solution of our difficulties, were introduced in this end of the Capitol. Early in the session these movements were made; and let me tell you, gentlemen on the other side of the House, history will hold you responsible for the present condition of the country. You may deal in round, bold denunciation against the men who are in revolution against this Government; but when the impartial historian shall write out the times in which we live, I say the Republican party will be held responsible for the unhappy condition of our country to-day. I say, in my place here, now, that the only disunionists *per se* this country has ever been cursed with, are the leaders of the Republican party. You have done more, you have contributed more, to hurry on this revolution and to bring this country into the condition of war in which it is in this day, than all the other men who have lived in your time, and in your generation.

Sir, when the very question of this revolution was pending in the outset, it could have been settled in an hour; not by any proposition which demanded the compromise or concession of any principle on your part towards the South, but by a mere recognition of the constitutional rights declared by our fathers, when they framed the Constitution which has held these States together. I say, you could have settled these questions in an hour, and restored peace and quiet to our country. Never shall I forget the time and the circumstances of the declaration of my venerable colleague, [Mr. CRITTENDEN,] upon the Sunday night of March 3, last, in the other end of the Capitol. He then told you, that if you permitted that Congress—the Thirty-Sixth Congress—to adjourn without the passage of any measure looking to the settlement of these questions, and the restoration of peace, in less than six months you would have the country precipitated into a bloody revolution. He portrayed then the exact condition of things we are now witnessing. That was the language of the venerable CRITTENDEN; and how truthfully has the picture which he then drew been proved by the scenes we now witness around us! What was the language he used on that occasion? He said:

"But now, to pass from this view: we are likely soon to part, and what a spectacle do we present! We have done nothing. The country is inflamed, and nothing has been done to quench the destroying fire; yet that is our business here, to preserve the Union, to make the people contented and happy. That is our great and high mission. The country is in flames, and nothing has been done to extinguish the fire. What, Senators and Mr. President, is to be the consequence of it? No one can exactly answer; but the question must awaken the forebodings of every man within the reach of my voice. What consequences will follow from our failure to do anything? God only knows. They are fearful to think of, in my judgment. I do not know what they will be. I fear for further revolution—for revolution to such an extent as to destroy, in effect, this Union."

Well, sir, what else? A distinguished Senator, now dead, speaking to us the words of wisdom and true statesmanship, warned the Republican party that if they permitted the Thirty-Sixth Congress to adjourn without the adoption of some measure of compromise, the country would be precipitated into revolution and into a bloody struggle. He told them they could save the country from the horrors of civil war, by the adoption of measures which would meet the approval of men in the South and in all the States, which would even bring back into this Union all the States then out of it, with, perhaps, the exception of one.

Notwithstanding these repeated warnings from men in both ends of the Capitol, whose patriotism was unquestioned and whose desire to preserve the Constitution and the Union under it was unchallenged, you turned a deaf ear to all their appeals, and voted down every measure that looked to an adjustment of our difficulties, and permitted the Thirty-Sixth Congress to adjourn with a full knowledge upon your part that the revolution which had commenced in December would continue to spread until it would assume its present gigantic proportions, and result, finally, in a permanent separation of the States. I therefore repeat, with emphasis, that the party now in power are responsible for the present unhappy condition of our country to-day. You could, by the passage of the Crittenden propositions, have reunited the States and restored peace and confidence to every portion of the Confederacy.

My position was well known. I was for peace. Like my venerable colleague, [Mr. CRITTENDEN,] I was for peace; I was for compromise; I had not an opinion on the subject of what would be best, that I was not perfectly willing to sacrifice to obtain any reasonable measure of pacification that would have been satisfactory to the majority. I wanted to save the country, and adjust our present difficulties. I entertain those sentiments to-day, and am controlled by the same motives now as then.

That Congress adjourned. The President of the United States, now at the head of the Government, came to this Capitol, and upon its eastern portico he made his inaugural address. You will remember, as I do, Mr. Chairman, that it was sent upon the wings of the lightning to every portion of this country, that that inaugural meant peace; that we were to have a peace policy upon the part of this Administration; that the Executive would adopt peaceful modes by which we might restore the Union and prevent a bloody civil war.

This policy was hailed with joy by the whole people. Trade revived, confidence was restored, and all classes looked forward to a speedy and peaceful solution of our troubles. And if it had been adhered to by the Executive, to-day, instead of bloody war, with all its attendant horrors, we would be blessed with peace, and might soon look forward to a restoration of the Union—a thing now, sir, I have despaired of. I do not believe it possible ever to reunite the now divided States. It could have been done by peaceful measures, but never by war.

The President has attempted to give us a statement of the causes which led to this revolution. He has told this House and the country that the attack made by the forces at Charleston upon Sumter was the commencement of this war. I shall now attempt—to some little extent, at least—to vindicate the truth of history in that particular. Did the southern States want war? Did they desire hostilities? Does not the history of the matter prove that in the first instance South Carolina sent commissioners here anxious for the adoption of some mode of adjustment? And when they failed in that did they stop there? No, sir. When this revolution had progressed to the extent that seven States had formed themselves into a confederacy, with a government *de facto*, they sent their commissioners here to this Federal capital. And will gentlemen deny that there was not at that time a *quasi*—if I may use that term in regard to a matter of diplomacy—negotiation carried on between those commissioners and the Secretary of State? Did they not earnestly protest through the congress that assembled at Montgomery that they did not desire war; that what they wanted in respect to this Government was, that like Abraham and Lot, finding we could not live together in peace, there should be no strife between us, but that one should go to the right and the other to the left. They do not want war to-day. They have nothing to gain by it. The leaders in this revolution are men of ability. Many of them have left upon the records of their country evidences of their statesmanship. They have attempted to open negotiations with this Government for a peaceful settlement of the pending questions; these efforts have all been repelled. And to-day, when we ask you to consider propositions that look to peace and the preservation of the Union, and the cessation of hostilities, they are either rejected by raising points of order, or unceremoniously tabled. And no proposition that does not look to bloody, devastating, and relentless war, can command your attention or receive your support.

Well, sir, after this declaration of the President was sent out to the country that we were to have peace, the President commenced his preparation for war upon the grandest scale this continent ever witnessed. His agents were in Europe for the purpose of purchasing arms. His agents were in the city of New York engaged in procuring arms, ships, and munitions of war; and upon the 15th day of April the country was startled by his proclamation calling forth seventy-five thousand men. This, sir, is the history of the events that transpired from the 4th of March till the 15th of April.

Now, Mr. Chairman, who will contend that the President's proclamation calling for seventy-five thousand men was in accordance with the act of 1795? Who will defend it? Who will, standing here in his place, assert the proposition that, under that law, the President was authorized in calling out seventy-five thousand men by the circumstances which existed at the time the proclamation was issued? Read the second section of that act—it was read here this morning—providing that the President had power to call out the militia for the purpose of suppressing combinations of individuals within a State to prevent the execution of the laws of the United States; but that he had no power to make war upon a State acting through its sovereign capacity. If you should deny my declaration upon this subject, I refer you to the speech made during the last Congress by one of the ablest men with whom I have ever served upon this floor—Mr. Stanton, of Ohio, a member of the Republican party, who

introduced a bill to confer the very powers upon the President which are conferred by the bill reported from the Committee on the Judiciary this morning by the gentleman from Ohio, [Mr. BINGHAM.] Last year, sir, we refused, in express terms, to invest the President with these powers. Some will remember the strenuous opposition with which the measure was met. The question was put to Mr. Stanton whether the act of Congress of 1795 conferred these powers upon the President. If so, it was asked, why then pass any further bill? Mr. Stanton—one of the best lawyers who ever sat in this House—announced that the law of 1795 did not confer any such power; that the bill he introduced was to supply an omission in the act of 1795.

Mr. CURTIS. Let me interrupt the gentleman for a moment.

Mr. BURNETT. I have only an hour, and I hope that not a moment of it will be taken from me. My party is small. [Laughter.]

Mr. CURTIS. I only desire to say to the gentleman from Kentucky that he states the proposition of Mr. Stanton rather too strongly.

Mr. BURNETT. I cannot yield if it is to be taken out of my time.

The CHAIRMAN. It will be taken out of the gentleman's time.

Mr. BURNETT. The gentleman from Ohio (Mr. Stanton) made another significant declaration at the same time, as to the purposss of the Republican party and the incoming Administration, that I commend to the war party upon this floor. He said:

"I apprehend that no man contemplates marching a single hostile foot into the territory of any State of this Confederacy; never, until it is absolutely necessary in self-defense, and until southern armies are marched on northern soil, or the soil of this capital; never. That is not contemplated."

In less than two months from the date of these declarations, by the chairman of the Military Committee of the last Congress, the President issues this extraordinary proclamation.

I implore gentlemen to pause for reflection. Answer me this question: where did you derive the power to coerce a State into obedience to the Federal Government, acting through State authority? Is the power to be found either in the express grants of the Federal Constitution, or in any deduction fairly to be derived from those express grants? It is a well-known matter of history, that in the formation of the Constitution the proposition was made repeatedly—upon four different occasions I believe—to confer upon Congress the power to use the Army for the purpose of coercion against a State; yet, on every occasion, it was rejected by the fathers of the Republic. I would like to hear some gentleman on the other side on that point.

I desire to call the attention of members to another of the series of measures which it is proposed shall be passed by this Congress. We have pending in both Houses, I believe, a joint resolution proposing to indorse and ratify the acts of the Executive from the 15th of April to the 10th of May last. Reference has been made here and elsewhere to gentlemen taking upon themselves a solemn oath to support the Constitution of the United States. The wisdom of our fathers required that the highest officer of the Government—the Chief Magistrate of the Union—should, before entering upon the discharge of his duties, take a like oath that he would support, defend, and protect the Constitution of the United States. Then, when he would hold others to a rigid responsibility for the discharge of their duties, high as he is, I enter here this day my solemn protest against his flagrant and repeated violations of the oath he took on the 4th of March last; against his dangerous usurpations of power and open defiance of law. I state, as a member of this House, that the President has violated the Constitution of the United States by his proclamations of the 19th and 27th of April last, declaring a blockade of southern ports.

It is one of the incidents of the war-making power to declare a blockade. It is an act of war, and Congress has alone the power to declare war. To quote from a distinguished Senator, the President of the United States has no more authority to declare a blockade of the southern ports of New Orleans and Charleston, than he has to declare the blockade of the northern ports of New York and Boston. He can no more blockade Mobile, sir, than he can blockade the port of Chicago, in your own State. Need I, in a body of intelligent Representatives, quote authority for what I assert? Must I refer to men of learning who lived in days gone by? I might refer, then, back to 1832, when South Carolina proposed to nullify an act of Congress. I might refer to the declaration of the ablest man, in my judgment, who ever sat in the Senate—I mean Daniel Webster, of Massachusetts. He stated that General Jackson, then President, had no right to declare a blockade of the port of Charleston, for that right belonged exclusively to the Congress of the United States. He declared that the President could only act in accordance with the law, and that any act by him of that character would be a usurpation of power, and in derogation of the Constitution of the United States. Article one, section nine, clause five, of the Constitution, declares that no preference shall be given to the ports of one State over those of another; yet the President of the United States, of his own motion, and without authority of law, shuts up ports still claimed to be within the Union, according to the theory of the Republican party and of the President himself.

And this proclamation was made by the President with a full knowledge, upon his part, that the Congress of the United States had, at its last session, expresely refused to pass a bill conferring upon him the power to blockade southern ports and collect the revenue outside of the ports. This blockade has been extended to our interior commerce and trade; and to-day, sir, the ports of loyal States are closed. My own State furnishes a striking example. Her ports are to-day closed; and her principal railroad virtually under the control and management of the Federal Government. The Constitution confers upon Congress alone the power "to regulate commerce among the several States."

The President of the United States has also violated the Constitution by his orders of the 27th of April and 10th of May, authorizing the Commanding General to suspend the writ of *habeas corpus*.

The power to do that act is given to Congress in the ninth section of the Constitution. It is amongst the powers enumerated as conferred upon Congress and Congress alone; and yet the President, by his orders, has conferred upon the Lieutenant General the right to suspend the writ of *habeas corpus*, that great bulwark of the liberties of the people. I believe that it has only twice before been suspended in this country. It is a right which the British Queen does not possess, nor would she dare attempt to exercise it; for, sir, it would revolutionize England. I believe that the writ of *habeas corpus* has not been suspended in England for two centuries.

And, besides all this, we have martial law in existence. Martial law is the will of the officer of the Army in command. There has been a suspension of the civil authority heretofore unknown to our theory of government. There is no warrant for it to be found in the Constitution. It is not recognized by any law, nor has it ever before been recognized. We find that now martial law is declared; and upon the mere order of a commanding general, citizens are incarcerated in jail, and deprived of trial in the courts. The great writ of *habeas corpus* is denied to them. The President says that the denial of that writ has been sparingly exercised. We ought to be obliged to his Excellency that his violations of the Constitution, and denial of the rights of the people, have not gone to the furthest extent.

Mr. CAMPBELL. Will the gentleman from Kentucky tell this House where martial law has been proclaimed in this country? Let him name a single instance.

Mr. BURNETT. I said martial law existed. I repeat it. It is in full force to-day from this city to the city of Philadelphia. It exists to-day in Maryland and Missouri; and under it acts are done by subordinate military commanders that would revolutionize the most despotic Government in Europe.

Sir, I have not the time to go into a history of particular cases; but I could mention scores and hundreds of cases in which the most sacred rights of the citizen have been violated. Men are now arrested in Maryland, and they have been in other portions of the country, upon warrants issued by the Secretary of State alone, and confined in the jail of the District of Columbia. They have not been able to be reached by a writ of *habeas corpus;* and after they have been kept there for weeks, they have been dismissed without a statement of the charge against them. What sort of law do you call that? The President of the United States, in his refusal to recognize the authority of the Supreme Court, when acting through its Chief Justice, in the issuance of a writ of *habeas corpus*, demanding the body of a citizen of Maryland, usurped for the time being the powers of the judiciary of this country. By that act he violated the Constitution of the country, and his oath to maintain, defend, and support that instrument. By his proclamation of the 3d of May, calling into the service of the United States forty-two thousand volunteers for three and five years, by his increase of the regular Army twenty-two thousand seven hundred and fourteen men, and adding to the Navy eighteen thousand seamen, he not only violated the plain letter of the Constitution in article one, eighth section, and twelfth clause, but usurped the powers of the legislative department of this Government. He took it upon himself to exercise powers that have, by the Constitution of the country, been intrusted alone to the legislative arm of the Government. Congress alone shall raise and support armies. Congress alone shall declare war. Congress alone may create and maintain a navy. Yet, sir, the President of the United States, when these very powers had been denied to him at the last session of Congress, without any authority of law or any pretense of such authority, usurped the powers of the legislative arm of the Government, and took upon himself not only to make war, but to raise and support armies, and create and maintain a navy. And, sir, I am called upon as one of the people's Representatives to ratify and indorse that act. My conscience may not be very tender, but I am one of the Representatives of the people who will not do it.

The President has also violated that clause of the Constitution of the United States which says that no money shall be drawn from the Treasury of the United States, except in consequence of appropriations by law. He has taken appropriations made by Congress for one purpose and applied them to another, in violation of law; and we are called upon to support that act of his which was subversive of the plainest principles, and of the very letter of the Constitution, which he, and you, and I, have taken an oath to support.

The Federal Constitution was originally framed without any bill of rights; but, sir, the people, jealous of power—our fathers, knowing the lust and love of power—had certain amendments put to that Constitution, in the nature of a bill of rights. The President of the United States has, since the adjournment of the last Congress, and prior to the commencement of the present session, violated the first, second, third, fourth, fifth, and sixth amendments to the Constitution.

By the first amendment to that instrument, it is provided that Congress shall make no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances; yet, sir, the President of the United States has, by his orders, limited the freedom of speech and of the press. Sir, a reign of terror exists to-day. Even in this city men dare not speak the honest sentiments of their hearts in regard to the acts of the Administration. Men have been arrested all over this country without process of law, upon no other charge than that they had uttered seditious language. Where is your authority to arrest a man for the utterance of seditious language? Is anything said of it in the Constitution of the United States? Is there any law upon the statute-book that authorizes these unconstitutional usurpations by the Executive of the country? Sir, a warrant was issued a few days ago by a military commander, backed by four hundred soldiers, who surrounded one of the printing presses of this country, and removed the types and stopped the issuing of that paper. Why? Because, as was said, it contained libels upon the soldiery of the United States!

The President has likewise violated the second amendment, which secures to the people the right to keep and bear arms. That right has been infringed. Arms, the private property of citizens, have, upon mere suspicion, been taken at the order of military commanders, and are now with-

held from the citizens, whose property they are, and whose rights have thus been violated.

A MEMBER. Where?

Mr. BURNETT. In my own State, in my own district, upon the soil of Kentucky, whose people have been loyal to this Government, and have done no act in derogation of their fealty to it. Yet the property of her citizens has been seized by military commanders, and is held to-day in violation of that clause of the Constitution which secures to the people the right to keep and bear arms.

The President has violated the third amendment to the Constitution, that no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law. Repeatedly have soldiers been quartered in the houses of private citizens during war, without any authority of law, but upon the mere order of those who are controlling the movements of the Government.

He has violated the fourth article of that amendment to the Constitution, which is, that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated; and that no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized. That right has been violated. The private property of citizens that had been accumulating for two years has, upon the mere order of the Executive of the United States, been seized; the right of the people to that property has been violated; and that, too, has been done by the highest officer known to our Government, without any authority of law, and in direct conflict with this plain provision of the Constitution. The President of the United States has done that—shall I say it?—yes, sir, I do say it, he has exercised powers that would have deprived any despot in Europe of his crown if he had dared to do it. He has invaded this holy and sacred right of the citizen.

The amendment to the Constitution also declares that no person shall be held for a capital or otherwise infamous crime—the highest crimes known to your law—except upon the presentment and indictment of a grand jury; and yet, sir, citizens are now deprived of their liberty, incarcerated in your fortresses and jails, and deprived even of the right of a preliminary examination, upon the mere order of the President of the United States.

No person shall be deprived of life, liberty, or property, without due process of law. That is another of the rights locked up in the Constitution secured to us by our fathers; and yet the President of the United States has violated that right; and the plea upon which a justification is sought is that of necessity. I had thought that no necessity would justify a violation of the Constitution. I had thought that our fathers had in their wisdom provided for times of war as well as for times of peace. As has been well remarked, if it was necessary to exercise these high powers, then the President of the United States could have called Congress together, and asked that the powers should be conferred upon him, and that laws be made providing for the cases in which he has acted.

Now, Mr. Chairman, each one of the acts which I have enumerated and to which I have called the attention of the country we are called upon here in our legislative capacity to ratify and indorse. No man upon this floor or at the other end of the Capitol will stand up and defend these unconstitutional acts and gross usurpations of power by the President. We are called upon not only to do that, but to take the results and consequences which have followed upon those acts, and to ratify and indorse all those acts without even daring to enter our protest against them. What is the result of all those acts? Millions and millions of public property have been destroyed by the orders of military and naval officers. A national debt, which I venture to predict will run up as high as $700,000,000—that is my calculation—before the close of this session of Congress, has been incurred. You have a standing Army of fifty thousand men. Your Navy has been increased by the addition of a large number of war vessels and eighteen thousand seamen. Pardon me if I enlarge the picture drawn by my friend from Pennsylvania [Mr. WRIGHT] in his remarks made a few days since as to the present condition of the country. He told us that the shipping was now lying at your ports with sails furled; that your storehouses were closed; that trade was stagnant, the finances of the country deranged, and the cry of "bread" extending all over the country. Prosecute this war and you will raise the public debt of the country to $700,000,000; and that will not be all. The half is not yet told. The great iron interest of Pennsylvania will cease to exist; her forges and furnaces will be no longer in blast; she will no longer have a market for her great staple, iron. New York is suffering to-day; every other house in Broadway bears the ominous letters "To Let." The great commercial metropolis of the country sees her business destroyed. Boston, with all her great interests, is in the same condition. Go to the rural districts of the country, and you will observe the prostration of all their material interests. And yet we are but on the threshold of war. Prosecute it for six months longer; sacrifice one hundred thousand men and hundreds of millions in treasure; place a blockade, not only on your foreign trade, but on your interior trade; and then calculate the result. Go to the North west, and see what is its condition. You will find its granaries full, its bacon and corn and pork without a market, its horses, cattle, and mules, in the hands of the farmers. In my country the same condition of things exists. There is no market for our produce. Our people are actually unable to sell enough to provide the necessaries of life which they do not themselves produce. Carry on the war six months longer, and you will not only have bankrupted the Treasury, exhausted all the resources of the Government, and depleted the pockets of the people, but you will have starvation stalking through the land in its thickly-settled and populous portions. The chariot wheels of this war, which the gentleman from Pennsylvania [Mr. HICKMAN] spoke about the other day, will have made prints so deep, not only on the soil of the South, but on the trade and business interests of the North, that centuries will not efface that track. That is to be the result of this war. I warn gentlemen now to remember it. I tell you there is a public sentiment in the North which is but sleeping now. Mark the prediction. Within six months of this time that public sentiment will be aroused, and will demand to know the reason why all these things are done. If you do subjugate these southern States, and carry out to the fullest extent your idea of reducing them into subjection, tell me, will you not, when you have accomplished it all, have to settle this question by negotiation? Then, in the name of God, in the name of the country, in the name of civilization, I ask, why not settle it before you resort to the horrors of civil war?

What are the objects of the war? Are they to maintain the Constitution and the Union? No, sir; that Constitution has already been discarded, set aside, suspended in its operation, trodden under foot. This war is to maintain the Union, but an unconstitutional Union. It is to maintain a Union wherein State lines are to be obliterated, State sovereignty destroyed, and the Federal Government converted into a great military despotism, in which the authorities of the central power are to control the destinies of the entire people.

Sir, the President of the United States admits in effect, in his message, that he has exercised not only executive power, but legislative and judicial power. What does the exercise of all these powers make him who exercises them? A despot—nothing more or less.

Mr. Chairman, much has been said of the objects of this war. Let me show you what are the objects of the war. I have asked the question, whether it was to maintain the Constitution and the Union? A Senator from Oregon [Mr. BAKER] said the other day, in the other wing of the Capitol:

"I approve, as a personal and political friend of the President, of every measure of his administration in relation to the rebellion at present raging in this country. I propose to ratify whatever needs ratification. I propose to render my clear and distinct approval not only of the measure, but of the motive which prompted it. I propose to lend the whole power of the country, arms, men, money, and place them in his hands, with authority almost unlimited, until the conclusion of this struggle. He has asked for $400,000,000. We propose to give him $500,000,000. He has asked for four hundred thousand men. We propose to give him half a million; and for my part, if, as I do not apprehend, the emergency should be still greater, I will cheerfully add a cipher to either of these figures.

"But, sir, while I do that, I desire, by my word and my vote, to have it clearly understood that I do that as a measure of war. As I had occasion to say, in a very early discussion of this question, I want sudden, bold, forward, determined war; and I do not think anybody can conduct a war of that kind as well as a dictator."

By the bills which have passed the House, you confer on the President of the United States an unlimited power over the Army and Navy, the only restriction on that power being his discretion. The distinguished Senator whom I have quoted tells us he wants a dictator. That is the object of these measures, is it? Does the Senator stop there? No; after going on to show that we have added to the permanent expenditure of the Government $70,000,000 annually by the increase of the Army and Navy, he says:

"I hope to be among the last of all men willing to lay down arms at all. I will never vote to do it till, without treaty, the flag of the United States waves over every portion of its territory, and over a population either enthusiastically rallying beneath its shadow, or else abjectly subject to its sway. Till then, give the President a million men; till then, give him, not only the whole revenue of the Government, but the whole property of the people. Do not refuse a single regiment; do not furl a single sail; do not abate a single jot of all your embattled vigor, till that hour shall come."

These are the objects of the war, are they? The other day I saw a notice of a speech made in Boston on the 4th of July, in which a speaker boasted that a Massachusetts general was then giving laws to Maryland in the commercial emporium of that State. These are to be the fruits and consequences of war commenced on this grand and gigantic scale. I enter my protest against it. The Governors of Illinois and Massachusetts control those States. Some of you gentlemen who know me a long while, will give me credit for being a frank man, and that I mean what I say. I want now to ask you this question: Do you believe, gentlemen, that you can settle this question by a resort to arms, without the subjugation of those States? If you do, you must not understand the condition of those States. In western Virginia the people, you say, are loyal to the Federal Government—the great majority of them. In eastern Tennessee a bare majority of the people are loyal. But in the other States of the confederacy, the people are united, and are acting together; and I tell you, to-day, that if you go to the Gulf States you will find as much enthusiasm there, as much determination, and as much purpose, as you will find on your side of the line.

This war is a war of subjugation. You cannot disguise that fact from the people of the country. They understand it: and I tell you here to-day—and time will verify my words—that you cannot subjugate those States. Ten million of people, enjoying the blessings of civilization, brave and gallant, have never yet been conquered or subjugated. There is no instance in history of such a thing. It cannot be done.

Who is conducting and controlling this war? If you intend to carry it on, let me appeal to Congress to-day, to regulate and control it? Do not leave it to the President, as you have done by your bills and acts here. Not only is this immense debt to be incurred, but if you look to the recommendations made by your Secretary of the Treasury, you will find that every system of taxation known to the laws is to be resorted to. Not only are the ordinary ways of raising revenue to be resorted to, but direct taxation is recommended in the report of the Secretary of the Treasury. Besides that, taxes are recommended on sugar and coffee and tea, which taxes were expressly refused at the last session of Congress, and which must operate most hardly on that class of citizens who constitute the great body of consumers, and who are least able to pay taxes.

These are the fruits of this war. Now, sir, permit me to say, in conclusion, that I am therefore for peace. I have been for peace from the commencement of this unfortunate struggle till the present moment. On all occasions I have advocated a peaceful solution of these difficulties. Gentlemen have spoken of the sentiment of Kentucky. My competitor for Congress, who is an able man, and who was my personal friend during the canvass, never made an issue with me as to the position of Kentucky in this war. If he had announced upon the stump that if elected he would vote men and money for carrying on this war, or that he was for any other settlement of this con-

troversy than a peaceful one, I hazard nothing in saying he would not have received one thousand votes in the district which I represent.

But, sir, why am I for peace? Because I forsee that we must finally settle this thing by negotiation; because I see a people speaking the same language, connected by ties of commercial intercourse and trade—by all that constitutes a people closely united and linked together—and that we can never accomplish any good object by war. It will only have the effect of establishing an impassable gulf between us; of breaking up your Government, and fixing forever the permanent separation of these States.

May I quote from a man whose opinion I have ever listened to with deference and respect? In the last speech made by Mr. Douglas in the Senate, he uttered the following language:

"Peace is the only policy that can save the country. Let peace be proclaimed as the policy, and you will find that a thrill of joy will animate the heart of every patriot in the land; confidence will be restored; business will be revived; joy will gladden every heart; bonfires will blaze upon every hill top and in every valley; and the church bells will proclaim the glad tidings in every city, town, and village in America, and the applause of a grateful people will greet you everywhere."

Do you remember how that distinguished Senator said we had to settle these difficulties? Either by guarantees in the Constitution which would give satisfaction to all sections, or by the recognition of those States as a confederacy, or by a war of subjugation. And in that war of subjugation, when you have accomplished your work—even admitting the possibility of subjugation—in my judgment, you can only control them as military provinces; you can only rule them by a military government, and by maintaining a standing army in their midst.

Well, sir, here is an extract from an old man whose opinions ought to have some weight upon the other side of the Chamber. I have not often cited him as my authority. He was styled, the "old man eloquent." He was a great man; he did much to add to this country's honor and prosperity—perhaps as much as almost any man the country ever produced. What did he say in 1839? Did he say that we would hold this country together by military power? No, sir. In speaking upon this subject, he said:

"But the indissoluble link of union between the people of the several States of this confederated nation is, after all, not in the right, but in the heart. If the day should ever come (may Heaven avert it!) when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collisions of interest shall fester into hatred, the bonds of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited States to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution, to form again a more perfect Union, by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the center."

Sir, if it was not treason in John Quincy Adams to utter that sentiment, is it treason in a humble Representative from Kentucky who now urges upon you the same policy? Why, sir, I might stand here and quote from the leading statesmen of the country by the hour in support of the same sentiment. I might refer to the leading journals of the North to the same point, if time permitted. I will, however, but read a sentence from one man who has put me upon the "roll of infamy;" and I will do him the justice to say that he has more brains and more power in the North than any twenty of the Representatives upon the Republican side of this House—I mean Horace Greeley; and I repeat that he wields more power now at the North than any other single man north of Mason and Dixon's line. Here is what he said:

"Whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a Republic whereof one section is pinned to the residue by bayonets."

So say I. Now, Mr. Chairman, I have endeavored, in a respectful and I trust courteous but bold language, to enter my protest against this series of measures. I have endeavored to give reasons why I, as one of the Representatives from the State of Kentucky, could not vote for them; and I will close my remarks by stating the substance of a statement made by my venerable colleague [Mr. CRITTENDEN] when a candidate for Congress, just before the election, in a speech made at Lexington. He said—and I am here to stand by him in the declaration, for I indorse every word—that it would be the duty of the South to make propositions of peace; and should the South fail to do so, then it would be the duty of the North to submit to the people of the southern States propositions for a peaceful solution of our national troubles; and should they fail in that, he would neither vote men nor money to carry on this war.

I state this from a report which appeared in the Lexington Observer, and if it be erroneous I do not know it. He said that if neither was done, then Kentucky, poising herself in her proud position of neutrality, should stand by and maintain it.

Sir, I indorse those sentiments, and stand by them to-day. If it be treason, then make the most of it; for they are my sentiments.

I have voted against all these war measures; I have voted against every proposition that looked to a prosecution of this war, and the creation of a public debt that will require centuries to relieve us from. My colleagues have pursued a different course. They have thought that they would best promote the true interests of Kentucky and of the country by giving their votes to all these war measures and large appropriations of money, and have invariably sustained the Administration in its recommendations. I do not complain; I do not find fault. They act upon their individual responsibility; so do I.

Mr. Chairman, I have repeatedly called the yeas and nays upon these measures, but have invariably failed to procure them. Bills appropriating hundreds of millions are introduced; put under the operation of the previous question, which cuts off all discussion; and when you ask those who pass them to give us a record vote, they refuse. Are gentlemen afraid to let the country see how they voted? Are they afraid to make up this record for future reference?

In conclusion, sir, as one of the Representatives of Kentucky, I here enter my solemn protest against that State being called upon to furnish one man or being taxed to furnish one dollar of money to carry on this war. She has had no agency in bringing it on; she has protested against it in every form; her people are to-day opposed to it; and I will not consent, by any act of mine, that her people, for generations to come, shall be taxed to pay the expenses of this war.

[Here the hammer fell.]

TARIFF BILL.

The committee informally rose; and

Mr. STEVENS, by unanimous consent, from the Committee of Ways and Means, reported a bill to provide increased revenue from imports, to pay interest on the public debt and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made the special order for to-morrow at one o'clock.

Mr. VALLANDIGHAM. I trust that a reasonable time will be allowed for the discussion of that measure. Discussion is required more on such a measure than on any others, because an erroneous financial policy now instituted may embarrass the country for years to come.

WEST POINT.

Mr. CURTIS. I ask leave to introduce a bill to increase the number of cadets in the Military Academy at West Point, with a view to its being ordered to be printed, as it is my purpose to attach it to some of the Army bills as an additional provision.

There was no objection; and the bill was ordered to be printed.

ARMY BILL.

The committee then resumed its session, Mr. MCCLERNAND in the chair.

Mr. HOLMAN. In times of great public danger, he who summons the agents of Government to the bar of public judgment, to answer to alleged usurpations of power, would act with extreme injustice if he did not consider the imminence of that danger, and the general mastery of opinion in controlling public affairs.

I am not here, sir, to defend the Administration or to assail it. The time will come when its measures of policy will be dispassionately considered, and scrutinized as a people jealous of their freedom will ever scrutinize the acts of their public servants. But, while an enemy almost threatens your capital, and the ear that listens to your deliberations can almost hear the thunder of his artillery, and the eye, as it glances westward, from the very portals of this Hall, can almost see the light flash from his bayonets, and liberty itself is in danger, the public safety may well demand the undivided wisdom and energy of Congress, while patriotism silences the clamor of party strife.

When the patriotic masses—who know better than philosophers or statesmen have ever known, that every interest that clusters around the firesides of freemen is involved in this effort to maintain the Union—are rallying in countless numbers to the flag of the Republic, the type and symbol of Union and liberty, and ready to pour out their blood in torrents in its defense, they may well demand that their Representatives shall not, by dividing the public councils, sharpen the bayonet that would strike them down. I have said, sir, that I am not here to defend the Administration; I am no champion of its cause; I had no part or lot in its triumph; I resisted, as an American citizen might resist, its elevation to power; I do not indorse one principle of its original policy. But, sir, so help me God, I will not desert my country or give encouragement to its enemies, because the judgment of the people has been pronounced against the principles I have cherished. I will not desert the old ship because I do not approve of the helmsman. And, sir, when, for any cause or from any provocation, bitter and unjust it may be, I shall fail or forget to defend the flag of my country against its enemies at home or abroad, in the language of the old Hebrew king, "May my right hand forget its cunning."

But in defense of the public policy, I will say, sir, that if the President had abandoned Fort Sumter on the insolent demand of the public enemy, except as the result of an absolute physical necessity; had he surrendered the forts on the coast of Florida, erected by the whole nation for the protection of the national commerce, to the men who, in the insolence and madness of ambition, had forgotten gratitude and public faith, I tell you, sir, the fiery wrath of the people, whose trust he would have betrayed, would have driven him with irresistible fury from your capital.

Sir, the gentleman from Kentucky, [Mr. BURNETT,] and especially the gentleman from Ohio, [Mr. VALLANDIGHAM,] who addressed the House with so much ability a few days since, misapprehended the spirit which pervaded the country prior to the 12th of April. The people acquiesce in the breaking to pieces of the Union! The eye of the gentleman from Ohio did not pierce beyond the surface. He misconceived the spirit of the popular forbearance. The people consent to disunion!

Mr. VALLANDIGHAM. The gentleman misapprehended me altogether. I am looking to the restoration of the Union through peace, while the gentleman is looking to it through war. That is the only difference between us.

Mr. HOLMAN. When South Carolina and the other States seceded from the Union with the solemn declaration that they would never return under the stars and stripes, the gentleman was for acquiescence, while I protested against it.

In the hurry of events the people of the loyal States, as the gentleman has asserted, were silent; but silent, sir, with grief and indignation and astonishment. The public property was seized upon—forts, arsenals, ships, and public treasures—by acts of treachery so damning that history in its black record furnishes no parallel; and seized, too, from a Government that had never stretched forth its hand to its people except in acts of maternal kindness—a Government, too, that had fostered and cherished that very greatness which was wielded for its destruction. Still the nation forebore with, if it were possible, the forbearance of a god. The flag of the Republic floating over a work erected for national defense is stricken down, trampled upon, and dragged in the dust by a people whose rights and whose honor it had protected at home and abroad for more than three generations, and its handful of brave defenders are crushed by overwhelming numbers. Forbearance is no longer possible! The smoldering volcano must burst forth in its fury. One sentiment is uttered by millions, "this

treason against human hope must be crushed;" "the Union must be preserved!"

The gentleman misunderstood the spirit of the times. There never was a day or hour when the people intended to submit to the overthrow of the Union. Their moderation and forbearance became the great occasion; and in it I see the evidence of an unwavering purpose, the anchor of enduring hope. If in this emergency the Administration had hesitated, the storm of public indignation, irresistible as a sand storm on the Lybian desert, would have swept it away. If questionable powers have been assumed, it was at the demand of public opinion. The overwhelming necessity, the safety of the capital, the safety of the public honor, the safety of the Union, and more than all, the safety of the public liberty, may be urged at least in extenuation. For it is an ancient maxim, older than the Constitution, that "the safety of the people is the supreme law."

I agree with the gentleman that the measures of compromise submitted by the venerable statesman of Kentucky ought to have been adopted, not because their adoption would have restored to the Union the seceded States, but in deference to the wisdom and experience of that great statesman, a living type of the better and purer days of the Republic; in deference, too, to the wishes of the loyal States of the border; and, above all, to illustrate the conservative wisdom and forbearance of the people, their devotion to the Union, and their anxiety to save it without the effusion of blood. But I am confident that no compromise would have availed. South Carolina, Florida, and Mississippi, declared the separation to be eternal. It was not an apprehension of encroachment on their constitutional rights that induced secession; for from the very beginning of this Administration, the Opposition would have controlled every measure of its policy. No, sir; the triumph of the Republican party was not the cause, but the pretense and the occasion for dissolving the Union.

Thus, by the intemperate ambition of the leaders of public opinion in the South, war became inevitable; for upon the part of the secession leaders it is war—war with all its violence and hatred and malignity and bitterness. What, then, sir, on the part of the loyal men of the nation, is the object of the war? The gentleman from Kentucky [Mr. BURNETT] has just asked the question. Why did he answer it, sir, by producing the speeches of men who represent but a mere faction of the North? Why did he not answer it, sir, by the expressions of men who are representatives of the opinions of the millions of the North? Why quote from northern fanaticism, which, with southern fanaticism, has involved us in these misfortunes?

What is the object of the war? It is not vengeance; for, in the midst of these vast preparations, the public indignation at the wanton wickedness of this attempt to overthrow the Constitution is softened by shame and sorrow, and the very bitterness of grief. It is not for the purpose of conquest or subjugation; not to enlarge the powers of the Government, or increase its territorial limits; not to establish the supremacy of the one section of the Union, or to diminish the social or political rights of the other. But I say, sir, here in my place, in the presence of the Representatives of the people, on the authority of a well-defined public opinion, that the sole and only purpose of the people of the United States in this appeal to arms IS TO MAINTAIN THE UNION UNDER THE COMPACTS AND SAFEGUARDS OF THE CONSTITUTION. The popular instincts are not to be deceived. But for this high purpose, not a farmer would have left his field, or a mechanic his shop; not a sword would have been withdrawn from its scabbard. Not only has this single purpose summoned your Army into the field, but if it were possible that any other purpose should be developed—as the invasion of any constitutional right, or the usurpation of political power—your Army would either, with irresistible fury, hew down the new enemies of the Constitution, or, overwhelmed with grief, abandon the tented field in despair. I tell you, sir, that the men who have abandoned their homes and braved the hardships and perils of the field to maintain the Constitution, will not on any pretense, however specious, consent that the reserved rights of any State, or the constitutional rights of any loyal citizen of America, shall be invaded; for, in purity of purpose, unselfishness of patriotism, intelligence, and cultivation—numbers considered—the Army of the Republic may challenge the history of the world for a parallel. They have taken up arms to defend the Constitution as their fathers made it, as the only ark of safety for their own liberties and the liberties of their children; and, with their blood, they will defend it against the naked sword or the secret and stealthy encroachments of the usurper.

I cannot as yet doubt, sir, that the purposes of the Government are in harmony with those of the people, and that the Government and the people, one and the same, inspired by the same lofty purpose, will join in the same rallying cry, "the Union, as established by the Constitution, must be preserved."

To maintain, then, the authority of their Government, the Constitution as it is, the Union in its integrity, the reserved rights of every State, and the constitutional rights of every loyal citizen of every State, is the purpose, and the only purpose, which has called more than a quarter of a million of freemen into the field.

The fortitude and self-denial of the American people in this effort to sustain their Government is almost without a parallel. The sacrifices of life and fortune of the men who established the Government, were not greater than the present generation are willing to make to sustain it. If the hope of the enduring benefits of a Union of the States inspired the heroism of the one, a full knowledge of its blessings and of the misfortunes which must result from its destruction animates the patriotism and nerves the fortitude of the other. A generation unaccustomed to arms, and in the enjoyment of unexampled blessings of peace, trampling on every selfish consideration, is almost in a moment transformed into a nation of soldiers; peaceful cities and towns and villages and the scenes of rural life, unused to even the tones of martial music, except in celebrating the achievement of a past generation, became the camps of gathering armies. The hereditary feuds of party, bitter as they may have been, are silenced, and the landmarks of political opinion, apparently indelible in the growth of more than half a century, are, at least for the moment, swept away. One sentiment animates every bosom: "The Union must be preserved."

No people have ever so clearly comprehended the necessity of an appeal to arms. The whole people understand the origin and immediate cause of our misfortunes. The unbridled ambition of a few men, unfortunately too great in the confidence of the South, indulging in the delusive hope of a great southern empire, and, by new commercial relations, making the cities of Charleston and Savannah and New Orleans the commercial rivals of New York and Philadelphia and Boston, suggested the policy of a southern confederacy; and the leading statesmen, whose power was to be increased, seizing upon the intemperate opinions of a few fanatical men of the North on the question of slavery, inspired the southern mind with the belief that the North meditated an assault on the domestic policy of the South and an invasion of their constitutional rights, and thus ensnared the southern people into the whirlpool of revolution, and aroused such a storm of public rage as might only be satiated by overturning a Union which they themselves, and their fathers, for more than three generations, had believed to be the very palladium of their safety.

That the new movement should assume a strong tendency to consolidated government and sympathy with European Powers is but natural. Ignoring the people and giving supremacy to violence and force, basing the government on the sovereignty of the States instead of the sovereignty of the people, and eagerly courting alliance with European Powers, its tendencies are manifest and apparent; so that the contest in which we are engaged not only involves the integrity and honor of the Republic, but the old issue, whether the position so ardently supported by every friend of liberty shall be abandoned—that the monarchies of Europe shall not be permitted to interfere in controlling the political affairs of America.

To recognize secession or acquiesce in the right of peaceful revolution is an end of the Government, destroying the foundation of public faith on which it rests. What State would aid in the construction of forts and arsenals, or other works of national necessity, within the limits of other States, with the right of secession or acquiescence in revolution the established policy of the Government? To maintain the Union by an appeal to arms, or submit to total national ruin, is the only alternative. Could a brave and free people, controlled by sentiments of justice and honor, hesitate in their choice? The one line of policy, even if success did not equal the justice of the cause, would vindicate the honor of States loyal to the Union, and stand upon the record of history as a solemn protest of the nation against the right of one of its parts to destroy its integrity. The other could only be attended by unmixed dishonor and misfortune.

Therefore, every consideration of honor, of justice, and of self-preservation, compels this appeal to arms. In my judgment an overwhelming majority of the people of the free States, would not only have defended the constitutional rights of the South while in the Union, but would have made sacrifice upon sacrifice, even of opinion, to preserve the old fraternal relations and save us from the horrors of civil war, but secession has left us no alternative. It has appealed to the sword; and bitter as may be our grief, dark and gloomy as may be the future, we cannot escape the issue. The sword must decide the contest. A generation, twelve months ago the most happy and peaceful and prosperous that the world has ever seen, may be sacrificed by the mad ambition of the hour. But if public liberty shall be upheld, the sacrifices of this generation, its shame and sorrow and tears, may redound to the stability and enduring honor of the Republic. As generations of the past have been, so ours may be sacrificed for the happiness and prosperity of the future.

But, sir, I cannot suppress my astonishment that a Representative of any part of the people of the Great West, whose interests are so indissolubly united with the free navigation of the Mississippi river, should doubt the overwhelming necessity of maintaining the Union at every hazard. So far as material interests are concerned, no States have so direct an interest in the permanency of the Union as the States of Kentucky, Ohio, Indiana, Illinois, Iowa, and Missouri. To them the great waters that empty into the Gulf of Mexico are the life-blood—the sources of progress, of prosperity, and of power. Cut off their direct trade with the islands of the Gulf, the West Indies, and the coast of Mexico and South America, and confine it by tedious inland transportation to the commercial marts of the Atlantic coast, and the prosperity of that most fertile region, considered in extent, upon the face of the globe, must languish, and the promise of its unexampled grandeur, involved in the perpetuation of the Union, must forever fail.

Recognize the southern confederacy, and you place the navigation of the Mississippi, and with it the prosperity of the whole West, at the mercy of a foreign government. It may be said that mutual interests will produce treaties of mutual advantage. But, sir, can the people of the West consent that the source of their prosperity shall be held by so frail a tenure? Will they ask a foreign government to grant them by treaty that which is their inalienable right, a gift of nature, secured by the treasure and courage of their fathers, and already guaranteed to them by solemn compacts? Can they now chaffer with a foreign government for treaties to maintain these rights? If they would, sir, they would not have the courage to vindicate those treaties if broken. No, sir; a right existing in nature, sustained by every consideration of justice, and sanctioned by national compacts, cannot be the further subject of treaty. It is a right which the brave men of the West, following the example of their fathers, will hold, if it must be, by the tenure of the sword, and not by the arts of diplomacy. They will not pay one cent for the right to navigate the Mississippi river or any of its tributaries. If the South persists in the obstruction of this right, as she must do if she would maintain her separate nationality, the universal sentiment will be, "millions for war, but not one cent for tribute." If the Government shall hesitate in the vindication of this right, the people will vindicate it for themselves, and will never desist until the great river of the West, from its springs to the Gulf, shall be as free to their commerce as the ocean is to the commerce of the world.

So far, then, as the Great West is concerned, there can be but one sentiment—*there can be no compromise at the expense of the Union;* there can be no settlement of pending difficulties except on the basis of the Constitution and the union of the States. The constitutional rights of no loyal citizen are to be impaired. The domestic and social policy of no State is to be invaded. The constitutional powers of the General Government are to be sustained, not to be enlarged. It is war for the Union, and not for the subjugation of States. As a Democrat, and a citizen of the dominant section, I would hail with joy any proposition for compromise and peace coming from the people of the States the wild ambition of whose leaders has plunged the nation into the horrors of civil war, and for the time crushed the Union sentiment of the South. I would insist that the Government should meet such propositions, springing from a returning sense of patriotism and honor, in a spirit of magnanimity, of conciliation, and kindness. I would only demand, sir, that the misguided people of the South should submit, not to the supremacy of the North, or to the force of military power, or to new forms of government, but to the majesty of the Constitution—the Constitution as it was made by their and our fathers; and until that auspicious hour shall come, sir, the Army of the Union, following the flag of the Republic wherever it shall be unfurled, cannot with honor return their swords to their scabbards or turn their thoughts upon the sweet blessings of peace.

Mr. BLAIR, of Missouri. I move that the committee rise, with a view to close debate on this bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. McCLERNAND reported that the Committee of the Whole on the state of the Union had had, according to order, the Union generally under consideration, and particularly House bill No. 36, to increase the efficiency of the volunteer forces of the United States, and had come to no conclusion thereon.

Mr. BLAIR, of Missouri. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union; and before that question is put, I move that debate be closed on the bill now pending in committee, in one minute after its consideration shall be resumed.

The latter motion was agreed to.

The motion to go into committee was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. McCLERNAND in the chair.)

The Clerk proceeded with the reading of House bill No. 36, to increase the efficiency of the volunteer forces of the United States.

Mr. BLAIR, of Missouri. In line twelve I move to insert "nor less than sixty-four;" so that the section will read:

Each regiment of infantry to consist of not less than two nor more than three battalions, as the exigencies of the public service may, in the opinion of the President of the United States, demand; each battalion to consist of eight companies; each company to consist of one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, and as many privates, not exceeding eighty-two nor less than sixty-four, as the President of the United States may, according to the requirements of the military service, direct.

Then the law will fix the maximum and minimum number of men in a company. Unless the amendment is adopted, we may have a regiment all officers and without men.

The amendment was agreed to.

Mr. BLAIR, of Missouri. In that part of the bill providing for the new regiments of cavalry, I move that it shall be so amended as to provide that a company shall not exceed seventy-two men nor be less than sixty-four.

The amendment was agreed to.

Mr. BLAIR, of Missouri. I move that that part of the bill in reference to artillery companies shall be so amended as to provide that they shall not exceed one hundred and twenty-two men nor be less than one hundred.

The amendment was agreed to.

Mr. VALLANDIGHAM. I move to strike out these words:

"Each regiment of infantry to consist of not less than two nor more than three battalions as the exigencies of the public service may, in the opinion of the President of the United States, demand."

Mr. Chairman, I am not a military man by education, nor have I had any actual experience in military affairs. It has been my purpose throughout life, however, from reading history and from observation, to gather whatever I could upon the subject. As I understand this, it proposes a radical change in the organization of the United States Army. It proposes a very large increase in the number of men in a regiment. It provides that it is to consist of not less than two nor more than three battalions, making a minimum of over three thousand men to a regiment, according to my hasty estimate.

A MEMBER. Twenty-four hundred only.

Mr. VALLANDIGHAM. This is according to the French system, I presume. In the French army it has been found to work well in actual service. France is a nation of soldiers. War has been her occupation for many centuries. There is no country where military science has been brought to greater perfection. There these large bodies of men may have been moved with great facility and efficiency; but it seems to me, in a country like ours, so accustomed to the arts of peace, that with inexperienced officers and raw men, the smaller the separate divisions of troops the greater is the efficiency, the greater the readiness with which discipline can be introduced, and the greater the ease with which these bodies can be moved upon the field. After we have followed the English system of ten companies in a regiment from the beginning of the Government, it seems to me that so radical and fundamental a change as this ought not to be hastily and unadvisedly attempted. It is true that the bill follows the general order to which reference has been made; but was that order issued after mature reflection and upon the advice of Army officers? Has it been indorsed by the Lieutenant General? I know nothing in General Cameron, who occupies about the same position and has had about the same opportunities of military knowledge as myself, which would require or justify this House in adopting hastily a change so great as is proposed by his order, and which it is now proposed to sanction by this bill. I have moved the amendment for the purpose of calling attention to the facts which I have submitted; and unless some gentleman desires to comment upon what I have stated, I will ask to withdraw my amendment.

There was no objection; and the amendment was withdrawn.

Several amendments were then adopted to correct clerical mistakes in the bill.

Mr. VALLANDIGHAM. I move to add to the bill the following proviso:

Provided, That no compensation shall be allowed to any officers who have heretofore been appointed without warrant of law.

Mr. BLAIR, of Missouri. I think that amendment is entirely unnecessary.

Mr. VALLANDIGHAM. My purpose is to date the compensation from the passage of this act. If it would be possible to control the action of the President, I think the House would do well to add a further proviso that there shall be a reappointment in pursuance of this act. There are, unquestionably, of those who have received appointments under the general order of the War Department, some who are the most competent in the service of the United States, and some of the fittest, to be drawn from civil life. On the other hand, there are not a few who have been appointed evidently without sufficient information and consideration, and who will probably never enter into actual service; and yet who, I fear, have been drawing or may draw money from the Treasury from the date of the order of their appointment up to the time that necessity shall compel them to relinquish all attempt at service. It is for this reason I have moved the amendment.

Mr. BLAIR, of Missouri. I oppose the amendment.

The question was taken; and the amendment was rejected.

Mr. ARNOLD. I offer the following amendment:

Provided, That the commissioned officers below the grade of colonel, provided for by this bill, and which by its terms are to be taken from civil life, shall be apportioned as near as may be among the States now represented in Congress, in proportion to such representation.

Mr. Chairman, the object of that amendment is to secure as nearly as may be a just and fair distribution of these officers among the different States. I think it will commend itself to the justice of the members of this House.

The amendment was disagreed to.

Mr. BLAIR, of Missouri, moved that the committee rise, and report the bill to the House.

The motion was agreed to.

So the committee rose; and Mr. KELLOGG, of Illinois, having taken the chair as Speaker *pro tempore*, Mr. McCLERNAND reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly a bill (H. R. No. 34) to increase the efficiency of the volunteer forces of the United States, and had directed him to report the same to the House with sundry amendments, and with a recommendation that it do pass.

Mr. BLAIR, of Missouri, demanded the previous question on the bill.

The previous question was seconded, and the main question ordered.

The amendments reported by the Committee of the Whole on the state of the Union were severally agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BLAIR, of Missouri, moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The bill was passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

And then, on motion of Mr. ALLEN, (at twenty minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *July* 17, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, communicating a copy of the correspondence with the British minister relative to an exhibition of the products of industry of all nations to take place at London in the course of the next year; which, on motion of Mr. SUMNER, was referred to the Committee on Foreign Relations, and ordered to be printed.

MEMORIAL.

Mr. HALE presented the memorial of Charles Boarman, a captain in the United States Navy, praying to be restored to the active service list; which was referred to the Committee on Naval Affairs.

NOTICE OF A BILL.

Mr. TEN EYCK gave notice of his intention to ask leave to introduce a bill to establish a national armory in the State of New Jersey.

BILL INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 31) to increase the medical corps of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

PACIFIC RAILROAD.

Mr. LATHAM. I ask leave to introduce a bill of which I gave notice yesterday. I ask that it be read a first and second time by its title, and then referred to the select committee on the Pacific railroad.

Leave was granted; and the bill (S. No. 30) to secure contracts, and provide for the safe, certain, and more speedy transportation, by railroad, of the mails, troops, munitions of war, military and naval stores, between the Atlantic States and those of the Pacific, and for other purposes, was read twice by its title.

Mr. LATHAM. I will simply state that I have endeavored to embody in this bill the principal features of the measure as they were approved by both the Senate and House of Representatives, and I have carefully excluded those

objections which were raised by Senators and Representatives from different sections of the country.

The bill was referred to the select committee on the Pacific railroad.

BALTIMORE POLICE COMMISSIONERS.

Mr. PEARCE. Mr. President, I have received this morning, and beg leave to present to the Senate, the memorial of Charles Howard, William H. Gatchell, and John W. Davis, police commissioners of the city of Baltimore, now under confinement at Fort McHenry under the orders of Major General Banks—the fourth commissioner, Mr. Hinks, having been released in consequence of sickness.

This memorial sets forth the arrest of the police marshal, on the 27th day of June last, by order of Major General Banks, and the suspension by the same proclamation of the functions of the police commissioners of the city of Baltimore, appointed under the authority of and by the Legislature of Maryland.

It sets forth also their proceedings in consequence of the suspension of their functions, and the General's proclamation of the 1st of July, which declared their arrest in consequence of their "refusal to recognize the officers or men necessarily selected by the provost marshal for the protection of the city," and because they held "subject to their orders, now and hereafter, the old police force—a large body of armed men, *for some purpose not known to the Government, and inconsistent with its peace and security.*" That is the reason assigned in the order of Major General Banks for the arrest of the police commissioners.

Now, sir, I wish to state very briefly, according to the rule of the Senate, the object of this memorial. These memorialists distinctly and emphatically deny that they had any other purpose, in their official protest and action, than to fulfill their manifest and sworn obligations, and to maintain the dignity and assert the authority of the laws of Maryland, which were intrusted to their hands for execution, but which they are precluded by force from executing. They solemnly declare that, if they had been permitted to continue in the exercise of their functions, after the arrest and imprisonment of the marshal of police on the 27th of June, they would have continued to discharge their duties as they had discharged them theretofore, in all respects faithfully, impartially, and to the best of their ability, in obedience to the laws and the Constitution; and they assert that the implication of any other intention or purpose on their part is wholly destitute of foundation in fact.

In reference to the statement made in Major General Banks's proclamation in regard to a "concealed arsenal" at the marshal's office, they say that it is perfectly notorious, and has been fully shown by the message of the Mayor to the City Council of Baltimore, that the arms in question were the lawful property of the city; that they were insignificant in quantity, constituting but little more than the customary armament of the force for its public duties, and were lawfully concealed to prevent unlawful seizure. They declare, therefore, that the grounds set up by General Banks, in his proclamation, give to their arrest and imprisonment no color of justification or necessity.

They say that they have personal knowledge of the fact, which is equally as well known to all impartial citizens of Baltimore, that the official duties of Colonel Kane, marshal of police, have been discharged throughout with singular ability, integrity, and courage, and never more conspicuously, or in better faith, or at more imminent risk of his own life, than in the protection of the troops of the Federal Government on the 19th of April last.

Of the police force, placed under his command by the memorialists, and selected wholly without reference to their political opinions, they say that, without exaggeration, they do not believe a body of men can be found anywhere more entirely devoted to the conscientious discharge of official duty, or less justly liable to the accusation of entering into unlawful combinations themselves or encouraging such combinations by others; that down to the moment of the suspension of the active duties of the force by General Banks, these memorialists say they have pride in asserting that no community ever acknowledged more universally than the citizens of Baltimore—and none ever had better reason to acknowledge—the successful operation of a police system in securing the strictest enforcement of the laws, the amplest protection of private rights, and the most rigid maintenance of public order.

They say that, with every opportunity afforded by their official position, and every energy stimulated by their sense of duty, to ascertain the existence of all unlawful combinations or associations within their jurisdiction, they have no reason whatever to suspect that any such combinations did in fact exist, as alleged by General Banks in his proclamation of the 27th of June; and they confidently assert their conviction that his allegation to the contrary was founded upon false information, communicated to him by designing persons, and cannot be sustained or countenanced by credible evidence of any sort.

They say that if General Banks had seen fit to arrest the marshal of police upon any charge which might have been deemed sufficient to justify such a step, the memorialists would have taken care to govern the police force efficiently and properly during his confinement; or, being satisfied of any improper conduct, they would at once either have removed him from office or have suspended him.

They say that the State of Maryland is one of the States of the Union, and at peace with this Government, not in rebellion against its authority; that her people are disarmed and her territory occupied by an overwhelming military force. The Federal courts and those of the State are in full and undisturbed operation, except so far as the suspension of the *habeas corpus* is concerned; and the process is served without obstruction and is obeyed without resistance by all except those in military authority. If, therefore, the memorialists were charged with any offense known to the law, there was and is nothing to prevent their arrest and detention by the civil arm, in due course, and upon proper and lawful warrant, supported by oath, as prescribed by the Constitution. This, indeed, is amply proved by the presentments and arrests made, and the indictments now found and pending in the circuit court against Mr. Merryman, Colonel Kane, and others charged with grave offenses against the Government of the United States.

They submit that, in the proclamation by which their arrest is sought to be justified, there is no allegation of any matter or thing which, if sworn to in proper form of law, would authorize the issuing of process against them by any judicial tribunal. If it be a crime on their part to regard as illegal and wholly null the attempted suspension, by a Federal officer, of their functions as constituted authorities of the State of Maryland, they have been unable to learn by what provision of the Constitution and laws such an offense is created or defined.

Their offense is, holding subject to their orders a police force which the laws of Maryland made it their duty so to hold; and that they were bound to refuse to recognize, as public officers of Maryland, the appointees of General Banks; and are at a loss to conceive under what head of the penal law such conduct as theirs can be held to be criminal. Still less can they imagine any principle of criminal jurisprudence which would sanction their arrest and confinement, before the indefinite allegation of entertaining "some purpose not known to the Government, but alleged to be inconsistent with its peace and security."

They ask, therefore, the interposition of Congress on their behalf.

I take leave to add that these gentlemen are known to me personally, two of them long and intimately. One of them is the son of one of those patriots of the Revolution of 1776, whose exploits during that war furnish a part of the proudest history of his country, and whose valor and military skill were tested in many battles and so gloriously proved at Guilford Court-House and at the Cowpens, where he led the charge of bayonets. This gentleman, and the others, I believe to be men of the very highest integrity, personally and politically. I believe them to be not less faithful to the Constitution of the United States than they are to the government of their own State and to the duties of the office which they have assumed under the authority of the State of Maryland. I do not believe that it is possible to furnish any proof of any charge of illegal combination, or of attempt to obstruct the proper proceedings of the Government of the United States by any of these gentlemen. Very sure I am that there is no allegation in any of the proclamations of General Banks that they have done anything for which they would be liable in a court of criminal judicature, and therefore nothing which can authorize their military arrest and detention, and the humiliation to the State of Maryland of the superseding, by military power, of the civil authorities of the State. I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

NAVAL ACADEMY.

Mr. ANTHONY. I desire to present to the Senate the resolutions of the General Assembly of Rhode Island, welcoming to that State the officers, professors, and pupils of the Naval Academy, and tendering to the Federal Government a cession of jurisdiction over a sufficient territory for the permanent accommodation of the Academy. The attention of the Government and of naval men, was early attracted to the advantages offered by Narragansett bay for a naval establishment. Its capacious harbor, its depth of water, its facility of access, its excellent anchorage, its means of rapid communication with a dense and martial population, its abundant supplies of fresh water, the unequaled salubrity of its climate, all pointed it out as intended by nature for a naval rendezvous.

The surveys ordered by the Government report in the highest terms of these advantages, and note no conflicting disadvantages, except such as are easily overcome, and not greater than those which, in some form or other, must be met at any point that could be selected. In the report made in 1830, by a commission composed of officers of the engineer corps and of the Navy, the following are enumerated as the peculiar advantages which Narragansett bay offers:

"Narragansett bay offers the following advantages:

"1. It is the only harbor of the Union on the Atlantic where vessels can run in with a northwest wind—a wind which, it may be seen in the annexed tables, blows sixty-five days out of three hundred and sixty-five, on an average.

"2. Vessels may reach it by twenty points of the compass, from northwest to east, round by the south.

"3. A fleet can maneuver under sail within the bay.

"4. It offers, during the whole year, excellent anchorage, perfectly safe from winds, waves, storms, or floating ice.

"5. It is abundantly provided with fresh water, to supply the wants of a fleet.

"6. It will be very difficult to blockade it, without a force greatly superior to that desirous to escape."

Captain Wadsworth, in his report of a survey of Narragansett bay, made by order of Congress, says:

"The bay is of easy access; the entrance is sufficiently wide to enable vessels to beat either in or out, with bold shores, and free from hidden dangers or shoals. The course in is to the northeast—an advantage on this coast peculiar to this harbor, and well known and highly appreciated by mariners during the prevailing westerly winds of winter. After passing the line of deep water between Fort Adams and the Dumplins, good and safe anchorage may be had on either side and in almost every part of the bay: indeed, the whole bay may be considered an excellent man-of-war harbor, with the exception of a few spots of foul ground, easy to be avoided, and other places where the water is too deep for convenience. The tide, generally, is not rapid, and in most parts of the bay there is working room for vessels of any class."

Such, Mr. President, are some of the chief natural advantages which Narragansett bay offers for a naval establishment. I think that they are unsurpassed; that, on the whole, they are unequaled by those that are afforded by any other waters on our coast. Two other considerations I think not unworthy to be taken into the account in estimating the value of a site for a great naval depot—the loyalty of the people and their maritime and naval character. Narragansett bay is surrounded by a loyal, conservative, Union-loving population, by men who love liberty and reverence law, and who hold that that is true liberty which is regulated by law. On all her shore her waves do not break upon one traitorous rock, or wash one disloyal beach. For more than two centuries the people of Rhode Island have proved that the most jealous regard for freedom is consistent with the highest respect for legally constituted authority. We have lately seen the lamentable consequences of erecting great public works within easy reach of a disloyal population. Not only has this caused the loss of millions upon millions of property, but the destruction has oc-

curred at the very time when this property, carefully accumulated during long years of peace, and purchased by long years of taxation, was most essential to the public safety. This disgrace and loss could not have occurred in Rhode Island, where our soil, though we do not boast its superior sanctity, is at least too "sacred" to bear treason upon its bosom.

The people around Narragansett bay have also been, throughout their whole history, addicted to maritime and naval pursuits. Even in the earlier colonial period, they were distinguished for the extent, the variety, and the daring of their naval enterprises. In the war which the northern country waged successively with the Dutch, the Spanish, and the French, the colony of Rhode Island sent forth naval armaments vastly disproportioned to her population and resources. The service which she rendered in the protection of commerce and in annoying that of the enemy, and in the suppression of piracy, which flourished at that time with unusual boldness and success, was frequently acknowledged by the home Government, and high encomiums from high quarters were pronounced for the skill and boldness of her naval operations.

The same spirit characterized the State in the revolutionary period. The first American commodore and the only American admiral were Rhode Island men. The first squadron that went out against the British sailed from Providence, under the command of Admiral Hopkins. Of the eighteen principal officers of the little fleet eight were Rhode Island men. Paul Jones was a lieutenant in the admiral's ship. The squadron sailed to the Bahamas, captured New Providence, and took away many cannon and large stores of provisions and munitions of war. On its return, it captured two British vessels of war, thus inaugurating the glories of the American flag on the ocean. What the State has since done on the ocean and on the land, I need not refer to. I do not propose to detain the Senate with any recitals of this kind, nor to indulge in any unseemly laudation of the State which I have the honor, in part, to represent, and whose renown, we cannot suppose, is as interesting to others as it is to ourselves; but I think it no more than proper to remind the Senate, that if the Government shall see fit to comply with the wishes of our General Assembly, and to intrust its property to our keeping, it shall be defended with loyal hearts and with no feeble or inexperienced arms.

I move that the resolutions be referred to the Committee on Naval Affairs, and be ordered to be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (H. R. No. 36) to increase the efficiency of the volunteer forces of the United States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following bills; which thereupon received the signature of the Vice President:

A bill (H. R. No. 14) to authorize a national loan, and for other purposes; and

A bill (S. No. 13) to provide for the appointment of assistant paymasters in the Navy.

HOUSE BILL REFERRED.

The bill (No. 36) to increase the efficiency of the volunteer force of the United States, was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

PRINTING OF OBITUARY ADDRESSES.

Mr. McDOUGALL. I offer the following resolution:

Resolved, That five thousand copies of the proceedings of this body on the occasion of the announcement of the death of Stephen A. Douglas, a Senator of the United States, be ordered to be printed in the usual form.

The VICE PRESIDENT. The resolution will be referred to the Committee on Printing.

Mr. McDOUGALL. I will ask the unanimous consent of the Senate that it be considered now. Twenty thousand copies have been ordered by the House. It is usual, I believe, on such occasions; and I hope there will be no objection to the resolution. I will ask the unanimous consent of the Senate to consider the resolution now, without reference.

The VICE PRESIDENT. The impression of the Chair is that the statute requires that all resolutions for the printing of extra numbers must go to the Committee on Printing, and the suspension of the law by the unanimous consent of the Senate would hardly be presumed, although they can do almost anything by unanimous consent.

Mr. McDOUGALL. Of course, if that be the law, I will not object to its reference.

The resolution was referred to the Committee on Printing.

TEMPORARY INCREASE OF THE NAVY.

Mr. GRIMES, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill (S. No. 32) to provide for the temporary increase of the Navy; which was read a first time by its title, and ordered to a second reading.

Mr. GRIMES. I ask that the bill may be read a second time. It is a bill that has been drawn with a view to meet the present exigencies of the country, and is offered as a substitute for the several bills that have been submitted in this and the other branch of Congress, on the subject. It proposes to provide for a volunteer navy, and to authorize the Secretary of War, or the President through him, to purchase vessels for the purpose of putting down piracy upon the high seas. It is a bill that meets with the approbation of the Navy Department, and it is exceedingly desirable that it should be passed at the earliest moment.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent to have the bill read a second time. The Chair hears no objection.

The bill was read a second time by its title.

Mr. GRIMES. I now ask that the bill be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Navy, for and during the present insurrection, to hire, purchase, or contract for such vessels as may be necessary for the temporary increase of the United States Navy, and also authorizes him to furnish any vessel or vessels which may be purchased or contracted for, with such ordnance, ordnance stores, and munitions of war as may be necessary to enable such vessel or vessels to render the most efficient service, pursuant to the orders which may be given to their respective commanders. The temporary appointments which have been made, or may be made, by the Secretary of the Navy, of acting lieutenants, acting paymasters, acting assistant surgeons, acting masters, and master's mates, are ratified and confirmed as temporary acting appointments, until the return of the vessels in which they are respectively employed, or until the suppression of the present insurrection, as may be deemed necessary, and the rate of compensation allowed for the several grades specified, is legalized and approved. For the purpose of carrying the act into effect, and to suppress piracy, and render more effective the closing of the ports of the insurgents, the bill appropriates, and places at the disposal of the Navy Department, the sum of $3,000,000.

Mr. GRIMES. I desire that the bill may be put on its passage at this time. As I have already stated, it is a bill that has met the concurrence of all the members of the Naval Committee, and has been drawn at the Department. It is such a bill as they believe to be immediately necessary to meet the wants of the Department at this time.

Mr. KING. I would inquire whether the committee were unanimous on the subject?

Mr. GRIMES. Yes, sir.

The bill was reported to the Senate without amendment.

Mr. FOSTER. Mr. President, I certainly dislike to oppose the immediate passage of the bill, if it be necessary. It is a pretty important bill, and appropriates a considerable amount of money; and unless there be a pressing exigency I hope it will lie over until to-morrow, and be printed. It is very short, and it can be printed and laid on our tables and passed at an early hour to-morrow. I should prefer that it should take that course unless there is an extreme necessity for its passage now.

Mr. FOOT. There is a pressing necessity for immediate action on this bill when privateers of the confederate government are preying and pirating upon our commercial vessels all over the seas every day and almost every hour, and there is no adequate means of protecting them against it at the present time.

Mr. SIMMONS. I hope the Senator from Connecticut will withdraw any objection he may have. I received a letter yesterday on the subject——

Mr. FOSTER. I withdraw any objection I was understood to make. I did not mean to make a formal objection.

The bill was ordered to be engrossed for a third reading; and was read the third time, and passed.

THE NAVY RATION.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 9) to alter and regulate the Navy ration.

The amendment of the House was to add, at the end of the bill, as an additional section, the following:

SEC. 5. *And be it further enacted*, That the Secretary of the Navy be authorized to procure the preserved meats, pickles, butter, and desiccated vegetables, in such manner, and under such restrictions and guarantees, as in his opinion will best insure the good quality of said articles.

The amendment was concurred in.

EMPLOYMENT OF VOLUNTEERS.

The VICE PRESIDENT laid before the Senate the following message from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *July* 16, 1861.

Resolved, That the bill from the Senate (No. 1) entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property" do pass, with the following amendment.

Mr. WILSON. Without reading the amendment, I rise simply to express the hope that the Senate will non-concur in it. Some very important provisions in the bill as it passed the Senate are not incorporated in the substitute proposed by the House. I hope, therefore, that the Senate will non-concur in the amendment, and let the bill go back to the House; and if they do not choose to amend it properly, they will probably call for a committee of conference, which can settle the matter.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary proceeded to read it.

Mr. WILSON. Is it necessary to consume the time of the Senate in reading that amendment? It is a substitute for our whole bill. There are a dozen sections in it.

The VICE PRESIDENT. Does the Senator move to dispense with the reading?

Mr. WILSON. Yes, sir; I make that motion.

The motion was agreed to.

The VICE PRESIDENT. The question now is on non-concurring in the amendment of the House of Representatives.

Mr. CLARK. I do not see how we are to vote on that, unless we hear the amendment read.

The amendment was non-concurred in.

CONTRACTS OF THE WAR DEPARTMENT.

The Senate proceeded to consider the following resolution, submitted by Mr. POWELL on the 15th instant:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what contracts have been made by his Department since the 4th of March, 1861, giving the name and residence of the contractors, the article or thing contracted for, the place where it was to be delivered, the sum paid for its performance or delivery, the date and duration of the contract, or what military supplies have been purchased since that date, the price paid for the same, of whom and where purchased; also, what payments have been made to troops called out by the proclamation of the President, since the 4th of March, 1861, from what appropriations such payments have been made, or by authority of what laws the warrants have been paid; whether any, and what, bounties have been paid to volunteers, as named above, for enlistment; if so, by authority of what existing law.

The resolution was adopted.

FINAL ADJOURNMENT.

The VICE PRESIDENT laid before the Senate the following resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *July* 15, 1861.

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of Congress by adjourning their respective Houses on Friday, the 19th day of July instant, at twelve o'clock, noon.

Mr. FESSENDEN. Let that lie on the table.

Mr. WILSON. I believe we ought to fix a longer day, or lay this resolution on the table; and for the purpose of fixing a proper time, I move that it lie on the table.

The motion was agreed to.

ORGANIZATION OF THE ARMY.

On motion of Mr. WILSON, the Senate resumed the consideration of the bill (S. No. 3) providing for the better organization of the military establishment, the pending question being on the motion of Mr. GRIMES to amend the fifth section, by striking out the words "there shall be added to the corps of engineer, by regular promotion of its present officers, one brigadier general, one colonel, two lieutenant colonels, and two majors, provided," and to strike out "said," and insert "the engineer;" so as to make the section read:

And be it further enacted, That hereafter all promotions in the engineer corps shall be by seniority, inclusive of the highest grade, and that all vacancies created by such promotions shall be filled by graduates of the Military Academy, &c.

Mr. GRIMES. If it is permissible, according to the rules of the Senate, I will withdraw that amendment, in order to enable the chairman of the Committee on Military Affairs to offer what I understand is a substitute for the whole bill.

The VICE PRESIDENT. The Senate having taken no action on the amendment, it is in order for the Senator to withdraw it. The amendment is withdrawn.

Mr. WILSON. I move to amend the bill, by striking out all after the enacting clause, and inserting the amendment which I send to the Chair.

The proposed substitute was read, as follows:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer in the War Department, to be called the Assistant Secretary of War, whose salary shall be $3,000 per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall be prescribed by the Secretary of War, or as may be required by law.

SEC. 2. *And be it further enacted*, That hereafter the Adjutant General's department shall consist of the following officers, namely: one Adjutant General, with the rank, pay, and emoluments of a brigadier general; one assistant adjutant general, with the rank, pay, and emoluments of a colonel of cavalry; two assistant adjutants general, with the rank, pay, and emoluments each of a lieutenant colonel of cavalry; four assistant adjutants general, with the rank, pay, and emoluments each of a major of cavalry; and twelve assistant adjutants general, with the rank, pay, and emoluments each of a captain of cavalry; and that there shall be added to the Subsistence department six commissaries of subsistence, with the rank, pay, and emoluments each of a captain of cavalry, and to be promoted and selected according to existing laws and regulations.

SEC. 3. *And be it further enacted*, That there shall be added to the Quartermaster's department four quartermasters and twenty assistant quartermasters, to be promoted and selected according to existing laws and regulations, and as many master wagoners, with the rank, pay, and allowances of sergeants of cavalry, and as many wagoners, with the pay and allowances of corporals of cavalry, as the military service, in the judgment of the President, may render necessary.

SEC. 4. *And be it further enacted*, That there shall be added to each of the corps of engineers and topographical engineers, and to the Ordnance department, three first and three second lieutenants, to be promoted thereto in accordance with the existing laws and regulations.

SEC. 5. *And be it further enacted*, That there shall be added to the corps of engineers three companies of engineer soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and be entitled to the same benefits, in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May 16, 1846. The said three companies shall be subject to the rules and articles of war; shall be recruited in the same manner, and with the same limitation; shall be instructed in and perform the same duties, and be liable to serve in the same way, and shall have their vehicles, pontons, tools, implements, arms, and other supplies, regulated in the same manner as the existing engineer company; and each of the four companies of engineer soldiers shall hereafter be composed of ten sergeants, ten corporals, two musicians, sixty four privates of the first class, or artificers, and sixty-four privates of the second class, in all one hundred and fifty men each.

SEC. 6. *And be it further enacted*, That the President be, and he is hereby, authorized to add to the Medical department of the Army such number of surgeons, not exceeding ten, and of assistant surgeons, not exceeding twenty, as, in his judgment, may be required by the wants of the service; the officers so added to be appointed in the same manner, and to be in all respects on the same footing, according to rank, as the officers of that corps now authorized by law.

SEC. 7. *And be it further enacted*, That there be added to the medical staff of the Army a corps of medical cadets, whose duty it shall be to act as dressers in the general hospitals and as ambulance attendants in the field, under the direction and control of the medical officers alone. They shall have the same rank and pay as the military cadets at West Point. Their number shall be regulated by the exigencies of the service, at no time to exceed fifty. It shall be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and have attended at least one course of lectures in a medical college. They shall enlist for one year, and be subject to the rules and articles of war. On the fifteenth day of the last month of their service the near approach of their discharge shall be reported to the Surgeon General, in order, if desired, that they may be relieved by another detail of applicants.

SEC. 8. *And be it further enacted*, That in general or permanent hospitals female nurses may be substituted for soldiers, when, in the opinion of the Surgeon General or medical officer in charge, it is expedient to do so; the number of female nurses to be indicated by the Surgeon General or surgeon in charge of the hospital. The nurses so employed to receive forty cents a day and one ration in kind, or by commutation, in lieu of all emoluments except transportation in kind.

SEC. 9. *And be it further enacted*, That one chaplain shall be allowed to each regiment of the Army, to be selected and appointed as the President may direct: *Provided*, That none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment.

SEC. 10. *And be it further enacted*, That existing vacancies at the Military Academy, from congressional districts where there have been failures to make nominations according to the provisions of existing laws, shall be supplied by the President upon the nomination of Senators from such States as are represented in the Senate: *Provided*, That but two cadets shall be appointed from any one State, and that such cadet shall be an actual resident of the State from which he is nominated, and shall have the qualifications for admission to the Military Academy as are now required for appointment from congressional districts and at large. And no cadet who shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the Academy, shall be returned or reappointed to any place in the Army before his class shall have left the Academy and received their commissions, unless upon the recommendation of the academic board of the Academy. The superintendent of the Military Academy shall be an officer of engineers, topographical engineers, ordnance, or artillery corps, a graduate of the United States Military Academy, and distinguished for his scientific attainments. He shall have the local rank, pay, and allowances of a colonel of engineers, and be appointed by the President, by and with the advice and consent of the Senate.

SEC. 11. *And be it further enacted*, That the three months' extra pay allowed by the twenty-ninth section of the act of the 5th of July, 1838, for reënlistments under certain conditions, the bounty granted by the third section of the act of the 17th of June, 1850, for enlistments at remote and distant stations, and the premium now paid for bringing accepted recruits to the rendezvous, be, and they are hereby, abolished.

SEC. 12. *And be it further enacted*, That hereafter two dollars per month shall be retained out of the monthly pay of each enlisted man in the regular Army until the expiration of his term of service, instead of one dollar per month, as authorized by existing laws.

SEC. 13. *And be it further enacted*, That the fifth section of the act approved September 28, 1850, requiring the Secretary of War to discharge from the Army all minors, be, and the same is hereby, repealed.

SEC. 14. *And be it further enacted*, That in all cases of enlistment and reënlistment in the military service of the United States, the prescribed oath of allegiance may be administered by any commissioned officer of the Army.

SEC. 15. *And be it further enacted*, That the two regiments of dragoons, the regiment of mounted riflemen, and the two regiments of cavalry, shall hereafter be known and recognized as the first, second, third, fourth, and fifth regiments of cavalry, respectively; the officers thereof to retain their present relative rank, and to be promoted as one arm of the service, according to existing law and established usage and regulation.

SEC. 16. *And be it further enacted*, That the Army ration shall be increased as follows: twenty-two ounces of bread or flour, or one pound of hard bread, instead of the present issue; fresh beef shall be issued as often as the commanding officer of any detachment or regiment shall require it, when practicable, in place of salt meat; beans and rice shall be issued in the same ration in the proportions now provided by the regulation; and one pound of potatoes per man shall be issued at least three times a week, if practicable; and when these articles cannot be issued in these proportions, an equivalent in value shall be issued in some other proper food, and a ration of tea may be substituted for a ration of coffee upon the requisition of the proper officer.

SEC. 17. *And be it further enacted*, That there may be allowed in hospitals, to be provided under such rules as the Surgeon General of the Army, with the approval of the Secretary of War, may prescribe, such quantities of fresh or preserved fruits, milk or butter, and of eggs, as may be necessary for the proper diet of the sick.

SEC. 18. *And be it further enacted*, That there shall be appointed by the Secretary of War, on the recommendation of the council of administration and the approval of the commanding officer, as many sutlers as the exigencies of the service may require, not to exceed one to each military post.

SEC. 19. *And be it further enacted*, That any commissioned officer of the Army, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

SEC. 20. *And be it further enacted*, That if any commissioned officer of the Army shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall, as provided in the third section of this act, be placed upon the retired list, and withdrawn from active service and command, and from the line of promotion, with the following pay and allowances, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, the service rations to which he may then be entitled, (including general officers who may be retired,) and the regular allowance, as fixed by law, for one servant, and without any other pay or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disability be proved to result from wounds received in action, the pay proper of the retired officer shall be that of his highest rank by brevet or otherwise: *And provided further*, That there shall not be on the retired list, at any one time, more than seven per cent. of the whole number of officers of the Army, as fixed by law.

SEC. 21. *And be it further enacted*, That, in order to carry out the provisions of this act, whenever any officer of the Army who may be incapacitated, as before recited, shall voluntarily apply to be retired from active service, or on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Army shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of War to refer the case of such officer to a board of not more than thirteen nor less than five commissioned officers, to be composed (as far as may be) of his seniors in lineal rank, and preferably of officers already retired; and the determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of War, to be laid before the President, for his approval or disapproval and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service; if so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act; if otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President; or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register: *Provided always*, that the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the Army shall be retired either partially or wholly from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

SEC. 22. *And be it further enacted*, That the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

Mr. GRIMES. I offer an amendment, to come in immediately after the sections that have just been read:

And be it further enacted, That any officer of the Navy who has been forty years in the service of the United States, may, upon his own application to the President of the United States, be placed upon the list of retired officers of the Navy, and shall receive the leave-of-absence pay he was entitled to at the time of such retirement.

And be it further enacted, That if any officer of the Navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall, as provided in the seventh section of this act, be placed upon the retired list, and withdrawn from active service and command, and from the line of promotion, and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disparity be proved to result from wounds received in action, such retired officer shall receive the sea pay of his grade.

And be it further enacted, That whenever any officer of the Navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order; or whenever, in the judgment of the President of the United States, an officer of the Navy shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine or less than five commissioned officers, to be composed, if possible, of his seniors in rank. The determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of the Navy, to be laid before the President for his approval or disapproval and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, or from any other incident of the service. If so, and the President approve of such judgment, the disabled officer shall thereupon be placed on the list of retired officers, according to the provisions of this act, with leave-of-absence pay; but if such disability or incompetency proceeds from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service with one year's pay, at the discretion of the President; and in this last case his name shall be wholly omitted from the Navy Register. The members of the board shall in every case be sworn to an honest and impartial discharge of their duties; and no officer of the Navy shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if he shall demand it.

And be it further enacted, That the retired officers shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Navy Register, shall be

subject to the rules and articles of war, and to trial by general courts-martial.

And be it further enacted, That retired Navy officers may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require.

I hope it is hardly necessary for me to say anything in support of the adoption of the amendment which I propose. It is but fair, it seems to me, to the naval officers, and the public interests require, that if we are to have a retiring board for the Army, it should apply to the Navy. I apprehend that there are much stronger reasons why there should be a retired list in the Navy than in the Army. It will be observed by gentlemen who compare the amount of pay allowed to the officers in the Navy with the Army Register, published by the House of Representatives, containing the pay of the officers of the Army, that the amount that will be allowed to the retired naval officers under the amendment which I have submitted will not be as great, in proportion to their grade, as the amount that will be allowed to the officers of the Army of a similar grade. It will also be observed that we are now paying to all of these officers, who are inefficient and incapable of rendering the Government any service, the leave-of-absence pay, which it is proposed that we shall pay them when they are retired. We are paying these gentlemen precisely the same amount that we shall pay them if they are retired. The only extra expense that the Government will incur will be the ranking up of junior officers, who are capable of rendering the Government some service, and giving them the pay of the grade, the duties of which they will respectively perform.

Mr. President, I think the Senate and the country have been taught a lesson within the last few months upon this subject. I think that every one must be satisfied, and it appears at any rate that the Secretary of the Navy is satisfied, that the immense destruction of public property at Norfolk was occasioned more on account of the age and the weakness and the inability of the commanding officer, who was upon your active list, to discharge the duties of his position properly, than from any other reason; not that he has not been one of the most gallant and efficient officers of our service, but the time for his service has passed by, and the Government ought to have furnished a retired list on which he could have retired years ago, reputably and safely to himself and the country. The same thing occurred also at Pensacola, and under very similar circumstances. The object is to retire gentlemen who have served the country faithfully and well for forty years, voluntarily if they see fit, (but subject, however, to be called into the service of the country at any moment that the President of the United States may ask for their services,) and assigned to such duty as the Secretary of the Navy may deem that they are capable of performing.

Mr. HALE. I do not understand, upon a little inquiry, that the amendment which is offered by the Senator from Iowa is recommended by any committee at all. I am opposed to it, and I am opposed to the amendment of the Senator from Massachusetts; and I will state to the Senate one or two reasons why I am opposed to them now. I hope I shall have the ear of the chairman of the Committee on Military Affairs, though I am not worthy of any particular attention; but I want to speak to the country.

The other day, for the first time since I have had a seat in either House of Congress, (and that is a good while,) I heard a proposition, coming from the Committee on Military Affairs, and carried through by a vote of the Senate, looking to a real reform in the organization of the Army, and in its administration, and in its pay, which is enormous—enormous is the only word that can be applied to it. When the Secretary of the Treasury recommended a reduction of something like ten per cent. on all salaries, for the purpose of prosecuting this war, I was glad to see the Senator from Massachusetts, the chairman of the Military Committee, moving in that direction. I had heard a great deal of wisdom from his lips, and I was rejoiced to see that he was about to carry it into practical effect, and I felt proud of this movement in the right direction—a direction that looked to paying men honestly, and cutting up the fraudulent and ridiculous pretenses by which they are paid without rendering service. I was glad to see that movement come from him. But I tell you, sir, Washington is besieged not as much by the confederate troops as by our own officers. The Senator from Massachusetts, acting upon the dictates of his own moral convictions as to what was right and proper, reported that bill; and the Paixhan guns and the batteries of the officers, with whom this city was filled, were brought to bear upon him, and even his Roman virtue has surrendered, and he comes in this morning to blot out everything that he did, and restore, as I understand, brevet pay and commutation and double rations, and all those hundred and one contrivances to pay men for services that they never rendered; and then, sir, on top of that, comes one of the most monstrous propositions that could be introduced at this time—nothing more nor less than an extravagant pension list. You may call it what you choose; it is paying extravagant pensions to men who are past their service. I do not want to say anything unkind, and I would not. Sir, I live in a State that has managed to sustain itself in all the departments of social and civilized life upon small salaries. We pay the judges of our supreme court, the highest of them, $2,000 a year, and the associate judges $1,800. We retire them involuntarily at the age of seventy, and we do not give them the slightest pension on earth after that, and they have never yet, to my knowledge, suffered.

The Army of the United States has been based on an entirely different basis, and I believe it is to pay men the highest salary in proportion as they are incompetent to render any service. The longer a man lives, and the older he gets, and the more incompetent he is, by a longevity ration, or something of that sort, I do not know exactly what it is, the pay bill is so contrived as to pay those the most who do the least. Now it is proposed, the virtual operation of this bill is, instead of reducing the enormous expenses of the salaries of the officers of the Army, to increase them; and I will tell you how. This brevet rank used to be a very harmless thing when it was first introduced. It was allowing a captain, for instance, that had performed service, to be what the children would call a "make-believe" major. You made him a brevet major; that is, he was a captain, but you let him make believe he was a major. By and by, it got introduced, either by law or practice, that when these make-believe majors, but *bona fide* captains, were in certain conditions and under certain circumstances, they should receive the brevet pay of the rank to which they belonged. My friend the other day moved to cut that off; the Senate concurred with him, and did cut it off; but now it is to be restored. What will be the effect? Here are officers whose duty consists in sitting in their chairs about six hours a day, and directing a corps of clerks, that are now receiving $5,000 or $6,000 a year. They have been brevetted; and by virtue of that brevet, are going to receive $1,000 or $1,200 a year more. If you restore these things, and strike out the amendment we made the other day, that will be the effect of it.

Then, sir, comes in this retired list in the Army and this retired list in the Navy. I agree perfectly that there ought to be a retired list in both services. My own opinion is—but I do not ask the Senate to go to that extent—that when the officers are retired because they are incapable of rendering service, they ought not to be paid; but in obedience to the prejudices (if you will have it so) of the community, I am willing that the man who, in the Army or the Navy, has served his country long and faithfully, and is unable to render more service, shall be retired, and shall have a liberal pension, a very liberal pension, but not anything like what this bill gives. I do not think, however, this is a time to establish it. This Congress was called together to meet an extraordinary emergency. It was called together to marshal the physical force of the country in array against a foe which threatened the very existence of the nation. Sir, the people of this nation are taxing themselves willingly, and as no nation on the face of the earth ever taxed themselves before. Blood and treasure without stint are at your command; and I ask you, sir, when the people of this country are rallying as no people under heaven ever rallied before, and making a bulwark of their living bodies to stand around the ark of the Constitution, if this, of all others, is the time to tax a people that are putting forth such gigantic energies; is this a time to overpay and increase the pay of these officers who are receiving such liberal compensation as they now receive—receiving a higher compensation than officers of the same grade in any other service on the face of God's earth? No, sir. Let us make the necessary appropriations; let us organize the Army; but do not think that it is necessary to pay a price to the patriotism of officers who are already receiving $5,000 a year, and adding to that the five, ten, or twenty per cent. that will be added by the brevet pay.

I am opposed to this, because we have not time to examine it as we ought to examine the details of such a system as this. It is easy to increase salaries; I never knew one diminished. You may put as many restrictions on as you can, and my word for it, if the experience of the past is to be any guide for the future, they will get from ten to twenty per cent. more than the law allows anyhow. That has been the administration of the Navy Department in the express face of the law. By construction and contrivances, they will go to the very extent. First you increased the pay of the Army, because it was not so high as that of the Navy. You did that a few years ago, and increased the pay of the Army largely. Then the Navy, which in 1835 had their pay-list put up higher than any other navy on the earth, came forward and wanted another pay-bill made, to put them on an equality with the Army. They got that, and the probability is, that it will not be long before some astute officers in the Army will find that the Navy are put higher than they are, and then you will have to raise the pay of the Army to bring it up to an equality with the Navy. The tendency of these things is upward; it is to increase; there are no backward steps in these matters. Now I do pray the honorable Senator from Massachusetts—he occupies a commanding position at this time; the eyes of the country and the hearts of the people are with him—I beg him not to let his good nature be warped by the appliances that are brought to bear on him in this city, and the influences to which all of us are susceptible, and before which more or less of us yield.

I am opposed to this proposition in everything in which it conflicts with the amendments which the Senate deliberately voted the other day, and I am opposed to the whole system of retiring at the present time, mainly because we have not the time to give to it that consideration which it deserves.

Mr. WILSON. The Senator from New Hampshire opposes this measure, and especially so much of it as provides for a retired list in the Army. The Senator's views in regard to a retired list are well known to the Senate and the country; and in making this proposition I did not expect to receive his support. But, sir, the Senator speaks of the influence of Army officers that besiege this capital, as he says, over the members of the committee, and especially over me. I have to say in regard to that, that I have labored night and day, for many days and nights, to fit and prepare this bill to meet the actual wants of the country; and in doing so, I confess that in every step of it I have had to meet the interests, the jealousies, or the prejudices of men connected with the Army of the United States. But, in framing this bill, I have endeavored to be governed wholly and entirely by the public interest, and not by the wants or the wishes of any particular men in the Army or in the Departments. The bill, as introduced the other day, received several amendments in the Senate. Portions of it were stricken out, and new clauses were added. The bill, in a word, was cut to pieces. There was no consistency in it. I have prepared this amendment carefully, and endeavored, as far as possible, in so doing to meet what I understood to be the will of the Senate.

The first section provides for an Assistant Secretary of War. That such an officer is needed, I do not see how any man in the Senate can doubt for a moment. We have an Assistant Secretary of State and an Assistant Secretary of the Treasury; I believe we are asked now for an Assistant Secretary of the Navy. The Secretary of War is overburdened with the duties imposed upon him by this war. He asks for an Assistant Secretary of War; and the first section provides for that officer, with a compensation of $3,000 a year.

The next section makes an addition to the Quartermaster's department. It is asked for by General Meigs. He is in the possession of numerous letters from officers in command in the field, asking for quartermasters and assistant quartermasters. He is overburdened—his department is overburdened; he has been compelled to call in assistants, without the authority of law, to aid him; and this measure provides for the addition of four quartermasters, and twenty assistant quartermasters, to be promoted and selected according to the existing laws and regulations. That this is right, that the interests of the country demand it, that the appointment of these officers, if they be proper officers—and they are to be taken from the line of the Army—will save this country hundreds of thousands of dollars, no man can doubt. It is absolutely necessary that this addition should be made to that department.

The third section provides that there shall be added to each of the corps of engineers and topographical engineers and the Ordnance department, three first and three second lieutenants. These three corps asked for an increased force; they asked that the grade be raised; they asked that an officer be placed over them with the rank of brigadier general, and that the lieutenant colonels and majors should be increased. The votes of the Senate, the expressions of Senators all around me, convinced me that such propositions could not receive the sanction of the Senate, and I have stricken them out, and now simply propose to add three first and three second lieutenants to each of those corps. I do that to carry out what Senators all around me said they were willing to do—strengthen these departments; but they wished to do it in the inferior officers, and not to raise the grade of the officers of these departments. I think myself that their long services and their capacity entitle them to have their grade raised, but I abandon that, in compliance with the wishes of the Senate.

The fifth section provides for raising three companies, to be composed of one hundred and fifty men each, to be sappers, miners, and pontoniers. They are men absolutely necessary; and if we had these men at this time, properly trained, they would be invaluable to our large and not very well organized forces in the field. I do not see how any Senator can oppose that addition.

The sixth section authorizes an addition to the Medical department of the Army of ten surgeons and twenty assistant surgeons. These surgeons have been appointed, have been commissioned, and all of them are, to-day, attending to their duties. They are necessary, and have been made necessary by present events; and nobody, it seems to me, can oppose this very small addition, for it is but little larger than the Army asked of us at the last session of Congress. They then asked fifteen, and I think proved the necessity of having at that time fifteen assistant surgeons.

Then, sir, the seventh section proposes to add to the medical corps fifty young men—medical students—to be called "dressers." The department asked for one hundred young men, who have studied medicine two years, and attended a course of medical lectures, to go into the hospitals, with the same pay as cadets at West Point, to be styled "dressers." I think that the proposition is an excellent one, and ought to receive the sanction of every member of this body; and that such men, if properly appointed, will be invaluable in the actual service in which we are now engaged.

The eighth section provides, that in permanent hospitals, female nurses may be substituted for soldiers, under the guide and direction of the surgeons of those hospitals. At this time, many female nurses are employed; and I was told this morning that nearly one hundred had been ordered for that purpose to the different hospitals this very day. I think that no one can object to that, and that the health and comfort of our volunteers who are rushing into this war will be greatly promoted by this proposed change.

The ninth section provides that one chaplain shall be allowed to each regiment, to be selected and appointed by the President; but he must be an ordained minister of some Christian denomination; leaving the pay precisely as it is now.

The tenth section refers to the Military Academy, and upon this there may be difference of opinion. I believe all the Senators admit, or nearly all of them, unless it be the Senator from Ohio, [Mr. WADE,] whose admiration certainly has not been excited by this institution, that the existing vacancies at the Academy should be filled. It was proposed originally that they should be filled by the President of the United States, and that sixty-eight cadets should be added to the institution. Objection was made to increasing the patronage of the President. Now it is proposed in this section that these vacancies may be filled by the President upon the recommendation of Senators. This is not permanent; it only applies to filling the existing vacancies, and leaves the institution under existing laws. The proposition of the Senator from New York, [Mr. HARRIS,] in regard to restoring dismissed cadets by the action of the Secretary of War, has been incorporated into this section; and I believe every one in this body, when he offered it the other day, thought it was a proposition that ought to be sustained, and that the abuse ought to be corrected.

This section also contains a proviso that the superintendent of the Military Academy shall be an officer of engineers, topographical engineers, ordnance, or artillery. It is in this section, in accordance with the vote of the Senate. I think it right, but I am not strenuous upon the point; and if it be the judgment of the Senate, or any considerable portion of the Senate, that this shall go out of the bill, and the matter be left to be settled at a coming session of Congress, I shall not be strenuous on that point, and am willing it shall be stricken out of the bill. I prefer, however, that it should remain in.

The eleventh section abolishes the three months' pay for reënlistments into the Army. That provision was recommended by the late Adjutant General of the Army, is recommended by the present Adjutant General, and by the Secretary of War. The present allowance costs thousands of dollars to the Government annually, and it works evil, and nothing but evil, and ought to be repealed.

The twelfth section provides that two dollars a month shall be retained, instead of one dollar, from the soldier's pay; the object being to make every soldier feel that he has got so much reserved interest. It makes him more faithful to his corps; and, besides all that, in reality is for his benefit when his time is out. This provision has been recommended over and over again by the Secretaries of War, and by the Adjutant Generals, and agreed to unanimously by the Committee on Military Affairs and by those who have studied the matter most closely.

The fifth section of the act approved September 28, 1850, requiring the Secretary of War to discharge from the service all minors, is repealed by the thirteenth section of this amendment. This provision has worked evil, and its repeal has been recommended in the same way; and the present Secretary is very anxious that it should be repealed, for he is overburdened, and the Department is at this time overburdened, with applications to have minors discharged; and, in many cases it is proved that the persons asking to be discharged are more than twenty-five years old. I propose to leave that matter where it ought to be left to be settled—by the judicial tribunals.

The next section provides that in all cases of enlistment or reënlistment, the oath of allegiance may be administered by a commissioned officer of the Army. This is a proposition that will facilitate the business and will save to the Government some thousands of dollars a year if they enlist a large number of men—at any rate, with the old Army, some two thousand dollars a year.

The fifteenth section provides that the regiments of dragoons, mounted riflemen, and cavalry, shall all be consolidated and be one arm. This is recommended by eminent military men, and opposed, I think, by no one.

The sixteenth section provides for the alteration of the Army ration, increasing it to a small extent—increasing the bread, not increasing the meat, but providing——

Mr. CLARK. The same as the provision to which we agreed the other day?

Mr. WILSON. The section is the same as was explained to the Senate before, and I do not know that anybody is opposed to the slight increase made, and especially to the object of it, which is to obtain more vegetables and less salt meat, especially for our volunteers. I have received several letters from Army officers and from officers in the volunteers, saying that it is a most excellent provision. It originated in the committee; I think I may properly say, was originated by the Senator from Oregon, [Mr. BAKER,] whose experience in the field entitles his opinion to great weight in the committee and in the Senate.

The seventeeth section provides that there may be allowed in the hospitals fruits, milk, butter, and eggs. I think nobody can oppose that.

The eighteenth section provides that there shall be appointed, by the Secretary of War, on the recommendation of the council of administration, and approval of the commanding officer, as many sutlers as the exigency may require. The object is to put in the law of the country what is in the regulations of the Army; and it is really a restraint upon the Secretary of War, and prevents him from setting aside the regulation, because it makes it law. I think it right.

The remaining sections are taken from the bill to create a retired list. The Secretary of War, the Adjutant General, the Commanding General, General Scott, all think that such a bill is absolutely necessary at this time. I think any Senator who will examine the question carefully, who does not bring to its examination preconceived opinions and avowals on this floor, must come to the conclusion that, so far as the Army in concerned, this proposition is absolutely necessary.

The Senator from Iowa proposes to add to the bill, as an amendment, so much of his bill as applies to a retired list for the Navy. I will not resist that amendment. I should have preferred that it had not been offered to the bill, because I have never examined the question in regard to the Navy. I do not, and cannot, speak authoritatively on that subject. I have, however, examined the question in regard to the Army; and I say to you to-day that it is important to the country, at this time, that some forty persons in the Army of the United States should be retired. We have colonels, lieutenant colonels, and majors in the Army, old men, worn out by exposure in the service, who cannot perform their duties; men who ought to be honorably retired, and receive the compensation provided for in this measure.

This bill now presented as a substitute has been examined most carefully in the Adjutant General's office, in the Secretary of War's office, and finally was examined and revised by General Scott. It received the unanimous sanction of the Committee on Military Affairs; and I hope it will receive nearly the unanimous sanction of the Senate. I do not expect the support of the Senator from New Hampshire; for his views have been so long entertained, and so warmly and earnestly expressed on this floor, that I can hardly expect that Senator to change his position at this time.

Now, sir, a single word in regard to the sections I left out of this bill, which were adopted by the Senate the other day, and the leaving out of which has subjected me to the criticism of the Senator from New Hampshire. The provisions which I moved the other day, as the nineteenth, twentieth, and twenty-first sections of the bill, I believe to be right. I sustained them a year or two ago in our committee. I think our Military Committee were unanimously in favor of them. I believe they have passed the Senate heretofore. At any rate, I think they are right, and I am willing to put them in this bill, so far as I am personally concerned. But, sir, the officers of the Army have possessed in time of peace what we propose to take from them by these sections; and, while I am in favor of the amendment, on most careful reflection I doubt the wisdom of adopting those sections at this moment, while we are in a war. If, however, Senators desire that they shall be incorporated in this bill, I shall not resist the incorporation; but, sir, I know that gentlemen who would be willing to see these provisions in the bill, if it were a time of profound peace, think that their incorporation now, when we have entered into this contest, would be received by the officers of the Army with a great deal of feeling. Besides, sir, I am told that in active service the provisions contained in the twenty-first section will work injuriously. However, if it be the wish of the Senate to adhere to the votes they have already given, and to incorporate these sections in the bill, I shall be content. I thought I would leave them out of the substitute, because my desire is to get through the necessary provisions which will be for the real interests of the Army and of the country in this

crisis, and to leave debatable questions to be settled hereafter. For myself, sir, when this question is closed, if these sections be not adopted and I have a seat on this floor, I intend to give my vote for the provisions contained in the amendment which I proposed the other day, but which I now leave out of this substitute.

Mr. GRIMES. Mr. President, I believe the proposition now before the Senate is that submitted by myself as an amendment to the substitute of the Senator from Massachusetts?

The PRESIDING OFFICER, (Mr. RICE in the chair.) That is the question now pending.

Mr. GRIMES. I do not propose to discuss the general merits of the bill, and I have only one single word to say in reply to the suggestion of the Senator from New Hampshire in regard to the amendment that I submitted. One objection urged against it, I believe, at the outset, was that it had not been reported from any committee. That is true, not only of the amendment which I submitted, but it is also true of the entire bill submitted by the Senator from Massachusetts. It has not the support of the report of any committee; but, sir, it was referred to a select committee, of which I think the Senator from New Hampshire was a member. That committee has been convened by the order of its chairman, as I understand, upon several occasions, and has failed to meet. It is, therefore, no fault of those who seek its passage, that it has not been submitted to, and received the concurrence of the committee to whom it was referred.

It is objected by the Senator from New Hampshire to the adoption of this amendment that it increases the expenditures of the Government; and that under it, the longer an inefficient man lives, the larger will be his salary. That is true now, sir; and what I wish to avoid is that very thing. You have now, for instance, a lieutenant on your list of lieutenants of the Navy, and he is totally unable to perform the duties of his position; you let him remain there as he is now, and he gradually passes up through the grade of commanders, and finally becomes a captain, and takes command of one of your fleets on a foreign station. I want him to be retired on leave-of-absence pay when he first shows that he is incompetent to discharge the duties the country requires of him, and let him retire on $1,200, instead of allowing him to become a captain, as the Senator from New Hampshire would permit him to become, and receive $3,000 leave pay while at home, or $4,000 while upon a foreign station. If you do not retire him, he goes up, inefficient as he may be now, and becomes not only a commander, but, if he lives long enough, a captain; and instead of being retired upon $1,200 pay, you are finally to give him, when he becomes a captain, $3,000 as leave-of-absence pay. That is the difference; and this amendment is designed to avoid just such cases as that. The increase of expenditure to the Government will be exceedingly limited. I suppose that here are perhaps twenty men on your list now who are inefficient, and ought to be retired, and who would be retired under this amendment if it were adopted; there may be more. The only difference it will create in the expenditures of the Government will be the difference between the pay of the inferior officers, who would be ranked up into their places which they are now receiving, and that which they would receive if this bill should pass.

I wish to say one single word further, Mr. President. I believe, representing an interior State not much interested, or not directly interested, in the commerce and manufactures of the Atlantic sea-board, that the Navy is the right arm of our public defense, and is always going to be. I believe that, in our present troubles, it will be of as efficient service to the Government as your Army will be; and I think it is destined to become of much more consequence to the nation. If it be the case that this Administration has consented to agree to the terms of the Paris convention, and if those terms shall be ratified by the Senate of the United States, by which we are to abolish the whole militia of the seas, and say to the world that we are hereafter to depend entirely upon a regular naval force, it is exceedingly important that we make that naval force as efficient and as active as possible; and in order to do that, I think it is the interest of the Government to get rid of these men who are effete, unable to perform the duties of their positions, and take young, active, and patriotic men, and place them in their stead. But, sir, as I said before, representing a State that is not directly interested in the Navy or in commerce or manufactures, if gentlemen living upon the sea-board are content with the present condition of the Navy, I surely ought to be.

Mr. HALE. I am not going to take up time; but if anybody here agrees with me on this subject—and I think there are one or two, although the Senator from Massachusetts thinks there is nobody—I hope they will vote on the amendment of Senator from Iowa, and then we can get a vote on them both together.

The PRESIDING OFFICER. The question before the Senate is on the amendment offered by the Senator from Iowa to the amendment of the Senator from Massachusetts.

The amendment to the amendment was agreed to.

Mr. GRIMES. I move to amend the substitute of the Senator from Massachusetts in section nineteen, line two, by inserting after the word "Army," the words "or of the marine corps of the Navy;" and also in line two of section twenty, and line three of section twenty-one, after the word "Army," to insert the same words. It simply extends the provisions relating to a retiring board for the Army to the marine corps of the Navy, which is quite as important, as I think.

The amendment was agreed to.

Mr. WILSON. I desire to make a slight amendment to the fourth line of the twentieth section. It is to strike out the words "as provided in the third section of the act." They are unnecessary.

The PRESIDING OFFICER. It will be so modified.

Mr. HALE. I have not a copy of the substitute before me; but I now move to strike out all that relates to the retiring board of the Army and Navy, and to insert in lieu thereof the first three sections of the amendment which I send to the Chair, numbered nineteen, twenty, and twenty-one.

The Secretary read the sections proposed to be inserted, as follows:

SEC. 19. *And be it further enacted*, That so much of the sixth section of the act of August 23, 1842, as allows additional or double rations to generals or other officers commanding geographical departments or divisions, or to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

SEC. 20. *And be it further enacted*, That officers having brevet commissions shall not be entitled to any increase of pay or emoluments because of the exercise of command according to their brevet rank.

SEC. 21. *And be it further enacted*, That officers entitled to forage for horses shall not be allowed to commute it, but shall draw the allowance in kind for each horse actually kept by them as authorized by existing laws; and that all forage, whether drawn for public or private horses, shall be regarded as public property, and if not consumed within the month for which it was issued, shall be returned to the quartermaster, and be taken up in his quarterly returns.

Mr. HALE. I simply wish to say in relation to the amendment, that these are three sections which received the deliberate sanction of this body about two days ago, and I want to substitute them for the sections creating a retiring board.

Mr. CLARK. I understand the question of striking out and inserting is not divisible.

The PRESIDING OFFICER. It is not.

Mr. CLARK. I am in favor of some of the proposed additions of my colleague; but I am against striking out. I therefore shall vote against the whole of his amendment, with the hope that somebody may propose what he proposes to insert as additions, after we refuse to strike out.

Mr. HALE. If the Senator will agree to the creation of these two retiring boards, it will not be worth while to talk about any reforms after that. We shall have saddled upon us a batch of pensioners that will take all time to liquidate their claims. If the Army and Navy are saddled with those two batches of pensioners, I shall despair of ever seeing any reform commenced.

Mr. CLARK. I do not feel exactly with my colleague. I do not agree with him. I do not despair of reforms, even if we put on these retiring boards. On the contrary, I look upon them as reforms; because if we have an incompetent man in the service, I deem it to be better to retire him on pay than to keep him in and allow him to increase his pay and retard the efficiency of either of the services.

Mr. NESMITH. I desire to offer a few remarks upon the twenty-first section of the amendment proposed by the Senator from New Hampshire. I think its adoption will be a measure of very doubtful economy. Besides, it discriminates against a very meritorious class of officers. It proposes to strike out the commutation of forage to which officers in the Army are entitled. It proposes that they shall draw their forage in kind, that the forage shall be considered public property, and that at the end of the month that which is not consumed shall be returned to the quartermaster. By this process you multiply a great variety of accounts. You compel every officer, after having drawn his month's forage, to return perhaps at the end of the month with his peck of oats or his ten pounds of hay under his arm, and turn them back to the quartermaster, taking his receipt, and having the issue of the same forage again.

There is another view of this question which should be taken into consideration, and that is this: each officer is admitted by this amendment to be entitled to his forage in kind. If he is entitled to it in kind, he has a right to demand of the Government the transportation to convey that forage to any point at which he may be upon duty. This section would do well enough in military posts where officers are stationed and in the discharge of duty; but under the provisions of this amendment each officer, after he is ordered upon a march, has a right to demand of the Government the wagons to transport his monthly forage for his horse. Therefore, I say this amendment is of very doubtful economy. On the frontier, where officers are on service, and are mounted, this provision will be most seriously felt.

It is not to be expected that gentlemen living in the eastern or sea-port States of the Union could have had an opportunity to observe the effect which will result from the adoption of this amendment; and I will undertake to illustrate it. Perhaps it may be a homely illustration, but I will illustrate it in this way: we will suppose that on the 1st day of July two officers—you may say lieutenants or captains of cavalry or dragoons—were on service in this city. On the 1st day of July each of them was entitled to draw one month's forage for the horse he had in use. On the 2d day of July one of those officers was ordered upon a scout in Virginia, which occupied the balance of the month. During the time of his absence, there being no quartermaster from whom he can draw forage for his horse, he is compelled to provide it for himself, while his forage in kind is left here in Washington city and he cannot use it. Therefore, he is compelled to pay for the forage which he draws upon this service, and when he returns at the close of the month to Washington city, he is compelled to return the forage in kind to the quartermaster, it being considered public property under the provisions of this amendment. Here is a discrimination against the officer who discharges his duty and in favor of the officer who remains in the city, perhaps attending to no duties at all, or at most his ordinary duties. It is offering a premium for idleness and inactivity in the Army, and it is taxing the man who does discharge his duty.

Now, on our frontier, it is true that men do draw commutation when they are not compelled to feed their horses; but the commutation for horses in the service only amounts to about twenty or twenty-four cents a day, while the feed of a single horse costs from fifty cents to a dollar. It takes two or three days' commutation to purchase one ration for a horse. Therefore, I say, that in the long run, there is no injustice in allowing the officer to draw his commutation in place of the ration in kind. I think that this section of the amendment, if adopted, will work a hardship to the officers who discharge their duty faithfully, and who are in the frontier service, distant from the quartermaster's department, and cannot draw forage in kind, and it will be in favor of those that do not do any.

Now, sir, it is very singular to observe, in the course of the various bills which have been under consideration here, the views which have been taken on these questions of economy. The other day there was $1,000,000 voted here to pay chaplains in the Army—yes, sir, $1,000,000 was voted to pay for prayers for the troops; and to-day the gentleman from New Hampshire proposes to

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. THURSDAY, JULY 18, 1861. NEW SERIES.....No. 11.

strike out twenty-four cents' worth of rations to the trooper's horse. The prayers and the forage are all right in their places; but I am in favor of a more equal distribution of the prayers and the forage together. [Laughter.]

Mr. HALE. I am perfectly willing, so far as relates to that part of the amendment that the Senator from Oregon refers to, that he shall move to strike it out. That is not the evil I want to aim at. The first section of the amendment contains what I am in favor of; and so far as that part of it which the Senator from Oregon comments upon is concerned, I have no sort of objection to its being stricken out; and if he will move to strike it out, I will not oppose it.

Mr. NESMITH. I will move to strike it out.

Mr. HALE. Let that section of my amendment be read.

The Secretary read it, as follows:

SEC. 21. *And be it further enacted*, That officers entitled to forage for horses shall not be allowed to commute it, but shall draw the allowance in kind for each horse actually kept by them as authorized by existing laws; and that all forage, whether drawn for public or private horses, shall be regarded as public property, and if not consumed within the month for which it is issued, shall be returned to the quartermaster, and be taken up in his quarterly returns.

Mr. HALE. I am willing that that should be stricken out.

The PRESIDING OFFICER. The amendment of the Senator from Oregon is not in order at the present time.

Mr. HALE. Yes; it is in order to move to amend an amendment.

Mr. CLARK. Your amendment is an amendment to an amendment.

Mr. HALE. Then I accept the amendment of the Senator from Oregon. I am willing to have that section stricken out.

Mr. NESMITH. Do I understand the Senator from New Hampshire to consent to strike out the twenty-first section of the amendment?

The PRESIDING OFFICER. That section has been withdrawn.

Mr. NESMITH. Very well.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from New Hampshire to the substitute submitted by the Senator from Massachusetts.

The question being taken, there were, on a division—ayes 16, noes 12; no quorum voting.

Mr. GRIMES. There is evidently a misunderstanding on this subject. Several Senators have not voted. The proposition of the Senator from New Hampshire, as I understand it, is to strike out the last nine sections of the bill of the Senator from Massachusetts and add three other independent sections; and gentlemen, I apprehend, have voted for his proposition, not knowing that they thereby strike out half the bill.

Mr. WILSON. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HALE. Now, Mr. President, I want to say a word. The Senator from Iowa thinks that the Senate misapprehend this amendment, or they would not have voted for it, because it strikes out half the bill. I am not certain that that is any objection to it. I think, if the Senate do understand this bill, they would vote for the amendment; and, if they do not understand it, they may vote against it; but every man, I think, that understands it clearly, and acts upon his understanding, will vote for it. Mr. President, the proposition for a retiring board does not come here, as I understand it, upon the recommendation of any committee. Am I right? The chairman of the committee who takes charge of this subject has so much to attend to, that he cannot attend to the debates here. That is the way I understand it. It does not come here with the recommendation of any committee, so far as the Army is concerned; and I know it does not, so far as the Navy is concerned. I object to making such radical changes—changes that will saddle your Treasury with the support of forty, fifty, or one hundred officers through all time, who render you no service and cannot render it. If you are going to incorporate any such system as this into the Navy and Army, let it be done when Congress has time to attend to it. I do not use the word in any offensive sense, of course, because I believe everybody means to be honest; I wish to be myself, and am willing to extend the same judgment to others; but, practically, it is a fraud upon the people to undertake to saddle such a system as this upon the country at this time. We did not come here for any such purpose. We did not come here to saddle and burden and tax the people to support a set of officers that can render no service; but we came here to call forth all the energies of the country to defend the Government.

Again, sir, the experience this Senate have had of retiring boards should make them cautious. We have had one retiring board, and I think the doings of that retiring board are a reproach upon the nation, and will be a reproach as long as the history of civilization is known. I think it was one of the most monstrous things that was ever perpetrated under the forms of law. They tried officers behind their backs for moral offenses, and condemned them, and struck them from the Navy; and some of those officers do not know to-day what the charge was, or who the witnesses were against them. You constituted a most immaculate board to report who was not fit for the service, and they began at the head of the list, and struck off one, two, three, four, five, until they got down to their own numbers, and then they found a man who was fit to serve, and they left him. That is the way the retiring board acted. Another thing they did, sir, for which they have my eternal reproach. They disgraced the man who had done more to elevate the character of the American Navy, at home and abroad, than all the rest of them put together—Commodore Stewart. The first thing they did was to strike at that gallant old man, who had done more to elevate the character of the American Navy than the whole of them put together. They struck him down in disgrace, tore the epaulets off his shoulders, and stole his buttons to sew on their own coats to strut about in. That is what they did, and the national Legislature were occupied a year or more after that in trying, in some degree, to remedy the errors and blunders which that board committed.

Here you propose, at one jump, without any investigation—or any investigation that deserves the name—at this extraordinary session of Congress, called for altogether and far different purposes, to perpetrate another outrage, not only upon the Navy, but also upon the Army. I do not know but what this may possibly be a good bill. I do not think it is as bad as the other. I know it is not worse. It is not in human stupidity or malignity to make a worse bill than that. I do not believe in this bill, or in any of them; but, sir, I say there is no time to digest such a system as this. If you agree to this, you will never get rid of it. No, sir, your children's children will have to stagger under whatever taxation is imposed. But when I say this, do not allow me to be understood as being opposed to retiring these gentlemen honorably, and on a fair pension; I am willing to do it whenever the subject can be fairly investigated, and the Senate have time to consider it. Why, sir, the amendment of the Senator from Iowa, which undertakes this monstrous innovation, has not even been printed; and I venture to say not a member of the Senate except himself known what it is exactly on this question of a retiring board.

Mr. GRIMES. It certainly is not my fault if it is not known to Senators, for it was referred to a special committee, of which the Senator is a member, and I understand that committee were convened on two or three occasions, but had not a quorum to do business.

Mr. HALE. I received a notice to attend once, on the very day on which the Naval Committee, of which I was chairman, sat. I believe, notwithstanding that, that I went into the special committee room, where I was called and stayed an hour, neglecting my own committee, and we did not get a quorum.

Mr. GRIMES. I may say, so that the Senator will understand it, that it is exactly like the provisions in regard to the Army. They are assimilated one to the other. It first provides that a man who shall have been forty years in the service may voluntarily retire, and next it provides that there shall be a public board, which shall keep a record of their proceedings, which shall be transmitted to the Secretary of the Navy, to be composed of seniors in rank, who shall examine as to the physical and mental capacity of other officers.

Mr. HALE. I have as much respect for the Senator from Iowa as anybody, and as much for him as for any member of this body; but I cannot act upon stories he tells me about things before the Senate. I want to have them before me, so I can see and understand them. It may be that the Senator does not state precisely what his own bill means. I remember once that, when a member of the Legislature of the State of New Hampshire, I introduced a bill for a specific object, and I wrote it just as plain as I knew how to use the language, and when it came before the supreme court, they decided that it meant exactly the very thing I intended it should not mean. I am not certain that it may not be so with this bill. At any rate, I think it is premature, out of time, not pertinent to the occasion which called us together, and for that reason I hope it will be rejected.

Mr. LANE, of Kansas. Is the question not divisible? I should like to vote against the retiring board, and against the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair will state that the amendment is not divisible.

Mr. McDOUGALL. I certainly do not think the Senate understand the question now before it; and I suggest the propriety, therefore, of the bill and amendments lying over until to-morrow. The amendments have not been printed. I am not sure that the bill has been printed. I think not.

The PRESIDING OFFICER. The amendment of the Senator from Iowa has not been printed.

Mr. McDOUGALL. Then I suggest the propriety of having those amendments printed, and allowing the matter to be laid over until to-morrow. The Senate will then be able to understand it.

Mr. CLARK. I will suggest to the Senator from Kansas that, if he desires to vote against the amendment of my colleague—if he votes against it, and these sections are not stricken out, and those which he proposes to insert are not adopted, he may afterwards move the adoption of those he wants inserted, if he desires to do so; but by voting against the amendment of my colleague, he keeps in the provision for a retiring list, so that when a man who is incompetent to serve the country says he is incompetent, he will be provided for, and a more practical and efficient man put in his place; or if known to be inefficient, though he does not say so, a board of senior officers, not his junior ones, may be appointed to examine his case and see whether he is able to serve or not; and if he is found to be inefficient and ineffective, he may be retired.

Mr. LANE, of Kansas. The objection made to passing any bill on the subject of a retiring list, at this session, is the want of time to digest a plan. Such a question I should like to see referred to a committee, and they have full time to deliberate; and having deliberated, to report a plan creditable to them and advantageous to the service.

Mr. CLARK. I ask the Senator's pardon, if I misunderstood him. I understood him to be opposed to the amendment of my colleague.

Mr. LANE, of Kansas. I am.

Mr. CLARK. I understand him now to be in favor of it. My colleague moves to strike out all in regard to the retiring board.

Mr. LANE, of Kansas. I wish to get rid of that, because we have not time to consider it; but

in voting to strike out, I vote for the amendment of the gentleman from New Hampshire, and that I am opposed to.

Mr. HALE. If the Senator will allow me, for the purpose of putting the thing right, so that we can all vote understandingly, just as we want to vote, I will, with the permission of the Senate, divide my own amendment, and in the first place move to strike out all of the substitute which relates to the retiring board, leaving the sections I propose to insert to be considered afterwards.

Mr. WILSON. The Senator from New Hampshire, if I understand him aright, divides his former proposition, with the consent of the Senate, and now simply proposes to strike out so much of the bill as relates to the retiring board. Now, I desire to say a single word to the Senator from Kansas, in regard to the preparation of a plan on this subject. Bills have been reported in both Houses by the Military Committees, over and over again, to retire these officers in the Army; and if it had not been from the trouble growing out of the administration of the old law in regard to the Navy, I have no doubt such a bill would have passed Congress. Those bills have been considered in this Capitol during the last five or six years, at nearly every session. This identical bill has been examined by the Secretary of War, and by the Adjutant General. It went to General Scott, and was examined in the most careful manner by him, and very slightly modified—modified rather in favor of the officers; for the old General thought that when we retired these old officers, and there were to be very few of them, the nation ought to deal justly, if not liberally with them. Let me tell the Senator from Kansas that this matter has been discussed and examined over and over again, and if you resolve this Senate into a committee to examine it for a week, in my judgment, you cannot add anything to it.

Now, sir, let me say a single word in regard to the importance of it. This Congress ought not to adjourn without passing some such measure. It would be unjust to the country, and unjust to the Army. Why, sir, take the four regiments of artillery, the most important part of the Army. Four of those colonels ought to be retired. Not one of those colonels to-day, owing to their age or infirmities, or other causes, will be ordered into the field. Two of the four lieutenant colonels are in the same condition, and some of the majors. Go to your other regiments, and you will find worn out, sick, or disabled officers in high positions. They cannot go into the field at the call of the country. You have to pay them where they are. Age adds to their receipts. They render no service whatever; and the younger officers who are called into the field, captains to command regiments, are to receive the pay of captains to fight the battles of the country, and have no promotion. Is this just? Why, sir, I saw the old fourth infantry enter this city a few weeks ago, from Texas, under the command of a captain. The truth is, and if you take the Army Register, and examine it carefully, you will find it so, that as you approach towards the head of the Army, your officers are paralyzed by age.

Now, what we want to do is this: we do not wish to do any injustice; but we allow the men who have served the country for forty years to retire honorably, if they choose to do so, and if not, to have an examining board, and retire those men on a compensation that nobody objects to; and which the Senator from New Hampshire in reality thinks too liberal. That Senator does not want men retired, for the reason that he does not want pensioners. He does not want to deal so liberally with these men. He thinks that when they cease to render service to the country, they should be flung off.

Mr. HALE. No, sir; I said I was willing to give them a liberal pension.

Mr. WILSON. I thought the Senator was opposed to pensioning old men. I understood him to say he did not like this pension system. The Senator's argument on the one side certainly was in that direction; and on the other he arraigned the injustice of the retiring board towards the Navy, and I think justly. I think it was not so much the fault of that law as the administration of the law; and I think the experiences of that very Navy board, and the feeling it aroused in the country, in regard to their secret action, and the suspicions excited, will be a perpetual warning to the boards raised at this time to avoid the rock on which they split.

Now, sir, I know it is the wish of General Scott, of the Secretary of War, of the Adjutant General, of all who want to add to the efficiency of the Army at this time, that so much of this proposition as relates to the Army should be adopted. It cannot reach over seven per cent. of the Army officers, and will not exceed that; but there are officers in most important positions who cannot go into the field at all; and I think, sir, and I hope the Senate will so think, that the proposition I have presented ought to be adopted by the Senate.

Mr. HALE. Before the Senator sits down, I wish he would tell the Senate how much this substitute proposes to pay colonels who cannot render any service to the country? How much it proposes to pay them a month for doing nothing?

Mr. WILSON. I think if the Senator will read the nineteenth and twentieth sections, he will see what they are to have.

Mr. HALE. State it briefly.

Mr. WILSON. A commissioned officer, incapable of performing his duties, who is placed on the retired list, will receive the following pay and allowances:

"The pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, the service rations to which he may then be entitled, (including general officers who may be retired,) and the regular allowance, as fixed by law, for one servant, and without any other pay or allowances."

Mr. HALE. I think, if you pass this bill, the highest ambition of these officers will be to get on the retired list. It is giving a premium on idleness, gout, rheumatism, and everything of that sort that renders a man incompetent for his business. This bill gives him the highest rank pay that he was ever entitled to, when he gets too incompetent to render any service.

Mr. BAKER. I do not quite understand the question. Will the Chair explain what the exact question is?

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to strike out all relating to the retiring board.

Mr. BAKER. I shall vote in favor of striking out, merely upon the ground that I do not think we can perfect a system at this session.

Mr. FOSTER. I shall vote against striking out, because I think it is our duty to perfect it, and perfect it now—now of all other times. When shall we want an efficient Army and an efficient Navy if we do not want them now? Wait for peace, and then get an efficient Army and an efficient Navy! Why really, sir, I do not understand such a doctrine as that. The plea that we have not time to attend to this measure at the present session of Congress, seems to me can be made with a great deal more force in respect to any other subject before us than this. This, of all other subjects, is the subject for which the President called us together. This, of all other subjects, is the subject on which the country needs our aid and action; and what is proposed? It is said by the honorable chairman of the Committee on Military Affairs, and we all know it to be true, that there is in the Army of the United States a large number of officers of high rank, who, from age and long service, have become incompetent to perform duty. Do we want to keep these men in the Army during the time when, of all others, we want active and efficient men? I say, no; and I am not deterred from proceeding in regard to this amendment by the intimation of the honorable Senator from New Hampshire, that we are going to pay men large sums for rendering no service. I would rather pay men large sums for rendering no service, and have them stand out of the way of men who can render service, than to keep those men who cannot render service in their places, thus rendering no service themselves, and preventing service such as we need from being rendered by others.

But, sir, by no means do I agree with the doctrine that we are going to pay men for rendering no service. I say these old officers who have spent the best of their lives in the service, who have become worn out in exposing their lives for the benefit of the country, ought to be retired, and ought to be retired on sufficient pay to support them handsomely during life; and I understand the honorable Senator from New Hampshire to agree with me in that opinion. I have understood him to say over and over again that he was opposed to pensioning men upon this Government, and paying men for doing no service; but at the same time I understand him to say he would not turn these old officers away penniless, friendless, homeless, and do nothing for them. On the contrary, I understand him to say that he would pay them a reasonable compensation. Very well. If the amount proposed by this bill as it now stands is too large, you may propose a sum that is right and just, and I will vote for that. We have time to do it. He has considered the subject. He for years has looked at this subject, and he is prepared, I presume, to say how much these men ought to have. If the bill as it now stands, advocated by the chairman of the Committee on Military Affairs, proposes too much, I am prepared to go with the Senator from New Hampshire and vote for a smaller sum; but what I say and what I insist upon is this: let us at all events infuse vitality, life, energy, into our Army and Navy, and away with the notion that we now have not time to do it. If we have not time to do it personally, let us resign our seats and go home and have them filled by men who have time to attend to the most important, the most essentially important business that we can possibly be engaged in. I hope, therefore, that the proposed amendment to strike out these sections will not be adopted; repeating that if it allows too much money as it now stands, for men who are not performing service to receive, I will vote to reduce it; but I will vote to do something when it is so essential that something should be done.

Mr. BAKER. Mr. President, I will see if I cannot answer the very clear statement of the Senator from Connecticut. We are called here for war measures. The question is, is this a war measure? Now, it will not put any other officer in the field, or any better officer in the field, whether we do or do not pass this bill at this session. It is a question pertaining to the regular organization of the Army. It is not a matter pertaining to its present immediate condition. The Senator from Massachusetts says it is so; and in that I differ with him. If it was that I would vote for it. The Government may call upon any officer to perform any duty it likes, whether there is an old colonel or general not fit to go into the field or not. I can give the Senator an instance now, at this hour, when during what I suppose to be a battle imminent, pending, if not occurring to-day, gentlemen who are or have been majors, are commanding armies as large as field marshals once would have been proud to command in the days of Napoleon; and I can show him men never under fire who are commanding brigades and divisions, on account of the exigencies of the campaign. That state of things may just as well continue, if it continue at all, in relation to the questions arising out of the retiring board, as not.

I repeat to the Senator from Massachusetts, that by the provision moved to be stricken out, you will not put any more efficient officer in the field than you have now. You may do it next year or the year after. That we can provide for; but now in this crisis, in a war to be over by February at any rate, as I believe, you will not. Now, whether the pay is enough or too little, I do not very well know. Whether the bill will carry out the object the Senator and myself have in common I am not sure; but I think we have no time to perfect that now as I think it ought to be perfected. The remarks of the Senator from New Hampshire in regard to the late naval retiring board are very instructive to me. With all the pains we could take on that subject, we filled the country with astonishment, if not with shame; and I do not propose to commit that mistake as to the Army. While, therefore, my judgment is that a retiring board is very necessary, and that there are a good many Army officers who ought not to serve, and while I think they ought to be paid a reasonable compensation for past services, I am not willing now to take up the time of the Senate and House by perfecting a bill of that sort, which, in my judgment, will not put one single efficient officer in the field more than there is now, until the great battles on which the Government is to depend are fought and won.

Mr. TEN EYCK. Mr. President, I am in favor of the proposition of the chairman of the Committee on Military Affairs. I am in favor

of retiring these officers, and upon the amount of pay proposed by this bill. My opinion is, that that when a man offers himself, his safety, and his life, for the protection of the country, he should be maintained while he is in active service; and when he gets too old to serve the country, he should be maintained in honorable retiracy. Why, sir, while we sit here deliberating in cool debate, there are men periling their lives for the safety of this country; and, according to the doctrine of the Senator from New Hampshire, when they shall have grown old, they are to be turned adrift, like horses, to die; nay, they are to be dismissed from the Army, and to be characterized as drones and idlers. Sir, the man who serves his country, and is willing to render his blood and his life for that country, to enable me to sit beneath the shadow of the stars and stripes in the Capitol of my country, I am willing to sustain while he is fighting, and also when he is crippled with gout and rheumatism and the infirmities of age.

Mr. WILSON. I desire to say a single word in reply to the Senator from Oregon, though I do not see him in the Chamber. In regard to this being a war measure, I say here, to-day, most emphatically, that the reason this bill is pressed at this session, is to add to the efficiency of the Army for the present war; and I think if the Senator will study the Army Register he will see the absolute necessity of it. The Senator says that majors in the Army are before the enemy to-day commanding divisions, commanding bodies of men that a marshal of France would have been proud to lead in the days of the First Empire. That is so, sir; but why is it that majors are leading divisions to-day? It is because your old officers of higher command are unable to go into the field and take command. We have several officers—a large number in proportion to our Army—who are utterly incapable to go into the field; men from seventy to eighty-five years of age, worn out by disease. Are your regiments of artillery, are your other regiments to be commanded in this war by captains? Is it right? Or is it not right to say to these brave old officers, "you are unable to serve us in this crisis of the country; you served us ably, faithfully, and bravely, when you had life and strength to give your country; now we will retire you honorably, and with a compensation that is ample;" and then bring forward the younger men who have the power to lead the armies of the Republic to victory?

I do not agree with gentlemen that this war is to be ended in a day or two; but whether it be or not, I think, by all means, these brave and true old officers who are unable to serve the country, should be placed quietly, peacefully, and honorably aside with a reasonable compensation, which I do not believe this nation will grudge; and that captains and majors, men who are to-day sixty years of age, who have served as captains twenty or thirty years; men, however, of vigor, may come forward and take the command of regiments, or take their proper places with the Army of the country in the field. I hope the Senate will stand by my proposition, for I know that all who are desirous for the most efficient organization of this Army are exceedingly anxious that it should pass. Of the Navy, I know nothing.

Mr. FESSENDEN. Mr. President, I do not wish to detain the Senate, but simply to express two ideas that I have in relation to this subject. I know very little about the details of this proposed retired list; but I understand that my friend, the chairman of the Committee on Military Affairs, and my friend from Iowa, who have taken some interest in this matter, are at last tolerably well agreed upon it; and if they are, I am ready to take it upon the faith of what is satisfactory to them.

But I wish to say that I do not agree by any means that we are necessarily to be exposed to the inconvenience eternally of keeping men at the head of regiments or in command who are perfectly unfit for service, on the ground that if we retire them we are supporting men who are rendering no service at all. What service are they rendering as long as they stay there? None; but they stay as a matter of form, and they stay there simply because they do not choose to resign, for a very good reason, and we do not choose, because it would be ungracious to do so, to remove them from their commands. Why, sir, the tendency of keeping such men in commands in times like these, or in any times, is to repress the energies and the ambition of all those who are inferior to them in position. It is not just to younger men; and it would not be just, as I think, to remove them without providing a decent competency for the remainder of their lives. When these men go into office, they go with the assurance that so long as they behave well and do their duty they are to be provided for by their country, according to existing laws. Does it follow from that that we are compelled to keep them in that position where they are in the way of everybody else, and in fact in the way of the public service, simply because they have happened by age to attain that position, being unfit for service at the time? No, sir; I agree to no such idea; and I see nothing in the world that is opposed to democratic principles, nothing anti-republican, nothing even unkind or ungenerous or contrary to usage in any part of the world in saying to them, "You shall have a reasonable competency for the remainder of your lives, but you must not stand in the way of the service of your country;" and no honorable man would wish to do it. I see no objection to it, therefore, on principle. I have long thought that we should have a retired list both for the Army and the Navy, to render both arms of the service effectual. They cannot be effectual so long as the younger, energetic spirit of the service is depressed by such an incubus as this at the head of it, in my judgment.

So far as that is concerned, I have said all that I wish to say. One word more upon the matter of time. A great deal has been said about our not having time to do this. Why, sir, the country certainly must be well informed upon that subject. Nobody desires to stay here less than I do. We are staying here at our own expense every day. We are paying our own bills. We are not adding one dollar to the expenditure of the country itself; and therefore our staying here can be attributed to no bad motive. It is a sacrifice we make to the country, or rather it is the discharge of our duty; but because it happens to be at a time when it is desirable for nobody to sit here, we ought not to avail ourselves of this cry about a short session—although I am anxious to have it short—to the extent of neglecting our duty, or refusing to consider what we ought to consider. Sir, in this crisis I consider myself bound to stay here on this spot until all the bills that are necessary for the present emergency are passed. This idea of passing bills at railroad speed, without consideration, simply because we ought to get through, is no argument to me. We ought not to get through until we have done the business of the country, and done it at our own expense. We make long sessions or short ones, to suit ourselves, at other times. We have annual salaries. Now that the exigency is upon us, let us discharge our duty and stay until the work is done, and not talk about not having time. We have time enough.

The question being taken by yeas and nays, resulted—yeas 11, nays 27; as follows:

YEAS—Messrs. Baker, Bingham, Breckinridge, Carlile, Hale, Johnson of Tennessee, Johnson of Missouri, Lane of Kansas, Powell, Saulsbury, and Sherman—11.

NAYS—Messrs. Anthony, Browning, Chandler, Clark, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Howe, Kennedy, Latham, McDougall, Nesmith, Rice, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—27.

So the motion to strike out was disagreed to.

Mr. RICE. I offer the following amendment, to come in in section twenty, at the end of the nineteenth line:

And provided also, That should the brevet Lieutenant General be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances.

Mr. HALE. I want to raise a question of order on that. It is a private claim on a general appropriation bill.

The VICE PRESIDENT. That is not the impression of the Chair.

Mr. COLLAMER and Mr. FOSTER. It is not an appropriation bill.

The VICE PRESIDENT. The bill itself is not an appropriation bill; and if it were, it would be the opinion of the Chair that the amendment would come within the rule.

Mr. WILSON. I do not think it is necessary to put the amendment in the bill; but the Senator has made the motion; it is before the Senate and the country, and I therefore think it had better be put in the bill; as, if it should be voted down, there might be some misconstruction of our motives and intentions in doing so.

Mr. HALE. There is one consideration, I think, that would protect the Lieutenant General. The provision is, that an officer cannot be put on the retired list except on the report of his senior officers.

The question being taken; on a division, the result was—ayes 22, noes 8; no quorum voting.

A second division resulted—ayes 25, noes 9; no quorum voting.

Mr. LANE, of Kansas. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 11; as follows;

YEAS—Messrs. Anthony, Baker, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Howe, Johnson of Tennessee, Lane of Kansas, Latham, McDougall, Polk, Pomeroy, Rice, Saulsbury, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Wilkinson, and Wilson—29.

NAYS—Messrs. Bingham, Breckinridge, Carlile, Hale, Johnson of Missouri, King, Powell, Trumbull, Wade, Willey, and Wilmot—11.

So the amendment of Mr. RICE was agreed to.

Mr. HALE. The necessity for this retired list, if I understand the Senator from Massachusetts, is found in the condition of the artillery, and the proposition is, to retire these gentlemen upon the highest pay of their rank. I have taken occasion to look at the Army Register, and I want to give the Senate a statement of the pensions they are voting to these gentlemen. The colonel of the first regiment of artillery receives $3,365 94; the colonel of the second artillery, $3,917 60; the colonel of the third, $5,553 36; and the colonel of the fourth, $3,618 60. Very patriotic, very eloquent, very pathetic, touching, and effective appeals have been made to the Senate in behalf of these veterans. I feel them all, and a good deal more. The Senate did not attend to the remarks of the chairman of the Committee on Military Affairs, in pressing this measure, so minutely as I wish they had. He said a good many of these colonels, "from age and other causes," it would not do to call into the field. I wish the Senator had gone on and stated what some of the "other causes" were; but as he did not, I will not. I do not know but that some of these allowances may be now cut off, some few pounds of hay or something of that kind; but I suppose this to be the substantial pay, the substantial pension that you are voting to gentlemen who cannot render any service, and have not done so for a good while.

I move to amend the section, where it says the whole of their pay, so as to reduce it to half, so that the pay which you give these gentlemen, whom you thus retire, instead of being the full pay, shall be half pay. I move to insert the word "half" before "pay."

Mr. WILSON. The Senator from New Hampshire has worked out the amounts to which these colonels are entitled——

Mr. HALE. I have not worked it out, but took it from the Register.

Mr. WILSON. The Senator from Iowa, [Mr. GRIMES,] taking one case to which he refers, shows this result now: Colonel Gates receives at the present time $5,553 36. If the sections which I propose shall pass, he will receive $2,856 80, being a reduction of nearly 50 per cent. He renders no service now, and receives $5,500. Pass this measure, and he will render no service, and receive $2,800. What is true of him is true of others; but perhaps not in the same ratio.

Mr. GRIMES. Is not an amendment pending?

The VICE PRESIDENT. There is an amendment offered by the Senator from New Hampshire, in section nineteen, line five, after the word "with," to insert "half" before "the pay."

Mr. HALE. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COLLAMER. I desire the amendment to be read once more; it is short, and it will not take long to read it.

The Secretary read, as follows:

In section nineteen, line five, insert "half;" so as to make it read: "half the pay and emoluments allowed by this act."

Mr. COLLAMER. I believe there are no emoluments allowed by this act at all.

Mr. FOSTER. And no pay allowed; it refers to existing pay.

Mr. WILSON. The provision is, that a retired officer shall receive "the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, the service rations to which he may then be entitled, (including general officers who may be retired,) and the regular allowance as fixed by law, for one servant, and without any other pay or allowances" All the other pay and allowances are cut off.

Mr. COLLAMER. I understand the amendment is to confine it to one half pay.

Mr. HALE. Yes, sir.

Mr. COLLAMER. That should not be "one half the pay and emoluments allowed by this act." As I view it, the object is to pay them half the pay which they receive in the service; not half the pay allowed by this bill.

I am not at all satisfied with what seems to be a sort of sophistry that is used on this occasion. We are told that it is necessary to make this provision, because these men have more now than they will get under this bill; but it should be remembered that while they are having that, we do not have another set to pay the same thing; whereas, if we retire them, we shall have another set to pay all that they get, and have to pay them too. The question is, what the men ought to have when retired; not that we are crowded into it now, because we are paying them full pay, they not being retired. My impression—it may be wrong, but is old, and based in a great measure on the experience of other nations—is, that the true principle, the one which experience has shown is just, is, that when you make a retiring list, men should retire upon it with half pay when they cease service. But, after all, that, in my opinion, should not be applied in the same way to officers of the highest and the lowest rank. The half pay of a lieutenant would not be a support. I think the amendment should be that they should retire upon half the pay to which they were entitled at the time of their being retired, provided that the same should never be less, by the year, than a certain named sum, say $400 a year, so as to give a man a support.

Mr. HALE. I am willing to adopt that.

Mr. COLLAMER. I am willing to be liberal. say $500.

Mr. HALE. Some suggest to add more; but I would not. One would suppose, from some remarks made here, that I had been proposing to pick these gentlemen's pockets. I am willing to pay them liberally, very liberally; more than I think they ought to have, and I do it in obedience to the prejudices that surround me. I am willing to accept the modification proposed by the Senator from Vermont. Put in "half the monthly pay."

Mr. COLLAMER. "To which they were entitled at the time of their retirement."

Mr. HALE. I will not alter the words of the bill a bit. I will give half the pay fixed in this bill.

Mr. COLLAMER. This bill does not give them the pay to which they are entitled in the service.

Mr. HALE. I have been trying a great while to get, and I never could get the Senate, or more than three or four to go with me, to vote that we would pay these officers a fixed sum, so that we might know what we paid them. I have tried that until I am tired. I do not think I have been in either House a single year that I have not made the motion; but I have been confronted by a solid set of philosophical reformers that are in favor of economy of the public money eternally until they come to vote, and then they are against it. I have made that motion over and over again, and always been voted down.

Then, sir, I have made another motion here, met by the same sturdy opposition, that the pay and emoluments of any of these officers, except the highest one, should not exceed $5,000 per annum, and these economical friends of freedom that surround me, almost in a solid column, voted with the iron majority on the other side against me. This pay on one side is like the laws of the Medes and Persians, never altered. That is on one side. You cannot pull it down; but it is eternally altered to go up.

Now, I have the Register before me, and I am not going to cipher, but to read. Here is the lieutenant colonel of the third regiment of artillery. What do you suppose he gets in the shape of rations? One would suppose that one ration a day was enough for a man. What do you suppose the lieutenant colonel of the third regiment of artillery gets in rations? Why, sir, the small sum of $1,999 20! When it is proposed to amend that, and give him a fixed sum, the cry is, "Oh, no, that will aim at the Army radically. You are opposed to the Army, because you do not want to pay a man $2,000 a year in rations." And so, sir, in whatever shape reform presents itself, it is always kicked out of doors in the Senate, until the other day, I thought the day star was about to arise when I saw the chairman of the Military Committee report a few amendments that would go to rectifying these abuses. I went to sleep, and I thank God I slept one night under the delusion. But I have come in here, and it is gone. The Senator has backed out, abandoned his own provisions.

Now, sir, I am willing to give these gentlemen half pay, instead of the whole of their highest pay; and I am willing to adopt the qualification of the Senator from Vermont, that it shall in no case be less than $500. I am ready to take the bill just as it stands, divided by two. Where the Senator from Massachusetts gives the whole, I am willing to give half, with the modification of the Senator from Vermont; and if we do not do that, or something like it, in Heaven's name do not, when you go home, ever talk about the abuses of the Democrats; do not ever talk about Buchanan's administration, or Floyd, or anybody else. If we are not willing to put our little finger on one of their abuses, to correct and reform it, let us at least have the decency to hold our tongues about them. I will for one, at least, sir.

Mr. SHERMAN. I am very glad to hear what has fallen from the Senator from New Hampshire; and I should like very much to call his attention to an amendment that I shall offer. I propose to strike out from line seven to line twelve, in the twentieth section, so that it will read as follows:

The pay proper of the rank in the line held by him at the time of his retirement, and without any other pay or allowances.

This will make it definite, so that we know precisely what each officer will get. We have the law before us which fixes the pay proper of an officer of the Army of each grade. This amendment of mine will give to a colonel in the engineers $110 a month, to a first lieutenant $50 a month or $600 a year, to a second lieutenant $45 a month or about five hundred dollars a year, a sum barely sufficient to obtain the ordinary necessaries of life, but I think amply sufficient for a person who does no service to the country. I believe this will put it in a better form than that proposed by the Senator from New Hampshire. The proposition as it is framed in the bill before us, still keeps up the allowances for servants, forage, and the like, and leaves the amount indefinite; while the amendment which I now move will make the proposition simple, and the annuity paid by the Government to each of the retired officers will be fixed without any question or dispute. I hope my amendment will be agreed to.

Mr. HALE. Will the Senator read it again?

Mr. SHERMAN. I propose so to amend the twentieth section as to allow the retired officer "the pay proper of the rank in the line held by him at the time of his retirement, without any pay or allowances."

Mr. HALE. Now read what that will be from the Register.

Mr. SHERMAN. The law fixes the pay proper. The pay proper of a colonel in the corps of engineers is $110 a month, of a colonel in the dragoons $110, of a colonel in the artillery or infantry $95; the pay proper of a lieutenant colonel, $80; of a major $70, and so on. The pay is fixed by law.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

Mr. HALE. I will withdraw that and accept the substitute proposed by the Senator from Ohio.

The VICE PRESIDENT. The amendment of the Senator from New Hampshire can be withdrawn by the unanimous consent of the Senate. The Chair hears no objection. The question, then, is on the amendment submited by the Senator from Ohio.

Mr. COLLAMER. The amendment now proposed comes very near what I think is a bare support, and I am willing to agree to it.

The amendment of Mr. SHERMAN was agreed to.

Mr. SHERMAN. I beg leave to offer another amendment. I move to strike out sections two, three, six, and seven, and in lieu of them to insert:

And be it further enacted, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, eight assistant adjutant generals, six commissaries of subsistence, four quartermasters and twenty assistant quartermasters, ten surgeons and twenty assistant surgeons, to have the pay, rank, and allowances, and peform the duties of similar officers in the present military establishment, and to hold their offices three years unless sooner discharged.

The objection that I have to the bill, as it now stands, is, that it increases the pay of each officer in the Adjutant General's department, each surgeon, each officer in the Quartermaster's department, and each commissary of subsistance, and it does it in an indirect and improper way. It does not propose to increase the salary directly by an addition of so much to the pay, but gives to certain officers the pay of another officer, a major of cavalry, and that pay is higher than their present pay; so that the bill indirectly increases the pay of every officer of the staff of the Army. That is the effect of it; and, besides that, it increases it about eighty per cent. In the Adjutant General's office there are now twelve, I believe—if I am mistaken, the Senator from Massachusetts will correct me—this proposes to increase the number to twenty; and the same increase is provided for all the staff departments of the Army. It increases the number and the pay, and it makes this increase permanent; because, I take it, that when you add to the staff of the Army, the persons who hold commissions in that staff will never resign them; they will never retire from them; they will rarely die; they will live to a long old age—that we know. Nearly all the heads of the staff of the Army now are very old men.

The amendment which I propose substitutes, in place of these sections, a proposition to increase, for the time, the staff of the Army, by adding so many surgeons, so many quartermasters, so many commissaries, so many assistant adjutant generals; and it makes the increase at the bottom of the list, instead of the top. Without this amendment, I must say, I cannot vote for this bill; for I will not allow the temporary exigency that now presses upon us to be made the excuse by every officer of the Army and Navy to add largely to the permanent expenses of this Government. It is my duty to say to the honorable gentleman at the head of the Military Committee, that if he allows this pressure on him to prevail, he will find that at the end of this war, when we have to saddle a large permanent debt on the country, when we shall be called upon to raise taxes to pay exorbitant interest, we shall have the expenses of this Government increased to so large a degree that the people themselves will not tolerate it; and every permanent increase we make to the Army and Navy, and every addition to the permanent expenditures of this Government, will, in my judgment, injure the public credit, and prevent the accomplishment of what we so much desire—the speedy subjection of this rebellion.

Mr. WILSON. I will say, in regard to what the Senator has said about what will happen at the close of the war, that it will be time enough, in my judgment, to settle these matters then. The people will know what they want, and I think we shall know what the people desire. That is my judgment in regard to this matter of organizing the Army. But, sir, I shall not object to the amendment moved by the Senator, if he will make the proper modifications. I thought the Senate had settled the question that the Adjutant General should have the rank and title of brigadier general. ["Oh, no!"] I am told that I am mistaken in regard to that.

If the Senator will agree to modify his amendment, so as to provide that the additional staff officers shall be selected and promoted according to existing laws and regulations, I will consent to strike out all these sections, except the seventh section; and I hope the Senator will not ask to have the seventh section stricken out. I think it

one of great importance, and one that will meet, in a special manner, the wants of the Army, if we are to have a battle. I hope the Senate will not strike that out. It is a small matter in itself, but brings into the field fifty young men who have studied medicine for two years, and who have attended a course of lectures, at a very small rate, who are to do the duties of a surgeon's mate in the hospitals of the country. I think the Senator ought not to move to strike that out; but should be content to let that stand, and change the other sections of the bill; and I will consent to that, if he will put in "under existing laws and regulations;" for I think men ought to be selected for these places according to the practices and laws at present, and that a fresh lot of imported politicians ought not to be forced into these places as mere jobbers.

I dare say the Senator knows—at any rate I do—that during the last four months this city has been thronged with men who want to get into the Commissary department and into the Quartermaster's department—men who think they can do business better than the officers of the Army, who are very anxious to tender their services to the country, but want to tender their services in a place where they have an idea that they can make some money. I do not want those fellows in the service of the country. I want this war carried on in the most economical manner. I want to do justice to the Army officers of all kinds and all grades, and I want to protect the Treasury of the United States against men who are anxious to get into these places simply for the purpose of taking care of themselves. If the Senator will consent to the modification I propose, and leave the seventh section, I will agree with him to strike out these other sections; and certainly, on reflection, he will come to that conclusion.

Mr. SHERMAN. The amendment was carefully drawn, with a view to allow the President ample room and verge in making these appointments. It is impossible to take away from the regular line the increased number of officers provided for the staff by this bill, without impairing the service of some other department. I doubt very much whether these officers could be taken from the line of the Army without drawing from it many experienced men, who are more useful in the line. I take it for granted, of course, that the President will appoint good men, and will not appoint mere politicians. He will be careful in making these appointments; and as they are mere temporary appointments, I think it is better to leave the matter with him.

Another objection occurs to me. An officer of the Army would not accept a commission which ran for but three years. If the President appointed a regular officer to perform these duties, he probably would decline, because the commission ran for but three years. If the Senator would say that the President should appoint graduates of the Military Academy, I might agree with him; but that would be improper; and I think it better to leave the President to make the selection.

In regard to the seventh section, I do not see why any Senator should propose such a section. We have medical colleges all over this country that prepare young men better for active duty than the Army can, or any Army surgeon I have ever met. We have a great number of medical institutions, and the young men from those medical institutions are better fitted to perform the duties pointed out by the seventh section, than any persons likely to be appointed; but still, to accommodate the Senator from Massachusetts, I will withdraw the seventh section from the operation of my amendment.

The VICE PRESIDENT. The amendment will be so modified.

The amendment, as modified, was agreed to.

Mr. KING. I should like to know whether it is intended that the addition to the medical staff shall be a permanent addition? I suppose, from the frame of the section, it is so intended.

Mr. GRIMES. I offer an amendment as a separate section——

Mr. HALE. Before that is put, I want to ask a question of the Chair as a point of order. I offered an amendment some time ago, and, on a suggestion, divided it. The Chair put the question on one part of my amendment, but I have not heard of any vote being taken on the other part.

The VICE PRESIDENT. The Chair did not understand that any division of the question was asked.

Mr. HALE. I proposed an amendment which, under the rules of the Senate, was not divisible; but, by unanimous consent, I was permitted to divide it. The Senate voted on one branch of it; but, on the other branch of the amendment, no vote has been taken.

The VICE PRESIDENT. The Chair was not aware of any such division.

Mr. HALE. That was the fact, sir.

The VICE PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be read.

Mr. HALE. I wish the vote taken on each of these propositions separately. Read the first one.

The Secretary read the following amendment, proposed by Mr. HALE:

And be it further enacted, That so much of the sixth section of the act of August 23, 1842, as allows additional or double rations to generals or other officers commanding geographical departments or divisions, or to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

The VICE PRESIDENT. The Chair will state that this amendment was not offered while the present incumbent was in the Chair; and hence the mistake.

Mr. WILSON. I would suggest to the Senator from New Hampshire a slight modification of his proposition. In the present exigencies of the country, in actual service, with military commanders assigned to divisions where armies are in the field, I think it would be better to strike out that portion of the amendment which relates to them, and confine it to commandants of permanent and fixed posts garrisoned with troops. You have recently organized new departments, and put military commanders over them in active service, whose expenses in moving over the country are necessarily very heavy. I think, therefore, we had better let their rations stand as they are during the war; and when the war is over, we can arrange it. These men are in the field doing actual duty, and to cut down their rations may in reality impose a heavy burden on them; but I think we may now very well cut off double rations from officers stationed in fixed fortifications with garrisons.

Mr. HALE. I will accept the modification proposed by the chairman of the committee.

The VICE PRESIDENT. The amendment will be so modified.

Mr. LANE, of Kansas. I should like to ask the Senator from New Hampshire a question. How can you take the rations from one set of officers and leave them with the other without creating confusion and causing dissatisfaction?

Mr. HALE. There is no difficulty in my mind on that point—not the slightest.

Mr. LANE, of Kansas. I hope the present arrangement will not be disturbed, unless we can reach all these officers.

The amendment of Mr. HALE, as modified, was agreed to.

The Secretary read the next amendment proposed by Mr. HALE, to insert as an additional section:

And be it further enacted, That officers having brevet commissions shall not be entitled to any increase of pay or emoluments, because of the exercise of command according to their brevet rank.

Mr. NESMITH. Before that is adopted, I should like to say a word. In the organization of our Army, different from the policy that prevails in European armies, our officers are promoted by seniority. There is no opportunity to reward an officer for merit in our Army except by this mere title of brevet. The Senator from New Hampshire this morning undertook to describe what a brevet title meant. He said, I believe, that it meant discharging the duties of an office without holding it. There is a better definition, however, than that, which I learned from an old Army officer. He was asked the distinction between a major and a brevet major. He said it was the difference that there was in a buzzard and a turkey buzzard. [Laughter.]

But, as I remarked before, this is the only sort of reward which men are offered, the only inducement which is held out under our organization, for gallantry exhibited in the field. I think it is a very small compensation in itself, and that men who discharge the duties of brevet majors, or brevet captains, or brevet colonels, or brevet any thing else, ought to be entitled to the compensation which naturally attaches to that rank. For instance, here is Brigadier General Mansfield; he has, until recently, probably up to the present time, been acting as a brevet brigadier general. If he has discharged the duties of a brigadier general and discharged them well, though acting under a brevet commission, I think he ought to be entitled to the compensation of a real brigadier general who discharges the same duties no better than himself. It is only a reward of merit to distinguished officers. I should be in favor of abolishing the brevet rank entirely, if the whole organization of the Army could be changed and men promoted according to merit; but that is not a system that does prevail or ever will prevail in our Army, I suppose. Inasmuch as it does not, this is the only mode by which the President can reward an officer for distinguished services, by conferring on him a brevet rank, and he gets the compensation which a real officer of that rank gets, when he discharges the duties of his brevet rank.

Mr. SIMMONS. There are some of the provisions of this amendment that I like very well; but I heard the Senator from New Hampshire say just now that General Scott was only Lieutenant General by brevet. I think he has got almost too old for us to strike his pay down, and he is doing rather too much service just now for that. I should like the amendment to be so modified that officers by brevet should have this increased pay when they are in actual service in the field; but when they are around here, as I suppose three fourths of them are in time of peace, I think the regular pay is enough. I would not cut down the pay of General Mansfield, who really does the duty of a brigadier general, because, perhaps, somebody else, who is a brigadier general, is not able to serve; and he has been brevetted though a colonel, and does the real duty of brigadier general, and he does it to-day.

Mr. GRIMES. He has been appointed brigadier general.

Mr. SIMMONS. I am speaking of him as if he was only a brigadier general by brevet. I do not wish to strike men who are doing duty in the field. When these officers are not in active duty, when they are playing the part of sailors on shore, I would cut them down to pretty close quarters; but in time of actual hostilities, when these men are put into actual service and expensive service, I do not think it is a proper time to take off such provisions as the country has heretofore seen fit to allow them for gallantry in the field. I am not a very great stickler for high service, nor do I believe it is worth while, when you are in the face of an enemy, to strike down the pay of your officers who are just before the cannon. I should like to have that distinction made by my friend from New Hampshire, who knows that I vote with him about half the time.

Mr. HALE. I hold the Army Register in my hand, and I will not call any names; but I will read you the present pay of a lieutenant colonel, who, I understand, has lately been brevetted. His present pay is $5,597 06. A brevet, in addition to that, will be—I do not know how much more, one or two thousand dollars. The honorable Senator from Oregon says that this is only a title of distinction or honor conferred upon distinguished officers. It used to be the fashion in the Senate—and I thought it was a good fashion—when a man wanted to compliment another in this body, to speak of him as "the distinguished Senator;" and I looked around when I first came in, and found that most of us were distinguished, for we all spoke of one another as distinguished Senators. [Laughter.] That is just the case with the Army. I doubt if there is one officer in ten that has risen to the rank of captain who has not been brevetted; and, to my certain knowledge, there have been officers brevetted since I have been a member here, that if, as my friend from Rhode Island says, they were ever in the face of a cannon, it was in the face of a cannon a great way off. Officers that have been here in this city, discharging their duties no doubt honorably, bureau duties, &c., have been brevetted—men that had not smelled powder for years before they were brevetted.

Mr. SIMMONS. I asked the Senator from New Hampshire if he would not make an exception of men in actual service in time of war; and he has got up to talk about high salaries.

Mr. HALE. I believe there is one difficulty about this. I think men that stay at home, and do nothing, generally speaking, get the highest pay. I suppose the reason is, that they study this Register and the allowances better than those who are on active duty. The Senate have voted on this matter once, and I understand that the Department wants this reform made. I think it would be acceptable to the War Department. I do not know; I speak without the book; but I have an opinion founded upon some information that I am not at liberty to disclose, that it will be satisfactory to the Department to have this amendment made. The pay is high enough, the highest pay in the world; and I think there will be no mischief done in cutting this off. Besides, this very amendment had the deliberate sanction of the Senate a day or two ago.

Mr. NESMITH. I believe there have been no brevets conferred since the Mexican war. In the Mexican war nearly all the officers who participated in that war were brevetted for some cause or other; some of them for distinguished services actually rendered in the field; some of them for distinguished services said to have been rendered in the field, though they were not within fifty miles of the field, and some for distinguished services in the Departments. The Senator from New Hampshire mistakes what the benefits are under a brevet commission. It confers no extra pay, except when the officer is assigned to duty according to his brevet rank. For instance, an officer may be a captain in the Army, and may at the same time hold the brevet commission of lieutenant colonel. He discharges the duties of a captain in the Army, and draws the pay of a captain in the Army, unless he is assigned to discharge the duties of lieutenant colonel, and then he gets the emoluments of his brevet rank, and not otherwise. It does not increase the pay, unless there is a corresponding increase of duty.

Mr. SIMMONS. If the Senator from New Hampshire declines accepting the suggestion I made, I shall be obliged to move to except the Lieutenant General, if he is a brevet officer.

Mr. FOSTER. Vote against it. It is not amendable.

Mr. GRIMES. I understand the amendment of the Senator from Rhode Island to be, to add after the word "rank," the words "unless such rank were conferred for gallantry in the field."

Mr. SIMMONS. "And is in actual service with the grade to which he is brevetted." The Senator from Iowa is familiar with this subject, and can draw up a proper amendment to answer the purpose.

Mr. HALE. I fear that we shall be misled. I remember that not long ago we brevetted Colonel Emory; and the service which he had rendered for which he got the brevet, was getting up a very large, expensive, and I think I may add a handsome, picture book. He was brevetted for that. A day or two afterwards, I moved to reconsider the vote by which he was brevetted. I believed that making picture books was carried to its perfection by Peter Parley, and that we need not brevet our officers for it; but a distinguished Senator, then a member of this body, who had been Secretary of War, and now holds a higher commission in the pretended government called the confederate States, actually contended before this body, and got, I think, by vote, the sanction of the body, that making such a book as that was military service, and military service of a very high order. So my friend from Rhode Island, with all his sagacity—and, I confess, no man exceeds him in that respect—will fail altogether of the good which he intends by such an amendment as that which he suggests. You had better be done with this at once. If he wants to except the Lieutenant General, I have no particular objection to that. I should not move it myself, but I have as high respect for General Scott as anybody. I think him a great general, rather slow sometimes; but if it is the wish of the Senate to make an exception of his case, I have not the slightest objection in the world. I shall not move it myself, but will accept it if anybody else does, and then I hope the amendment will be adopted.

Mr. BAKER. I will move that exception.

The VICE PRESIDENT. It is not now in order, the amendment of the Senator from New Hampshire being an amendment to an amendment.

Mr. BAKER. I will do it at the proper moment.

The amendment of Mr. HALE was agreed to; there being, on a division—ayes 21, noes 18.

Mr. BAKER. I now move that the case of General Scott be an exception, by adding to the amendment just adopted the words "except the Lieutenant General." I do it on the ground, not that a man ought to have increased pay for brevet rank, but on the ground that we never did give General Scott, as a great captain, half enough, and I want to give him all that he can get in any way.

The VICE PRESIDENT. The Senator's motion is not in order. There is a distinct amendment pending, on which a question is asked. When the Senate votes on that, the Senator can make his motion.

Mr. BAKER. I understood the intimation of the Chair to be, that it was proper now.

The VICE PRESIDENT. It is not now. There is an amendment pending, offered by the Senator from New Hampshire, [Mr. HALE,] which will be read.

The Secretary read the amendment as follows:

And be it further enacted, That officers entitled to forage for horses shall not be allowed to commute it, but shall draw the allowance in kind for each horse actually kept by him, as authorized by existing laws.

Mr. NESMITH. Did I not understand the Senator from New Hampshire to withdraw that amendment?

Mr. HALE. Upon the suggestion coming from the wisdom of the Senator from Massachusetts, on which I rely in all difficult cases, I withdraw that.

Mr. BAKER Would my amendment be in order now?

The VICE PRESIDENT. The Senator's amendment will now be in order.

Mr. BAKER. I move then that Lieutenant General Scott be excepted from the effect of the provision as to brevet pay.

The VICE PRESIDENT. It must be a separate section. The Senator can draw it.

Mr. WILSON. While the Senator is performing that duty, I can propose an amendment.

The VICE PRESIDENT. The Senator from Iowa has submitted an amendment which is in order.

Mr. GRIMES. I understand that the object of the Senator from Massachusetts is to propose an amendment to the twenty-second section which was inserted the other day. I withdraw mine for that purpose.

Mr. WILSON. I did not know that the Senator from Iowa had a proposition pending; but I desire to move a part of what was agreed to as the twenty-second section, when the bill was before under consideration:

That officers of the Army, when absent from their appropriate duties for a period of six months, either with or without leave, shall not receive the allowances authorized by the existing laws, for servants, forage, transportation of baggage, fuel and quarters, either in kind or commutation.

And I wish to leave out the other words of that section, which are as follows:

Nor shall any allowance for servants or horses be hereafter made, either in kind or in commutation, unless such servants and horses have been mustered and inspected at such times and in such manner as the President may direct.

I am told, on inquiry, that the practical operation of that would be somewhat difficult, and especially in active service. As I think officers who are absent with or without consent ought not to have these privileges, I hope that the proposition will be sustained in the form in which I now move it.

The VICE PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be read.

The Secretary read the amendment; which is to add the following as an additional section:

And be it further enacted, That officers of the Army, when absent from their appropriate duties for a period exceeding six months, either with or without leave, shall not receive the allowances authorized by existing laws for servants, forage, transportation of baggage, fuel and quarters, either in kind or in commutation.

The amendment was agreed to.

Mr. BAKER. Now I offer my amendment:

And be it further enacted, That nothing in this act contained shall in any event reduce the pay or emoluments of the Lieutenant General of the Army.

Mr. NESMITH. I opposed the amendment which deprived officers of pay according to their brevet rank when discharging the duties of that rank. I am unable now to perceive why General Scott should be made an exception to the rule. I admit that General Scott is discharging his duty within his sphere; but there is no more reason why he should draw brevet pay as a Lieutenant General than that some first lieutenant who is brevet captain and is discharging a captain's duty should draw the pay of captain. I shall vote against this amendment. If the law is to be that the pay for brevet rank shall be abolished, I am in favor of applying it to every one in the Army without exception. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. POLK. I wish to say that, with the Senator from Oregon, I voted against the proposition which has been adopted by the Senate. I thought it was proper, when an officer received a brevet and was afterwards called upon to discharge the duties of the brevet rank, that he should receive the pay belonging to that rank. The very next thing after we provide that he shall not receive that pay, is to make an exception of General Scott. The very exception, it seems to me, shows the impropriety of the vote just given. I shall vote against this amendment in favor of General Scott, not because I think General Scott ought not to have the pay that belongs to the rank that he holds by brevet, and of which he discharges the duties, but because I am not willing to make an exception, which exception itself shows that the rule which has just now passed is wrong.

Mr. SAULSBURY. I voted in the same manner that the Senator from Missouri did on the other proposition; but I confess that I now shall vote for this amendment, and my chief reason will be this fact: that General Scott, as a military officer, has set an example to the officers of the Army which I admire exceedingly. While I am in favor of peace, I rejoice that this great captain of the age has not resigned his commission and taken part with his State in seceding from the Union.

The question being taken by yeas and nays, resulted—yeas 30, nays 6; as follows:

YEAS—Messrs. Anthony, Baker, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Johnson of Tennessee, Kennedy, King, Lane of Kansas, McDougall, Pomeroy, Saulsbury, Sherman, Sumner, Ten Eyck, Wade, Wilkinson, Willey, Wilmot, and Wilson—30.

NAYS—Messrs. Breckinridge, Carlile, Johnson of Missouri, Nesmith, Polk, and Powell—6.

So the amendment of Mr. BAKER was agreed to.

Mr. GRIMES. I now offer the proposition which I sent to the table a few moments ago.

The amendment was read as follows:

And be it further enacted, That any commissioned officer of the Army or Navy, who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by the proper authority, and without leave, quit his post or proper duties, with the intent to remain permanently absent therefrom, shall be regarded as a deserter and punished as such.

The amendment was agreed to.

Mr. FOSTER. I move to amend the substitute further, by striking out, in section ten, the following words:

The superintendent of the Military Academy shall be an officer of the engineers, topographical engineers, ordnance, or artillery corps, a graduate of the United States Military Academy, and distinguished for his scientific attainments. He shall have the local rank, pay, and allowances of a colonel of engineers, and be appointed by the President, by and with the advice and consent of the Senate.

The amendment will be easily understood. It leaves the Military Academy, so far as its superintendency is concerned, just as it now is. It has been in operation some fifty years. So far as the fitness of the superintendent is concerned, I believe there is no question. I do not think it is worth while now to make a change. Perhaps at another session, under other circumstances, it may be necessary; although about that I by no means wish to commit myself now; but at present, at least, I think it is much better that we should leave it as it is. I understand that the chairman of the Committee on Military Affairs is not disposed to press this proposition; and I think certainly no evil can occur by leaving what has been so well done as it is, without change.

Mr. WILSON. Being a man of peace, always desiring to have unity if possible, I give way to the opinions and solicitations of Senators about me, and consent to the amendment. I will not contest the matter.

The amendment of Mr. FOSTER was agreed to.

Mr. WILSON. I wish to make a slight amendment in the same section, to make it more clear. I move the amendment at the suggestion of the Senator from Maine, [Mr. FESSENDEN,] who has examined the matter very carefully, and thinks it is important to make this amendment. I move, in the seventh line of the tenth section, after the word "State," to insert the words, "one to be nominated by each Senator;" so that it will read:

But two cadets shall be appointed from any one State, one to be nominated by each Senator.

Mr. KING. The fore part of that section is a little indistinct. Is the understanding that the Senator is to nominate from the State which he represents?

Mr. WILSON. Certainly.

The amendment was agreed to.

Mr. WILSON. The amendment moved by the Senator from Ohio, [Mr. SHERMAN,] I am told, and think, on examination, leaves the matter of the staff a little indefinite. I propose to make a slight amendment, to which, I hope, the Senator will consent; to add, after the words "by and with the advice and consent of the Senate," the words: "in addition to the number authorized by existing laws and regulations." I think that carries out the object very clearly. The Senator, I suppose, wishes to add this number to the existing number, and not to disturb the staff of the Army.

The VICE PRESIDENT. The Senator's amendment is not now in order. The Senate have agreed to the section as it stands; and it is not competent to change it without a reconsideration.

Mr. GRIMES. In the sixth line of the sixteenth section, page 7, I move to insert the words "or hominy," after "rice;" so as to allow a choice of hominy or rice in the ration.

The amendment was agreed to.

Mr. WILSON. I think, as the Senator from Ohio agrees to the suggestion that I made, we, by unanimous consent, can put it in the bill now.

Mr. SHERMAN. There is no objection.

The VICE PRESIDENT. The Senator from Massachusetts proposes to further amend the amendment which has been agreed to, submitted by the Senator from Ohio, and asks the unanimous consent of the Senate.

Mr. GRIMES. I object, for this reason. ["Oh, no!"] I am going to withdraw my objection after I have stated it. It is impossible for us to adopt this bill the way it is drawn, and we ought not to do so. The pay of the officers in the Army is regulated according to the arm of the service in which they are employed. It is presumed that an officer of the cavalry incurs greater expenses in the service than an officer of infantry; and hence the regular pay of a lieutenant, or a captain, or a major, or a colonel, in the cavalry is more than in the infantry. So it is with the artillery and the engineers; but it is not presumable, when two of them shall be retired from the service—one from the infantry and the other from the artillery—that it is going to cost the artillery officer any more to support himself and family than it does the infantry officer. It is true, the difference, as fixed by the amendment of the Senator from Ohio, between the retired pay of an officer of the cavalry and an officer of the infantry, is very small—only between one and two hundred dollars a year; yet it is a difference, and we shall be constantly annoyed by applications asking for the pay to be raised, so as to be equalized between the different arms of the service, and we had better do it now.

Therefore, after I withdraw my objection, I hope the chairman of the Committee on Military Affairs will consent that this bill shall be recommitted to his committee, to be reported to us again, in order that this, with other things, may be equalized. Take the case of two captains, men who graduated at West Point at the same time. One of them may have served the country, perhaps, more faithfully in the infantry than his associate and classmate in the cavalry; and it is not fair that the infantry officer, because he happens to be disabled, should be retired upon a smaller compensation from the Government than the man who was assigned to the cavalry; and no matter how small the difference is, although it is only between a hundred and two hundred dollars a year, it may be of very material consequence to the officer. I withdraw my objection.

The VICE PRESIDENT. The Senator withdraws his objection; and the Chair hearing no other objection to this amendment, it will be entertained.

Mr. SHERMAN. I will simply remark that there is nothing in the objection made by the Senator from Iowa. There is a difference in the grade of these officers. That difference is made by law. The corps of engineers and the corps of topographical engineers receive a little higher pay now by law, and they should; because the first five graduates of West Point are put in those corps; and the difference in pay is made, not on account of the difference of expense in the service, but on account of the difference in the grade of the service. I think that difference might as well be kept up to the end of their lives.

Mr. GRIMES. Cadets of the same grade of scholarship are assigned into the infantry and into the cavalry. The cavalry officer, while in service, receives a larger compensation than the infantry officer. It is not on account of his superior qualifications; it is not because he possesses better scholarship; but either by chance or by choice he happens to take that arm; and now, under the amendment of the Senator from Ohio, when these two lieutenants, the one from the infantry and the other from the cavalry, are retired on account of some incompetency or some wound, perhaps received in action, the cavalry officer is going to receive one or two hundred dollars a year more pay than the infantry officer. That is not right.

The amendment to the amendment was agreed to.

Mr. WILSON. The Senator from Iowa desires to have the bill recommitted; and if it be the judgment of the Senate that it needs to be recommitted, I certainly shall not oppose the motion; but it appears to me that the bill is about as well prepared as we can make it, with the exception of that portion of it prepared by the Senator himself, in regard to the Navy. I have consented that that should go upon it; but while changing the compensation to retired Army officers, we have not changed the compensation of the naval officers. Now, why may we not take up that portion of the bill, and proceed to settle it on the same grounds? It appears to me we can; and then I think the bill is certainly in good condition to pass.

Mr. CLARK. I do not believe that the pay of the officers of the Navy can be settled without a reference to the committee. I find, upon looking at the Register, that there is a good deal of disproportion. For instance: a captain of the Navy on leave pay would get $3,000, a good deal more, in proportion, than an Army officer would; and some of those officers get more on leave pay the longer they have been at sea; so that the whole thing will have to be considered, and some standard adopted, and it must be considered by a committee. I have endeavored to find a way to arrange it, but I think it has to be done by committee.

Mr. WILSON. Well, Mr. President, to gratify the Senator from Iowa and the Senator from New Hampshire, and as the Committee on Military Affairs have a meeting to-morrow morning, I move now that the bill be recommitted to the Committee on Military Affairs, for the purpose of perfecting those portions of it,

The VICE PRESIDENT. Does the Senator add a motion to print?

Mr. WILSON. I move that the bill be printed as now amended, and be recommitted to the Committee on Military Affairs.

Mr. ANTHONY. Will it be in order to move, as an amendment to that motion, that the committee be instructed to report a plan for the appointment of cadets at West Point, on the competitive system, in such a way that every young man in the country shall have an equal chance to apply for it; and that the appointment shall be given to the one who upon examination shall be found most meritorious?

The VICE PRESIDENT. It is competent for the Senator to move any instructions to the committee.

Mr. WILSON. While it is in order to do so, I hope the Senator will not press it. This matter of filling up the Academy has cost the committee—I know as a member of the committee it has cost me—a great deal of trouble. We have had suggestions of every kind and description, and we have been able to come to nothing except what we have now agreed upon. I hope we shall fill up these vacancies; and then at the next session of Congress we can pass the bill reported by the commission that sat last year at West Point, or pass whatever legislation may be necessary. I would suggest to the Senator from Rhode Island, that he let the matter pass over, and that he be prepared at the next session of Congress to come in here with a proposition to reach the object he desires to accomplish.

Mr. ANTHONY. The Academy will then be full. There are now a number of vacancies.

Mr. WILSON. All this bill provides for is to fill existing vacancies.

Mr. ANTHONY. How many? More than ever before?

Mr. WILSON. Quite a large number. Let us fill these vacancies in the mode proposed, and then, at the next session of Congress, take up the bill reported—by the Senator from Vermont, [Mr. FOOT,] I think; at any rate he was on the commission, and agreed to the bill reported—and then we can settle the mode of admission into the institution; but do not, on this temporary measure, undertake to start a proposition that I do not think we can mature at this session.

Mr. ANTHONY. I will not press the motion against the wishes of the chairman of the Committee on Military Affairs; but I hope the committee will accept the suggestion, and I am sure a provision of that kind can be embodied in a very few lines, leaving the details to the Secretary of War.

The motion of Mr. WILSON was agreed to; and the bill was recommitted to the Committee on Military Affairs and the Militia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House insisted upon its amendment to the bill of the Senate (No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and appointed Mr. FRANCIS P. BLAIR of Missouri, Mr. ABRAHAM B. OLIN of New York, and Mr. HENDRICK B. WRIGHT of Pennsylvania, managers at the same on the part of the House.

The message further announced that the House had passed a bill (No. 53) relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes, in which the concurrence of the Senate was requested.

CONTRACTS OF THE NAVY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, in compliance with a resolution of the Senate of the 4th instant, calling for a statement of all contracts made by that Department, or by the authority of the Secretary, since the 4th day of March last, specifying those that have been made upon advertisement, and those that have been made without, with such full and particular statement in each case as shall enable the Senate to see the comparative cost in each case in reference to former purchases of the same kind; and in the case of the purchase or charter of vessels, a particular description of each vessel, and the price paid for purchase, and the price paid per month in case of charter; which, on motion of Mr. TRUMBULL, was referred to the Committee on Naval Affairs.

PAPERS PRESENTED.

Mr. LANE, of Kansas, presented a letter from the Commissioner of Indian affairs, communicating papers in relation to the claim of Mrs. Quindaro Nancy Guthrie; which was referred to the Committee on Military Affairs and the Militia.

HOUSE BILL REFERRED.

The bill (No. 53) relative to the revenue marine, to fix the compensation of officers thereof, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

BILL INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 33) to suppress insurrection and sedition, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

THE VOLUNTEER BILL.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, disagreed to by the Senate, and insisted upon by the House of Representatives; and, on motion of Mr. WILSON, it was,

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the said bill insisted on by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice President.

Mr. WILSON, Mr. TEN EYCK, and Mr. RICE, were appointed.

EXECUTIVE SESSION.

Mr. POWELL. I move that the Senate do now adjourn.

Mr. GRIMES. There is a little bill on the table that I should like to have taken up.

Mr. FESSENDEN. We ought to have an executive session.

Mr. GRIMES. The bill which I propose to take up can soon be disposed of.

Mr. POWELL. How long will it take?

Mr. GRIMES. It is a bill creating the office of Assistant Secretary of the Navy.

Mr. POWELL. That will lead to debate, I suppose.

Mr. GRIMES. I do not know. I do not think it will.

Mr. POWELL. It is half past four o'clock. I think it is time to adjourn. We have been here four hours and a half.

Mr. FESSENDEN. I suggest that it may be necessary to have a short executive session. It is proposed to refer some nominations which are on the table.

The VICE PRESIDENT. Does the Senator from Kentucky withdraw his motion?

Mr. POWELL. No, sir.

Mr. SUMNER. I hope we shall have an executive session.

The motion to adjourn was not agreed to.

Mr. CLARK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 17, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

APPOINTMENT OF A COMMITTEE.

The Speaker announced that he had appointed the following as the select committee ordered by the House on the bankrupt law: Messrs. ROSCOE CONKLING, HUTCHINS, THOMAS of Massachusetts, NOELL, and MCKNIGHT.

MEMBER SWORN IN.

Mr. THOMAS, of Maryland. I rise to a privileged question. Mr. MAY, Representative of the fourth congressional district of Maryland, is present, and desires to qualify as a member of the House.

Mr. MAY appeared, and qualified by taking the oath to support the Constitution of the United States.

GOVERNMENT CONTRACTS.

Mr. HOLMAN. I am instructed by the select committee, raised by the House a few days since, to inquire into certain contracts of the Government, to report the following resolutions:

Resolved, That the provisions of the resolution appointing the select committee to inquire into and report in relation to certain contracts made by the Departments for provisions, supplies, &c., be so extended as to embrace an inquiry into all the facts and circumstances of all the contracts and agreements already made, and all such contracts and agreements hereafter to be made, prior to the final report of the committee, by or with any Department of the Government, in anywise connected with, or growing out of, the operations of the Government in suppressing the rebellion against its constituted authority.

Resolved, That the said committee be authorized to sit during the recess of Congress, at such times and places as may be deemed proper.

Resolved, That said committee be authorized to employ a stenographer as clerk, at the usual rate of compensation.

Resolved, That the Sergeant-at-Arms of the House be directed to attend in person or by assistant the sittings of the committee, and serve all the subpœnas put into his hands by the committee, pay the fees of all witnesses, and the necessary expenses of the committee.

Resolved, That the Speaker of the House, during the recess of Congress, is hereby authorized and directed to issue subpœnas to witnesses, upon the request of the committee, in the same manner as during the sittings of Congress.

I call the previous question upon the resolutions.

Mr. KELLOGG, of Illinois. Are these resolutions in order?

The SPEAKER. The committee has a right to report at any time. This is a report from the committee, and the Chair thinks it is in order.

Mr. KELLOGG, of Illinois. I desire to say a word upon the report, and I hope the gentleman from Indiana will not press the demand for the previous question.

Mr. HOLMAN. I withdraw it; but I hope the gentleman will renew it.

Mr. KELLOGG, of Illinois. Mr. Speaker, I am opposed to the extension of the original resolution, as proposed in the resolutions now offered. I am unwilling, at this stage of our proceedings, to organize a committee for the purpose of investigating contracts made, which investigation must be upon the assumption that there is something wrong in the War Department. I made no objection to the resolution when it was first offered, because I supposed that the gentleman who offered it had some foundation for such a proceeding; but when, as now, an intention is indicated to establish an advisory board—in other words, to establish a controlling influence over the War Department—and a committee that shall sit during the recess of Congress, to advise, supervise, and control the Secretary of War, I must object, and I do oppose these resolutions. If it be true that the War Department is now so inefficient and corrupt that it requires seven or eight counselors to advise about every contract that is to be made hereafter, it is time that we took some definite and fixed action and correct the evil, so that it shall not require eight Secretaries of War instead of one; thus changing the entire character and cast of the Department.

Mr. ROSCOE CONKLING. I desire to know if the resolution does not extend to all the Departments of the Government as well as to the War Department?

The SPEAKER. It extends to all contracts authorized by law.

Mr. ROSCOE CONKLING. And to all the Departments as well as the War Department?

Mr. KELLOGG, of Illinois. I believe this to be a most pernicious precedent. Unless the inquiry is to be founded upon some allegation of actual fraud in the Department, it is an imputation upon the Department, which, in my judgment, should not be made. I know of nothing, and I believe that there is nothing, that calls for this extraordinary proceeding of placing the Secretary of War under the ban of a committee. If it be the object to hold him in check from violating the law, that is one thing; if it be to whitewash his proceedings, that is another thing. I am opposed to this roving committee—this committee without limitation of power, time, or place, to supervise the affairs of the War Department. I am willing that the committee shall proceed, under the resolution already adopted, to discharge its functions during the present session of Congress; and when the session ceases, I desire that the functions of this committee shall cease, unless they are prepared to say that there is some specific act which requires the interposition of such an extraordinary commission as this. It is because I believe that the War Department is faithfully and fairly and honestly discharging its duty in administering this arm of the Government, that I make this objection. If, on the contrary, it is not doing so; if there is reasonable suspicion, I shall be the first to raise my voice and to record my vote to investigate to the utmost any misconduct in that branch of the Administration. I am opposed to these resolutions, and I trust the House will not in this hurried manner cast a censure upon the Administration.

Mr. HOLMAN obtained the floor.

Mr. ROSCOE CONKLING. Will the gentleman yield to me for a moment?

Mr. HOLMAN. Yes, sir.

Mr. ROSCOE CONKLING. Mr. Speaker, I should be very sorry to interpose any objection to a resolution looking to any appropriate investigation into the concerns of any Department of this Government; but there are two things touching these resolutions which I think ought to be brought to the attention of the House. In the first place, they ask for a power which I believe has been given twice, and only twice, in the experience of this House, to any committee. One of the resolutions confers upon the committee power to travel in any and every direction, and from time to time, for the purpose of prosecuting their investigations. Now, sir, I am not at all prepared to say that that is not a very suitable request, provided the inquiry is suitably restricted; but I call attention to it. But there is another feature in the resolutions which, it strikes me, is anything but gracious or admissible as a provision to be contained in a resolution adopted by this House. It is proposed that this committee inquire "into all the facts and circumstances of all the contracts and agreements already made, and all such contracts and agreements hereafter to be made, prior to the final report of the committee, by or with any Department of the Government, in anywise connected with or growing out of the operations of the Government in suppressing the rebellion against its constituted authority."

Now, sir, it seems to me, as was suggested by the gentleman from Illinois, [Mr. KELLOGG,] that it is very gross for this House to assume *in limine*, on the very threshold of its existence, that not only one Department of this Government, but all the Departments of this Government, are to be so managed that we are called upon to appoint a roving commission to sit *in futuro*, in we know not how many places, we do not know how long, until the final report of the committee, which may be during the next session of this Congress, or not till its last session. Now, I should be very sorry to be the member of the House, if there were to be one, to interpose an obstacle to any proper and legitimate investigation; but I should be equally sorry to see this House do a thing so ungracious, and calculated to cast so undue and unjustifiable an imputation on all of the Departments of this Government, as it seems to me will result, unintentionally on the part of the mover, no doubt, from adopting the resolutions just sent to the Clerk's desk.

There may be an answer to all this; but I feel bound to call the attention of the House to it, and to suggest it for the consideration of the gentleman from Indiana. If the resolution be intended merely to furnish ways and means for conducting a legitimate investigation, that is one thing; but if it be all that it seems to be, or, in other words, if no special explanation can be made, it seems to me to be obnoxious to the objection I make.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to authorize a national loan, and for other purposes; when the Speaker signed the same.

GOVERNMENT CONTRACTS—AGAIN.

Mr. HOLMAN. Mr. Speaker, this resolution is reported by the direction of the select committee, and not of my personal motion, although I very fully concur in its provisions. I understand that the whole effect of the resolution is this: the committee has been authorized to inquire into the circumstances connected with the execution of certain contracts and agreements heretofore executed. It is further provided, not in censure of the Administration or any of its members, nor indeed on any basis of suspicion, that during the session of this committee—for it is to remain in session during the vacation of Congress—if illegal or improper contracts be made, the committee shall possess the power to investigate the circumstances under which they were made. I am astonished that that is regarded as a censure, or as a suspicion of the integrity with which the Government conducts its affairs. It is a mere provision that, in the exercise of the powers of the committee, if it shall appear during the time of exercising these powers in the vacation of Congress, that illegal or improper contracts have been made, involving the expenditure perhaps of millions of money, the committee shall at that time, and appropriately, investigate the circumstances under which such contracts are made, for the information of the Government itself, as well as of the country.

Mr. ROSCOE CONKLING. I ask whether the resolution does not expressly extend the investigation to all contracts, good, bad, or indifferent, without branding them at all, either expressly or by implication?

Mr. HOLMAN. It cannot be presumed that a committee would inquire into the character of a contract in the absence of some circumstances of suspicion respecting its legality or fairness. That is implying but very little confidence in the intelligence or integrity of the committee. If you limit the committee in the scope of its investigations, so that its powers shall be powerless for effective investigation, then I presume that no gentleman on this floor would desire to assume the responsibilities it would seem to create. But if the object be, in the emergency which we have been compelled to encounter, an emergency hitherto unknown in our history—the expenditure of $500,000,000, if you please—to investigate fraudulent contracts, if such shall be made, thoroughly, then the committee ought to be vested with such complete power as will make its action beneficial instead of prejudicial to the public; effective, instead of a mere cover. I do not presume that any gentleman on the Republican side of the House doubts the policy of a thorough investigation. I trust and hope that the Administration is acting with integrity. I am not prepared to make any specified charge against it. If it is acting with integrity, then certainly the extension of the powers of the committee cannot operate to the prejudice of the Administration.

Mr. VALLANDIGHAM. I desire, for information, to propound a question to the gentleman from Indiana: what is the difference between embarrassing the Administration by an inquiry into its financial malconduct of affairs, and embarrassing it by an inquiry into any violation by it of the Constitution and laws of the United States?

Mr. HOLMAN. As the gentleman's inquiry opens up a broad field which it certainly is not the intention of the House to discuss at this time, the gentleman will excuse me for not making him a direct answer.

I was going on to say that, if it be the purpose of the House to enable the committee to investigate thoroughly, as well the contracts that have been made as the contracts that may be made during its continuance, which certainly will embarrass an honest Administration, then certainly these powers ought to be conferred. They surely cannot operate to the prejudice of the Administration, if it acts justly and honestly in the discharge of its great public duties; and if such be not the case, they will operate beneficially to the country.

Mr. CURTIS. Mr. Speaker——

Mr. HOLMAN. I regret that the offering of these resolutions has consumed so much of the time of the House. I feel constrained now to demand the previous question.

Mr. KELLOGG, of Illinois. I move to lay the resolutions on the table.

Mr. DAWES. Will the gentleman withdraw that motion for a moment? As a member of the special committee, I desire to say a word.

Mr. KELLOGG, of Illinois. For the purpose of hearing the gentleman from Massachusetts, I withdraw the motion.

Mr. HOLMAN also withdrew the demand for the previous question.

Mr. DAWES. I was appointed on that committee without any knowledge on my part. I have consented to serve on it in good faith, with no disposition to do injustice to the Administration—to pursue it, or to rove over the country in search of food for accusation against any Department of the Government. At the same time, I have not consented to serve on that committee with any purpose of whitewashing any transaction, whether it be of the present or any other Administration. I do not propose myself to seize on the exigencies of the Government and turn them to my own profit; nor do I propose to consent that any other man shall.

I suppose that the committee has been raised by the House with a disposition to examine fairly, and at the same time thoroughly, into any contracts made by the Government with any parties about which there should be any suspicion. I suppose that the House has confidence in that committee that it will pursue its inquiries in a manner proper as well to the Administration as to all parties outside who may be accused of seizing on the present exigencies for their own profit. I know of no charge to bring against the Administration. I have in my possession no evidence against outside parties who have embraced this occasion to fill their own pockets out of the public Treasury.

But, sir, no man can fail to have taken notice of the fact that the country is full of rumors in these respects. I do not understand my friend from New York, [Mr. ROSCOE CONKLING,] or my friend from Illinois, [Mr. KELLOGG,] with whom I desire always to agree, if possible, as being disposed to shield, in any way, any party to any contract made with the Government. But my friend from Illinois objects to the resolution because it extends the operations of the committee beyond the session of Congress. He has only just to look at this thing for a moment, and he will see that if the committee enter upon their duties at all, they must have their life extended beyond this session of Congress. This House has agreed to adjourn on Friday; and my friend from Illinois can see at once that between this and Friday we can do nothing.

But my friend from New York objects to it on two grounds: first, that it is proposed to permit the committee to sit elsewhere than at this capital. Now, if the House can trust the committee, and if the committee is deserving the confidence of the House, the committee will not constitute itself a roving commission.

Mr. ROSCOE CONKLING. I think the committee ought to have that power.

Mr. DAWES. The gentleman thinks the committee ought to have that power. It was asked simply for the purpose of saving expense to the Government. The House will see at a moment's glance, that it is better for the committee to investigate a contract at the place where it is entered into, than to bring all the witnesses and all the parties to the Capitol for that purpose; and if any confidence can be reposed in this committee, it is to be assumed that they will not abuse their powers.

The other objection of my friend from New York is, that it applies as well to contracts hereafter to be entered into, as those already entered into. I have no particular objection to restricting the examination to those already entered into, but I present to my friend from New York the consideration upon this subject that the purpose of the committee is not to pursue anybody; the purpose of the committee is to enter in good faith into a fair and reasonable, but at the same time thorough, examination of all contracts about which there is any suspicion; and that, we thought, might as well apply to any contract about which there is any suspicion or clamor which may be entered into, after we enter upon the investigation, and before we report as to contracts that have already been entered into. The committee, in short, supposes it has the confidence of the House. A majority of the committee is composed of men commonly ranked as friends of the Administration; and I know of no member of the committee upon whom may justly rest the charge of a disposition to pursue any man, whether he be of the Administration, or of those who have entered into contracts with the Administration, one single inch beyond that which the facts may justify.

I can only say, that if this committee are to be confined in their operations to this session, or if they are to be restricted in their investigations by a vote of the House, no man with any self-respect will consent to serve upon the committee, hampered, fettered, and circumscribed to a particular channel, because the House has not confidence in them unless they restrict them as to their particular course of investigation.

Mr. EDWARDS. I ask the gentleman from Illinois to yield further for a moment. I do not propose to take up much of the time of the House; but I desire to say that I am opposed to this resolution; and, beyond that, I am opposed to the committee itself to which it applies. Without any charges against the Administration, this House has been, I had almost said, flooded with propositions for committees of investigation; and, sir, it seems to me that we may well wait until some gentleman rises in his place, and upon his responsibility states that he believes that in some of these Departments there is something wrong, something dishonest.

Why, sir, this Administration has but just come into power. It has been environed with difficulties; it has had a new field to enter upon; and shall we now, upon the mere suggestion that something may possibly be wrong, enter upon a wide field of investigation at the very beginning of the Congress, during an extraordinary and unusual session, called only to strengthen and sustain the Administration in the conflict in which it is engaged?

For these reasons, sir, I am opposed to all this class of investigating committees at this time. And, sir, I am opposed to it for another reason: I think gentlemen have not forgotten that there are certain standing committees, to whom the investigations proposed in these resolutions legitimately belong. There is a Committee on Expenditures in the Navy Department; a Committee on Expenditures in the War Department; there is a Committee on Expenditures in the Post Office Department; there are separate standing committees on the expenditures of each and all of the other Departments of the public service; and, beyond this, there is a Committee on Public Expenditures generally. Now, Mr. Speaker, what are the duties of these standing committees? Are the members who compose them mere nominal officers; or have they some duties to perform? If they have duties to perform, shall the House carve out all those duties and assign them to special committees, and give them power to travel all over the country to see if they cannot find out some fraud, even before any fraud is suggested? This, it seems to me, is the real question before the House.

Now, sir, I may be excused for making these remarks, for I have the honor to belong to the Committee on Public Expenditures; and let me say that that committee has been increased during this very session, because it was supposed there would be important duties for the committee to perform.

Mr. Speaker, I believe it is better to wait until there shall be some complaints before the Committee on Public Expenditures, or until there shall be some authentic declarations in this House that there have been expenditures illegal or unauthorized. It is, in my judgment, premature and unwise to appoint any special committee upon subjects within the province of our standing committees; and much more unwise to authorize them to sit during the recess of Congress, at a great expense to the country, with power to go wherever they choose, for the purpose of hunting up frauds in some of the contracts made in some of the Departments of the Government, upon the mere suspicion that such frauds may somewhere exist. I hope, therefore, that the motion of the gentleman from Illinois, to lay the resolution on the table, will prevail.

[A message was received from the Senate, by Mr. FORNEY, their Secretary, notifying the House that the Senate had passed a bill of this House, making additional appropriations for the naval service of the Government for the fiscal year ending June 30, 1862, and to supply arrearages in the appropriations for the fiscal year ending June 30, 1861; with sundry amendments, in which he was directed to ask the concurrence of the House.]

Mr. KELLOGG, of Illinois. I desire to reply in a word to the gentleman from Massachusetts, [Mr. DAWES.] I am the last one in this House who desires to avoid any investigation. I think that will be accorded to me. If the object of this resolution was—and I assume in good faith it was—to investigate in relation to contracts already made, as that was the object expressed by the original resolution, I will do nothing, I will not throw a straw in the way of that investigation.

Mr. Speaker, I will make this additional remark: Now that the committee has been raised, I would not disband it before it has had time to act. If gentlemen think it advisable, and now that the committee has been raised—although nothing has come to my notice sufficient to induce its organization—I am willing that it shall not be disbanded at the close of the present session; but I think the object may be accomplished by the adoption of a resolution that will permit the committee to extend over into the next session of Congress, which will be in session in a very few months. By the rules of the House, as I understand them, the functions of the committee will cease with the termination of this session of Congress, unless special provision be made to the contrary. I think, therefore, it would be very well to adopt a

resolution extending the committee over into the next session, giving them an opportunity of finishing their investigation, as contemplated by the original resolution. That will accomplish all I think gentlemen can reasonably desire, and it will save us from the reproach of raising a committee to sit in the future, not only upon what may have been done, but upon what may be done by the War Department, and by other Departments of the Government.

I now renew the motion to lay the resolutions on the table.

Mr. VAN WYCK. Will the gentleman allow me to make a suggestion in regard to the point that he has made, that there are no specific charges upon which the committee can properly act?

Mr. KELLOGG, of Illinois. I am requested by members all around me to adhere to the motion to lay upon the table; and I decline to withdraw it.

Mr. VAN WYCK. I think it only fair that the gentleman should hear me. [Cries of "Order!"] He has stated that there are no specific charges of fraud and corruption. I state that there are specific charges of fraud and corruption on the part of public servants. [Cries of "Order!"] I make the statement distinctly.

The SPEAKER. Unless the motion to lay on the table is withdrawn, debate is not in order.

Mr. VAN WYCK. I want to call the attention of the gentleman from Illinois and the attention of the House to specific charges. [Cries of "Order!"]

The SPEAKER. The gentleman must observe the rules of the House.

Mr. VAN WYCK. I ask the gentleman to withdraw the motion to lay upon the table for a moment.

Mr. KELLOGG, of Illinois. For the purpose of hearing the chairman of the committee for one moment, I withdraw the motion to lay upon the table.

Mr. VAN WYCK. I thank the gentleman. The gentleman; as I understand, states that he is not aware of any specific charges of fraud and corruption against any person to justify the raising of this committee. I venture the assertion, that in the few short months of this warfare against the rebels, there has been, on the part of some men, a system of plunder upon the Government which will excel in audacity and wickedness any that has characterized previous Administrations. No charge is made distinctly against any Department of the Government, but we do say that there are men who, taking advantage of the necessities of the times, have committed depredations upon the Treasury of the United States. I ask the gentleman whether he does not know that a contract has been made in open market——

Mr. KELLOGG, of Illinois. If the gentleman asks me a question I will answer him.

Mr. VAN WYCK. Not now. Wait a moment.

The SPEAKER. Conversation is not in order upon the floor.

Mr. VAN WYCK. Does it not need investigation if a contract has been made whereby eight or eight and a half cents is paid per pound live weight for beef, when the agents of the Government, on the 22d and 23d of April last, sent to Baltimore, and bought it at six and a half cents? Does it not require investigation when we hear that the Government hired in New York an old worn-out steamer for $10,000 a month, with the provision that $50,000 should be paid if it were lost? Are not such matters to be inquired into? I tell the gentleman and this House, I tell the Republican party and the country, that the War Department wants an examination into all these subjects. If there be gross fraud, the Secretary is the last man to have it covered up. The War Department wants the country to know if there be fraud, that the responsibility shall fall in the right quarter.

I learn of another contract made by an Army officer in the western country, where one would suppose honesty would accompany patriotism—a contract for hats at fifteen dollars a dozen, when they could be obtained for ten dollars a dozen. And let me tell this House, that Congress, on the 2d of March, 1861, passed a law that no article should be purchased for the use of the Government unless upon advertisement and the reception of proposals, except where the public exigencies demanded. Yet, before our Army could get through Baltimore, before the bridges which were destroyed had ceased to smoke in ruins, before the eighth Massachusetts and Seventh New York rested their arms from a weary march in this very Capitol, the army of contractors had arrived. Powder was contracted for without advertising, so that our magazines could not hold another barrel. There may be nothing wrong in this; but we want to know whether it be right or not. Such are the facts for these few months of the warfare; and, as we have appropriated some $500,000,000, we ought to see that in the future depredations upon the Treasury shall not be committed as they have in the past.

I appeal to my Republican friends, let us be true to our former professions, and see to it that plunder and peculation shall not follow upon the track of our Army. Let us watch the movements of the Army contractors, and take care that they shall not feast and fatten upon the free-will offerings of the Republic. I might refer to other instances; but I do not deem it necessary at this time.

We implicate no Department or officer of Government; merely desiring that men who are so base as to seek at this time to enrich themselves, should be held up to the scorn of the world, never to be forgiven by the American people.

Those who are pirating upon our waters under a traitor's commission, are no more depraved than those professing patriotism and loyalty who are privateering under the commission of cupidity against the generous affections and benevolence of a self-sacrificing nation.

Mr. KELLOGG, of Illinois. It appears that the gentleman does not understand the purport of his own resolution; and I move that it be laid upon the table.

Mr. HOLMAN demanded the yeas and nays.

At the request of Mr. EDGERTON, the resolution raising the committee was read.

Mr. COVODE. I ask for the reading of the 103d rule.

The Clerk read, as follows:

"103. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly whether the expenditures of the respective Departments are justified by law; whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount; whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character or extravagant in their amount. And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several Departments without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several Departments and the accountability of their officers. It shall be the duty of the several committees on public expenditures to inquire whether any offices belonging to the branches or Departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary, and to report, from time to time, on the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all offices under the laws of the United States, and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require."

Mr. DIVEN. Now read the rule that precedes that.

The Clerk read, as follows:

"102. Seven additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress.

"*To consist of five members each.*

"1. A committee on so much of the public accounts and expenditures as relates to the Department of State;

"2. A committee on so much of the public accounts and expenditures as relates to the Treasury Department;

"3. A committee on so much of the public accounts and expenditures as relates to the Department of War;

"4. A committee on so much of the public accounts and expenditures as relates to the Department of the Navy;

"5. A committee on so much of the public accounts and expenditures as relates to the Post Office;

"6. A committee on so much of the public accounts and expenditures as relates to the Public Buildings; and

"7. A committee on so much of the public accounts and expenditures as relates to the Interior Department."

Mr. WHEELER. I appeal to the gentleman from Illinois to withdraw his motion for a moment, that I may offer an amendment.

Mr. HOLMAN. Unless the motion is withdrawn unconditionally, I must object.

Mr. KELLOGG, of Illinois. I cannot withdraw the motion.

Mr. JOHNSON. I desire to ask a single question.

The SPEAKER. Debate is not in order.

Mr. JOHNSON. Then I ask the unanimous consent of the House to ask a question.

Objection was made.

The question was then taken; and it was decided in the negative—yeas 49, nays 76; as follows:

YEAS—Messrs. Appleton, Ashley, Baker, Beaman, Bingham, Blake, William G. Brown, Campbell, Chamberlain, Clark, Roscoe Conkling, Conway, Curtis, Davis, Diven, Edwards, Ely, Franchot, Goodwin, Granger, Gurley, Hale, Hickman, Horton, Hutchins, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Leary, McPherson, Moorhead, John H. Rice, Riddle, Robinson, Sedgwick, Sheffield, Sherman, Train, Trowbridge, Upton, Van Horn, Wallace, Charles W. Walton, Webster, Wheeler, Albert S. White, Windom, and Worcester—49.

NAYS—Messrs. Aldrich, Allen, Alley, Ancona, Goldsmith F. Bailey, Joseph Baily, Baxter, Samuel S. Blair, George H. Browne, Buffinton, Cobb, Frederick A. Conkling, Cooper, Corning, Covode, Cox, Cravens, Crittenden, Cutler, Dawes, Delaplaine, Duell, Dunlap, Edgerton, Eliot, English, Fenton, Gooch, Grider, Haight, Harding, Harrison, Holman, Jackson, Johnson, Julian, Kellinger, Law, Lazear, Lehman, Loomis, McKnight, Mallory, Menzies, Justin S. Morrill, Morris, Noble, Norton, Nugen, Odell, Olin, George H. Pendleton, Perry, Pike, Potter, Reid, Alexander H. Rice, Shanks, Shellabarger, Sloan, Smith, Spaulding, John B. Steele, William G. Steele, Stevens, Vallandigham, Van Wyck, Vibbard, Wadsworth, Wall, E. P. Walton, Ward, Chilton A. White, Wickliffe, Wood, and Woodruff—76.

So the House refused to lay the resolution on the table.

Mr. HOLMAN. I demand the previous question on the passage of the resolution.

Mr. WHEELER. I rise to a question of order. By one of the standing rules of the House, which the Clerk has just read, it is provided that the committee on so much of the public expenditures as relates to the War Department shall inquire whether the claims from time to time satisfied and discharged by the Department are supported by sufficient vouchers establishing their justness both as to their *character* and *amount*.

By another of the standing rules of this House, it is provided that no standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended except by a vote of at least two thirds of the members present. My point is, that no one day's notice was given of the motion for the appointment of this select committee; nor was the committee created by a vote of two thirds of the members present. But suppose, for the sake of argument, that these committees have concurrent jurisdiction: yet the question as to who shall act in the premises ought to be submitted to the House; and to accomplish that, I desire to submit a resolution.

The SPEAKER. The Chair would say to the gentleman from New York, that the House can raise a select committee upon any subject they choose, even though it may be in charge of a standing committee of the House.

Mr. WHEELER. Then I ask that the question of jurisdiction of these respective committees be settled by the House itself.

Mr. HICKMAN. I rise to a point of order. It is, that this resolution is excluded by the resolution adopted at the commencement of the session, on the motion of the gentleman from Indiana, restrictive of the business of the House.

The SPEAKER. The Chair would state to the gentleman from Pennsylvania that the last part of that standing order allowed all businesss which should be introduced to be referred; and when the House comes to act upon whatever the committees shall decide upon, the question which the gentleman raises will arise. The Chair also thinks it is too late now to raise the question, as the resolution has already been accepted by the House.

Mr. KELLOGG, of Illinois. I ask the gentleman from Illinois to permit me, by his withdrawal of the demand for the previous question, to have an amendment reported.

Mr. HOLMAN. I must refuse.

Mr. KELLOGG, of Illinois. I desire to have it read.

Mr. HOLMAN. I object.

The previous question was then seconded, and the main question ordered to be put.

Mr. HUTCHINS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 81, nays 42; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ancona, Appleton, Goldsmith F. Bailey, Joseph Baily, Baxter, Francis P. Blair, Samuel S. Blair, George H. Browne, Buffinton, Calvert, Cobb, Frederick A. Conkling, Cooper, Corning, Cox, Cravens, Crittenden, Cutler, Dawes, Delano, Dunlap, Edgerton, English, Fenton, Fouke, Gooch, Grider, Haight, Harding, Harrison, Holman, Horton, Jackson, Johnson, Julian, Killinger, Law, Lazear, Lehman, Loomis, Mallory, Menzies, Mitchell, Justin S. Morrill, Morris, Noble, Norton, Nugen, Odell, George H. Pendleton, Perry, Pike, Pomeroy, Potter, Reid, Alexander H. Rice, Shanks, Sheffield, Shellabarger, Sloan, Smith, Spaulding, John B. Steele, William G. Steele, Stevens, Francis Thomas, Vallandigham, Van Wyck, Vibbard, Wadsworth, Wall, E. P. Walton, Ward, Chilton A. White, Wickliffe, Wood, Woodruff, and Worcester—81.

NAYS—Messrs. Ashley, Baker, Beaman, Bingham, Blake, Campbell, Chamberlain, Clark, Roscoe Conkling, Conway, Covode, Davis, Delaplaine, Diven, Edwards, Ely, Franchot, Goodwin, Granger, Hale, Hickman, Hutchins, Kelley, Francis W. Kellogg, William Kellogg, Lansing, McPherson, Moorhead, Olin, Riddle, Robinson, Sedgwick, Sherman, Stratton, Train, Trowbridge, Upton, Wallace, Wheeler, Albert S. White, and Windom—42.

So the resolution was adopted.

During the vote,

Mr. HALE stated that Mr. PATTON was confined to his room by sickness.

Mr. RIDDLE stated that Mr. TRIMBLE was ill, and unable to attend the sittings of the House.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled a bill to provide for the appointment of assistant paymasters in the Navy; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of their clerks, notifying the House that the Senate had passed an act providing for a temporary increase of the Navy; in which he was directed to ask the concurrence of the House.

Also, that the Senate had agreed to the amendments of the House to the bill of the Senate entitled "An act to alter and regulate the Navy ration."

Also, that the Senate had disagreed to the amendments of the House to the bill of the Senate authorizing the employment of volunteers to aid in enforcing the laws and protecting public property.

JURISDICTION OF COMMITTEES.

Mr. WHEELER. I now ask the unanimous consent of the House to offer the resolution which I send to the Clerk's desk.

Mr. ELIOT. I call for the regular order of business.

Mr. WHEELER. The subject of the resolution is the submission to the House of the question of the jurisdiction of the two concurrent committees to which I before alluded.

Mr. STEVENS. I call for the regular order of business. We have already taken up too much time with resolutions.

The SPEAKER. The business in order is the call of committees for reports.

Mr. STEVENS. I believe the time has arrived when we were to go into the Committee of the Whole on the state of the Union. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. But before that motion is put to vote, I move that all debate on the tariff bill be closed in one hour after the committee shall take up the bill for consideration.

REVENUE MARINE.

Mr. ELIOT. I ask the gentleman from Pennsylvania to waive his motion a moment, that I may make a report from the Committee on Commerce, upon a bill referred to them.

Mr. STEVENS. If nothing else interferes, I have no objection.

Mr. ELIOT then, by unanimous consent, reported, from the Committee on Commerce, a bill (H. R. No. 53) relative to the revenue marine, and fixing the compensation of the officers thereof, and for other purposes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time.

Mr. ELIOT called the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the bill was passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EMPLOYMENT OF VOLUNTEERS.

Mr. BLAIR, of Missouri. I ask the gentleman from Pennsylvania [Mr. STEVENS] to give way to me also, that I may move to take up from the Speaker's table a bill which has just been returned from the Senate.

Mr. STEVENS. I will do so; but it is positively the last time.

Mr. BLAIR, of Missouri. I now move to take up the act (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; and upon that bill I move that the House insist upon its amendments thereto, and ask a committee of conference.

The motion was agreed to.

TARIFF BILL.

The question recurred upon the motion of Mr. STEVENS to suspend the rules and go into the Committee of the Whole on the state of the Union; and preliminary to that, the motion to close debate in one hour after the House resolves itself in the Committee of the Whole.

Mr. CURTIS. I move to amend the resolution, by striking out "one hour" and insert "ten minutes."

The amendment was disagreed to.

The resolution was then adopted.

The question recurred upon the motion to go into the Committee of the Whole upon the state of the Union; and being put, the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CAMPBELL in the chair,) and proceeded to the consideration of the special order, being a bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes.

The bill was read through.

The committee then proceeded to consider the bill by sections for amendment.

The first section of the bill was read.

Mr. VALLANDIGHAM. I understand that pending a proposed substitute for the bill, it is in order to amend the original text.

The CHAIRMAN. The Chair so understands.

Mr. VALLANDIGHAM. I offer, then, the substitute for the entire bill, which I send to the Clerk's desk, and which will not interfere with any proposed amendments.

The substitute was read, as follows:

That from and after the 30th day of September, 1861, the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861, except the first, second, third, and fourth sections, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That the act entitled "An act reducing the duty on imports, and for other purposes," approved March 3, 1857, be, and the same is hereby, revived and declared in full force and effect from and after the 30th day of September, 1861: *Provided, however*, That upon all articles included in schedule F, section three, of said act, commonly called the "free list," except upon coffee and tea, fire-arms and ordnance, and upon military stores imported in good faith for any of the States still loyal to the Union; wearing apparel in actual use, and other personal effects not merchandise, and goods, wares, and merchandise, the growth, produce, or manufacture of the United States, exported to a foreign country and brought back to the United States in the same condition as when exported, upon which no drawback or bounty has been allowed, there shall be levied and collected a duty of ten per centum *ad valorem*: *Provided further, also*, That the duty on salt shall be reduced to the same rate, and no more.

Mr. VALLANDIGHAM. Mr. Chairman, it is not with the slightest idea of its success that I propose this substitute, for I very well understand that the bills prepared at the Executive Departments, printed with the reports of the executive officers, and ratified by the committees of this House, will be registered here without deliberation and almost without debate. But I desire that the record shall remain right for *the hereafter*.

I propose to revive the tariff of 1857, with a duty of ten per cent. upon the free list, except coffee and tea, fire-arms, ordnance and military stores imported for the loyal States, and wearing apparel not merchandise; the usual exceptions, I believe, in all the acts which have ever passed through Congress.

The effect of this measure will, of course, be to exempt tea and coffee from taxation. They are among the necessaries of life, subjects of universal consumption; and it seems to me that, in levying duties, this House ought to proceed upon the principle of discriminating against luxuries, and in favor of the necessaries of life; and that, if the enormous expenditures, the vast indebtednesses which are being accumulated now, be paid, they who are the better able should bear the burden, rather than that articles so universally of consumption should be expected to contribute, as they are expected to contribute, the principal part of the increase of revenue to be derived from this measure.

I propose also to reduce, by five per cent., the duty upon salt, for that also is one of the necessaries of life. Bread, coffee, or tea, potatoes, and salt, constitute the only daily food of three fourths of the people of this country. By the act of 1857 salt pays fifteen per cent. The reduction I propose is upon this principle: that inasmuch as there is a general stagnation of business now, as the laboring men of the country are thrown out of employment, and are obliged to reduce their expenditures to the lowest possible standard, to come down to the absolute necessaries of life, we ought, as far as possible, to exempt these necessaries from taxation.

The article of sugar, also, will be affected. There is a large increase proposed by this bill. What benefit is to be derived from it I know not. It is not altogether in the category of necessaries, and yet it is an article of very general consumption. The consumption during the last year—1860—amounted to 930,000,000 pounds. But I propose to speak but a moment in regard to it, and rather from a financial point of view. The object of the increase of the duty on sugar of course is to raise an increased revenue. Now, I submit to the consideration of gentlemen upon the other side this question: I understand, from high authority, that there is already a very abundant stock of sugar in the market—far beyond the demand—and that that stock is sufficient for the demands of the country, or that portion of it which is still within the Union, during the present year and for a part of the year 1862; that the result of an increase of the duty upon it will be simply to raise the price of the sugar already in market and raise it upon the consumers; and that no more sugar will be imported. I understand, also, that if the Union were restored within the next nine or ten months, and the States of Louisiana and Texas brought back, such is the condition and prospect of the sugar crop there that it would reach nearly the amount of the entire consumption of the last year; and that the amount produced in the southern States will be nearly sufficient for the whole population of the United States, and that there would, therefore, be no importation at all. The result would be a large increase in the price of sugar to the consumer without any corresponding augmentation of the revenue of the Government. It seems to me, therefore, that instead of increasing the rate of duties upon sugar, which is an article of immense consumption, and from which no revenue can be obtained, it ought to be allowed to remain at least at the standard fixed by the act of 1861, that the Government may obtain some revenue from it; for, I repeat, the inevitable result of so large an increase will be to prevent a large portion of the poorer classes of persons from purchasing at all, and to diminish the quantity to all others. It will decrease the amount of consumption, decrease the demand for imported sugar, and in that way there will be, of course, a diminution of revenue to the Government.

I submit this consideration to gentlemen. It is not my purpose to speak at length upon the bill, because, as I have already intimated, I well know that the chances are altogether that it will pass through the House without material amendment. But it seems to me that the act of 1857, which I have hitherto condemned, but condemned because of the free list in it, had better be revived, inasmuch as it was maturely considered—was a compromise between the interests of conflicting sections of the country, and an exceedingly whole-

some measure, except that, by the peculiar arrangement of the free list in favor of manufacturers, and the small amount of duties assessed upon raw materials, it was a manufacturers' tariff; while in all other respects, at the same time, it was beneficial to the consumer. I propose to revive it; but by levying a duty of ten per cent. *ad valorem* upon the very extended class of articles in the free list, it seems to me that far more revenue will be derived than by adhering to the act of 1861, or by the passage of the bill now before us.

Now, as I understand it, there is no material change from the "Morrill tariff" proposed by this bill. The provisions of that act remain nearly or precisely the same in regard to the iron, cottons, and woolens; and thus all the objectionable features of the act of 1861 are retained, and this bill is introduced, in the form of a digested act, for levying duties upon imports, and yet contains no substantial change from the act of March last, except levying a duty upon tea and coffee, and making some other immaterial changes in certain articles enumerated. It might very well have been enough for the purpose of legislation that the act should simply have been amendatory to the act of 1861, and have provided for a tax upon tea and coffee, and an increased tax upon sugar, from which a large revenue is expected; but if that had been done, the minds of the people would have been brought directly to the fact that the enormous expenses of the Government were expected to be borne by duties levied upon the very necessaries of life; and thus the families of those who are in the front ranks of the Army, suffering the privations and braving the dangers of war, are obliged to pay back also a large part of the small pittance of pay to the soldier, in the form of this tax upon that which forms a part of their only daily food. I can conceive no other purpose of introducing an entirely new bill, when, during the long session of 1859-60 and the short session of 1860-61, the minds of the ablest men in the House and Senate were occupied for eighteen months in digesting the bill passed in March last. I am no admirer of that bill, in either form or substance; but at the same time, it seems to me extraordinary that there should be a total change of it now, by the enactment of a new tariff. If you adopt the proposition which I make, and assess a duty of ten per cent. on the free list I venture to assert that a larger revenue will accrue to the Government than can possibly be obtained under this bill. Sir, the result of this act must be to diminish the consumption of sugar, of tea, and of coffee, and thus to decrease the revenue. Without detaining the committee any further, by entering into the details of the bill, I propose the substitute just read.

Mr. STEVENS. There are one or two small amendments which ought to be made to the first section before we proceed to the consideration of the general merits of the bill.

I move to amend, by adding after the word "cents," in the fifteenth line, the words "per pound;" so as to make it read:

On raw sugar, commonly called Muscovado or brown sugar, not advanced above Dutch standard, by claying, boiling, clarifying, or other process, and on sirup of sugar or of sugar cane and concentrated molasses, or concentrated melado, 2½ cents per pound.

The amendment was agreed to.

Mr. STEVENS. I move to amend, by striking out the words "Dutch standard," in the fifteenth line, and inserting after the word "state," in the sixteenth line, the words "above No. 12, Dutch standard;" so as to make it read:

And on white and clayed sugar, when advanced beyond the raw state above No. 12, Dutch standard, by clarifying or other process, and not yet refined, 3 cents per pound.

The amendment was agreed to.

Mr. STEVENS. I move to amend, by striking out, in the thirty-fourth line, after the word "chicory," the words "3 cents per pound," and inserting the words "root, 2 cents per pound, and on chicory, ground, 4 cents per pound;" so as to make it read: "On chicory root," &c.

The amendment was agreed to.

Mr. STEVENS. I move to amend, by inserting in the forty-first line the words "on dates, 5 cents per pound."

The amendment was agreed to.

Mr. STEVENS. Mr. Chairman, I am opposed to the substitute proposed by the gentleman from Ohio, [Mr. VALLANDIGHAM.] It is well known that in times of profound peace the bill which the gentleman now offers did not produce sufficient revenue to defray the expenses of the Government, and that the Government had to be supported by large loans. We are now in time of war, when the legitimate expenses of the Government are perhaps five times more than they ought to be in time of peace; and it is necessary to control the taxation and revenue of the country during the continuance of the unfortunate circumstances into which a portion of our citizens have so wickedly dragged us.

The tax proposed is on certain necessaries of life. It is proposed by the committee, as I have no doubt it will be laid by the House, with great reluctance; and it would be avoided if it were possible to carry on the operations of the Government and repress this rebellion without it. It is a departure, I admit, from the general policy of this Government, which has generally allowed to come in free or with slight duty such articles as were absolutely necessary for the laboring as well as for the richer classes of the people. Tea, sugar, and coffee, are here necessary for the comfort of all classes. With the exception of sugar, they are not produced in this country; and therefore, according to our policy, they were not taxed either for revenue or protection. They could not be legitimately taxed for the latter. In England, it is well known, they are heavily taxed. They form one great item of the revenue of England. Tea is taxed 35 cents per pound; coffee, 6 cents per pound; sugar less; pepper, 10 cents; chicory, 2½ cents. That is the ordinary revenue taxation of England. We do not propose to put it now at one half what it is in England.

But, in order to raise a revenue to any considerable extent, in addition to that now raised by our regular tariff, the three main articles relied upon are those which I have mentioned; because they are more largely consumed than any other articles in the free list. To be sure, the committee has proposed a duty on almost all the items that enter into the free list; but the duty on them altogether will be small compared with the duty that will be raised on the articles I have mentioned. Sugar now pays the small duty of ¾ cent per pound. The committee proposes to raise the lowest grades 2½ cents per pound; and so on, according to quality. In order to ascertain what it will produce, I have made a short calculation, which is rather higher, I believe, than is concurred in by most of my colleagues. I may as well say, however, in answer to what was said by the gentleman from Ohio, that so far as the immediate receipts of revenue on the item of sugar are concerned, I do not expect them to be large. I know that there is a very large quantity of that article on hand now; and, of course, that will be consumed before any more is imported to any considerable extent. I suppose it likely that the quantity now on hand will supply the consumption for the next quarter, or very nearly so. I therefore do not wish to hold out the idea, or to be understood as expressing the hope, that during the next quarter the revenue from this additional taxation will be to any large amount. I am speaking of what it will be when the present quantity on hand shall be consumed, and when we return to the regular course of importation.

The gentleman from Ohio thinks that Louisiana and the other sugar-growing States will be able to supply from their large crops the wants of next year. I must inform the gentleman that I do not understand that his friends of the South will be permitted to introduce their sugar into the free States at all.

Mr. VALLANDIGHAM. The gentleman misunderstood me. I said expressly that, in case of a restoration of those States to the Union, then there would be, as a matter of course, no duty paid. The West depends almost exclusively on the sugar brought up the Mississippi and Ohio rivers.

Mr. STEVENS. I did not understand the gentleman's hypothesis. In case of the restoration and submission of the rebels to lawful authority—which I would be glad to see take place soon, although I have but little hopes of it—no one expects to have this war tax continued beyond the exigency that has produced it; for, let it be expressly understood, that, so far as the Committee of Ways and Means is concerned, and so far as we on this side of the House are concerned, we are almost all opposed to any tax on sugar, coffee, and tea, in time of peace, when sufficient revenue can be raised from the ordinary sources. It is, therefore, only during the disturbed state of things that we expect this tax to remain. As I said before, I expect no sugar to be introduced from the rebel States.

Now the ordinary importation of sugar from foreign countries was, for the year 1859-60, 674,000,000 pounds. During that time Louisiana and the other sugar-growing States produced 315,000,000 pounds. Part of that was, no doubt, used in the free States. In the slave States there are certainly not more than six million people who ever taste sugar, unless they taste it while they are making it. In the free States there are some twenty million people who consume it. It is true also, that a portion of the 315,000,000 pounds grown in the slave States has always been brought into the free States, entering into competition with the foreign article. This will be excluded while the present condition of things continues; and therefore, if the same amount of sugar continues to be used in the free States as heretofore, the importations will be more than the amount I have mentioned. But I am ready to believe that during the distracted condition of the country, there will not be the same amount of sugar used in the free States there has been heretofore, but I am in hopes it will not be diminished by much more than the amount we have heretofore received from the southern States, and that the amount to be used, if this condition of things continues, will be about the amount of our ordinary foreign importations. But I have supposed it to be something less in the calculation I have made.

Now, sir, if you take the amount of importations as I have supposed it to be, the lowest rate of duty named—2½ cents per pound addition—would yield a revenue of $16,850,000. But from that is to be deducted the present duty upon sugar, which produces about $4,500,000 per annum. Deducting that amount, and taking the importations to be the same as heretofore, and the increase of revenue from this article will be some $12,350,000. So much for that item, the most considerable of any which can be found to raise a revenue upon, beyond our present tariff.

The average amount of coffee which we have lately imported is 213,000,000 pounds. But that was consumed partly in the slave States, as well as in the free States; and the consumption during these disturbances will necessarily fall off considerably. We have supposed it would fall off some 30,000,000 pounds, which I believe to be a fair allowance, leaving the supposed importation for the future year, or while these disturbances continue, at 183,000,000 pounds. That, at the proposed duty of 5 cents per pound, would produce a revenue of $9,150,000.

The next and only remaining considerable item—for I do not call half a million in these times a very large amount—is tea. The ordinary importation of tea into this country averages about 31,000,000 pounds. I have supposed it would fall off in consequence of these disturbances 6,000,000 pounds, leaving the importations for the future at 25,000,000 pounds. Upon this article the Committee of Ways and Means departed somewhat from the bill recommended by the Secretary of the Treasury. The Secretary of the Treasury recommended two grades of duty at 15 and 20 cents per pound. The committee have fixed a uniform duty of 15 cents per pound. The reason which led us to this conclusion is this: if you put 10 cents upon black tea and 15 cents upon green tea, knowing as this House does the manner in which business is done in our custom-houses, knowing the frequency of custom-house oaths, and how thin they become worn eventually, [laughter,] the committee were afraid that if two grades of duty were established, such distinctions would grow up among importers that it would not be long before nearly everything would come in under the head of black tea, and but little be received under the head of green tea paying the higher grade of duty. Besides this, there is comparatively little black tea imported in comparison with the green. Another reason is, that Japan tea, although it is equal in quality and pretty much the same in flavor with the Chinese green tea, is black in color, and

in this country would undoubtedly pass as black tea, if the two grades of duties were established. Under the circumstances, therefore, the Committee of Ways and Means have deemed it best for the revenue, as well as for the tea dealers, to place the whole under a uniform duty of 15 cents per pound; which, taking the importations at 25,000,000 pounds, would produce a revenue of $3,750,000.

If I am right in these estimates—and perhaps they are in one item a little large, I mean that of sugar; I do not think it is, but those much better acquainted with these things say the estimate is large, and it is not for me to say they are not correct—I say, if I am right in these estimates, the increased duty from these three items will reach $25,250,000.

The Committee of Ways and Means, then, as the House will see, have taken up a very large number of items from the free list. Some of them will produce a very considerable revenue—some of them will come as high, I think, as $500,000. I name the article of Manilla hemp, which I think produces some $500,000.

Mr. VALLANDIGHAM. Will the gentleman, before he takes his seat, allow me to call his attention to this point: the act of 1857 did not, moderate as the duties were, yield a revenue sufficient to meet the extravagant expenditures of the Government, but still yielded a revenue of some $56,000,000. The tariff of 1861, whatever it might have yielded in ordinary times—and I think it would have perhaps fallen below that from the tariff of 1857—has, in the present distracted condition of the country, yielded considerably less than the immediately preceding tariff. Now, the point I make is, that the true policy of the Government, having the largest amount of revenue in view, is rather to reduce the duties, with a view of encouraging importation, than to increase them; for the effect of increasing the duties must be to diminish the importations to a corresponding extent.

Will the gentleman allow me to remind him, also, in the same connection, that during the last fiscal year, two thirds of the exports of the country were the products of the southern States; and that the imports of a country depends much upon its exports. The fact, then, that these States will not now contribute for our benefit in the way of exportation, will necessarily very materially diminish the imports into the ports of the free States. And thus, in every point of view, it seems to me there is a combination of circumstances calculated to reduce the importations. I submit, therefore, the point, that our true policy is rather to encourage importations by a reduction of duties, even below the standard of the act of 1857, than to impose still higher duties; at least until the imports shall have regained their former magnitude.

Mr. STEVENS. The gentleman asks whether it is not proper and would not produce more revenue to diminish rather than to increase the duties? I would be much obliged to the gentleman if he would tell me how much we shall diminish the duties in order to induce importation to produce the largest revenue? How much shall we diminish it on coffee and tea?

Mr. VALLANDIGHAM. There is no duty on tea and coffee. I am speaking of other articles.

Mr. STEVENS. Therefore I could not see how the gentleman's argument applied to it.

Mr. VALLANDIGHAM. I waited until the chairman of the committee passed from these subjects and came to the general principles upon which we ought now to legislate. Allow me one word further. I do not desire to interrupt the gentleman unnecessarily. There are two modes, as I understand, of diminishing the revenue; one is by decreasing duties so low that there will be nothing yielded; and the other is by fixing duties so high that they will exclude all importation. The great object of all tariff legislation is to ascertain the exact mean between these two points. I speak of a tariff for revenue and not of a tariff for protection.

Mr. STEVENS. The gentleman's theory is well enough; but will he tell me how we are to stimulate the importation of the articles I have referred to beyond the present amount? Will he tell me what objection he has to laying taxes to raise this revenue, if he desires that the Government shall be sustained in the prosecution of this war?

Mr. VALLANDIGHAM. With the gentleman's leave, I will say that I would diminish the duties upon iron, which are duplicated and triplicated, and are exceedingly onerous upon the people of the northwestern States. Do that, and then we might be willing to compromise by laying a moderate duty upon tea and coffee, and the other necessaries of life.

Mr. STEVENS. The gentleman, if he knew anything about the subject at all, would know that there cannot be at present, or for two years to come, any iron imported. It is now lower than it has ever before been known by fifty per cent. It is so low as to be breaking up all of the iron-masters. The duty onerous! Upon whom? Where has the gentleman found it so? The gentleman cannot find a man who will tell him that, under the increased duty, the price upon the article has not been diminished. If he will examine the price current, if he will inquire of those who are acquainted with this subject, he will find that, instead of raising, it has diminished the price.

Mr. VALLANDIGHAM. That doctrine has been exploded a long time ago.

Mr. STEVENS. In the old country, as well as everywhere else where there are iron works, they are going out of blast in consequence of the low price of the article and the amount in the market. No, sir; the gentleman is mistaken in supposing that by the destruction of the iron works in America, importation would give him iron at as low a price as now. That would add fifty per cent. to the price of foreign iron, and make it what every man who knows anything about it knows what it was before these duties were laid, and before our iron works were stimulated into existence. Some men make a great clamor about that of which they know nothing.

Mr. VALLANDIGHAM. One word. The gentleman has been exceedingly courteous, and I ask him to yield to me again. I desire to know whether the fact which he states as a fact, that the increase of duty upon iron has decreased the price, is the reason why Pennsylvania clings with such tenacity to high duties upon iron?

Mr. STEVENS. In order to help the gentleman out of his distress for paying so high for his iron——

Mr. VALLANDIGHAM. We have to pay high for it, that is true.

Mr. STEVENS. Without taking up the time of the House in referring to item after item, I will state that, according to my calculation, (and I cannot be expected to make an accurate estimate,) the increase of the revenue on this duty would be about $8,000,000. If I am right in the supposition as to the amount imported, this bill will add to the revenue after it comes into full operation more than $30,000,000. It may be $32,000,000, but it cannot be less than $30,000,000.

Now, sir, the only question is, whether this shall be raised? It must be raised. If gentlemen can show another way in which we can raise it, then they can with reason object to the present bill. We have already authorized a loan of $250,000,000. We shall owe that amount, together with the sum of $100,000,000 more—a debt created in a time of peace by the late Administration. Every money-eyed man, every commercial man, must know that unless we at the same time provide for paying the interest and reducing the debt somewhat, our loans will not be taken. Wise men—and those who have large amounts of money are always wise in their generation—never trust anybody with large amounts of money unless he can show means by which it is to be repaid. Without raising this sum, together with another sum by some other mode of taxation, we shall never be able to go into the market and procure money at the present time; or if so, it must be at such ruinous rates as to entail a great debt for a long time upon the Government.

We have provided that this duty shall not take effect upon the stock now in the bonded warehouses of the Government. We deemed that to do that would be unjust. I hold, sir, that all the goods which have been put into bonded warehouses have been put there with the understanding that they shall be taken out at the rates of duty existing when they were entered. I am opposed to the whole warehouse system. I think it is a pernicious one; but so long as it exists I believe that the merchant has the right to take his goods out at any time within the three years prescribed by law at the same rate of duty as when they were imported. I know that those who have large amounts of goods of this description in the bonded warehouses will make a large amount of money by the operation. That is their good luck, and we cannot in justice take from them any portion of their profit. We have also deemed it right to provide that this duty shall not be laid on goods now in our ports, or upon ship-board, fairly embarked for our ports. The committee deemed that but fair to the merchants who have sent out and made contracts under the present law.

It will be seen, too, that we have inserted the usual provision of ten per cent. with regard to those articles imported from any other than the place of production, or beyond the Cape of Good Hope. That provision is inserted in all our laws, and for the benefit of navigation.

Now, sir, I will simply say—while I do not intend to enlarge—that I know the reluctance many men have in voting for a tax upon sugar, coffee, and tea—the necessaries of life. When a similar provision came to us in a bill from the Senate last year, I voted against it because I knew how hard it would bear upon the laboring classes; but, although it will bear hard upon them, as well as upon the rich, yet I have no doubt they will all be willing to bear their small share of the tax for the purpose of sustaining the Government in this righteous struggle—carried on for their protection and the protection of their children. These are the reasons for insisting upon the duties on these articles. While, as I said before, I know the reluctance with which many gentlemen will go for it, yet I hope all will see the necessity for it, and give it their support.

Mr. COVODE. I desire to get the sense of the House upon the duty on sugar; and for that purpose I propose to strike out from line fourteen, page 2, the word "two" and insert "one;" in line seventeen, strike out "three" and insert "two;" and in line nineteen, strike out "four" and insert "three." The result of my amendment will be to reduce the duties on all the lower classes of sugar 1 cent per pound.

In my estimation, Mr. Chairman, this enormous duty upon sugar will produce no revenue to the Government during this year; and, if we have to put this duty upon sugar at all, we should do it next December, and before the next crop comes into market. To levy the duty at this time will only increase the price of the sugar in the hands of the holders, thereby giving fortunes to them at the expense of our people who consume the article. There is an enormous amount of sugar in the market at this time, the larger portion of which is held by foreigners. Is it right for us to tax our people after they have left their homes, where they make one dollar and upwards a day, and gone into the Army at eleven dollars a month? I say, is it right that we should tax them to this enormous extent? I understand perfectly that it is necessary to raise a revenue, for the purpose of having our loans taken. How was it with our fathers of the Revolution? They fought the battles of the Revolution, and gave us a Government; but they never placed a high tax upon those articles which were used mostly by those who fought their battles. Now, is it right that we should call upon our people to put down this rebellion, and at the same time require them to pay this heavy taxation? I am satisfied that we shall not increase materially, even in another year, the revenues of the country by this enormous duty. It will lessen the consumption of sugar materially, and it is particularly odious to impose it now, when the Government will derive no benefit from it, but the dealers in the article derive the whole benefit.

I desire to have the sense of the House upon my amendment.

Mr. F. A. CONKLING. Without attempting to follow the honorable member from Pennsylvania, who has just taken his seat, through his eloquent allusions to the period of the Revolution, I desire to refer to his statement that the proposed duty on sugar will produce no revenue. Before proceeding to do so, let me say that, in common with the honorable member from Ohio, [Mr. VALLANDIGHAM,] I greatly regret the necessity of imposing these duties upon the necessaries of life; for, as has been truthfully remarked, they fall with the greatest severity upon those who are least able to bear them. But, as a question of fact, as a matter of statistics, let me call the attention of this committee to the stock of sugars

now on hand in this country. It is true that the stock, as will be perceived, was a little larger on the 1st of July than it has been at the same period during the two preceding years. I will now state the precise figures. The stock on hand on the 1st of July, instant, at the four principal ports—New York, Boston, Philadelphia, and Baltimore—was 91,140 tons. At the corresponding date of the year 1860, it was 83,169 tons; or about 8,000 tons less only. At the corresponding date of 1859, it was 83,658 tons.

Now with regard to the importation of sugar during the six months ending on the 1st of July—for the six months of the current year—it was 195,515 tons. For the six months of the year ending July 1, 1860, it was 203,916 tons, or 8,000 tons in excess of the fiscal year just closed. For the six months of the year ending July 1, 1859, it was 206,667, or 11,000 tons more than during the corresponding period of the current year.

What does this indicate? Simply that the consumption this year has been less than that of the preceding year, assuming the stock on hand, on the 1st of January each year, to have been the same—and probably the amount did not differ essentially.

And now as to the reason for this diminution. A portion of this sugar has unquestionably been consumed in the States in rebellion lying upon the sea-board. Again: the demand for it from the northwestern States has been considerably diminished by reason of the great depression existing in that section of the country, arising, to a considerable extent, out of the derangement of the currency, which of itself is incident to the rebellion in the land. The stocks of the rebellious States, upon which most of this currency was based, became greatly depreciated in value, and the currency depreciated accordingly.

Now, sir, it has been said that the proposed duty on sugar will produce no revenue—at least none during the first quarter; and I understand the honorable member from Pennsylvania, the chairman of the Committee of Ways and Means, to express that opinion.

Mr. STEVENS. Oh, no. I say it will be much less in the next quarter than in the last one.

Mr. F. A. CONKLING. In that opinion, sir, I fully concur. I will accordingly proceed to show that the proposed duty upon sugar is greatly less than the people of Great Britain pay upon the same article; and although the honorable gentleman from Pennsylvania [Mr. STEVENS] has referred to this fact, I desire now to present for the consideration of this committee some accurate statistics, which I have prepared with some care. During the year 1859, which is the latest date to which I have been able to procure the report of the Board of Trade, the quantity of sugar entered for consumption in Great Britain was 1,026,593,568 pounds, and the amount of revenue raised upon it was £5,891,192, or $28,277,721 60. Now, sir, the consumption of sugar *per capita* in the United Kingdom is just about thirty pounds per annum. The amount imported into this country during the year 1859, and which was for the most part consumed in the northern States—because my examination of the subject leads me to believe that the production of Louisiana may be fairly offset, one year with another, against the consumption in the rebel States—the consumption in the free States was about the same *per capita* as that in Great Britain, the importations for the year being 624,881,457 pounds. Estimating the population of the loyal States, as the chairman of the Committee of Ways and Means estimates it, at about 20,000,000 souls, it will be perceived that it gives the same *per capita* consumption as that of the United Kingdom, or about thirty pounds per head.

[Here the hammer fell.]

Mr. STEVENS. I hope the gentleman will be allowed to finish his remarks.

No objection was made.

Mr. F. A. CONKLING. The amount of duty received on the quantity of sugar imported into the United States in 1859, which I have just stated, was $6,943,479, being at the rate of twenty-four per cent. *ad valorem*. The amount of duty collected on sugar imported into Great Britain in 1859, as I have already stated, was $28,277,721 60.

A few words now in reference to the article of coffee. The number of pounds of coffee entered for consumption in Great Britain in the year 1859 was 34,492,980. The amount of revenue received on that quantity was £431,361; which, at $4 80 to the pound sterling, makes $2,070,532 80. The quantity of coffee imported into the United States in the same year was 246,902,327 pounds, which was free of duty. In round numbers, then, a little more than seven times as much coffee was imported into the United States during that year as was imported into Great Britain.

The number of pounds of tea entered for consumption in Great Britain in 1859 was 76,237,538; and the amount of revenue received on the same was £5,408,924; which, at $4 80 to the pound sterling, is $25,962,835 20. Now, there was imported into the United States during the same year only 23,148,808 pounds, which was free of duty.

The gentleman from Pennsylvania [Mr. STEVENS] has made no particular allusion to the article of molasses; and therefore I shall relieve the committee from listening to the statistics which I have prepared on that subject.

The question being on Mr. COVODE's amendment,

Mr. COVODE demanded tellers.

Tellers were ordered; and Messrs. COVODE and VALLANDIGHAM were appointed.

Mr. COVODE. If the chairman of the Committee of Ways and Means will give us a vote upon this amendment in the House, I will not insist upon a division by tellers.

Mr. STEVENS. I can make no bargains about this war tax.

The committee divided; and the amendment was rejected—ayes fifty-one, noes not counted.

Mr. DAVIS. I move to amend the section by striking out in the eleventh line the words "not advanced above Dutch standard." I move to strike out these words because, in their present position, they have no meaning. These words, without figures or numbers appended, have no meaning or significance. If it were "No. 12, Dutch standard," it would mean something. I move further to amend in line sixteen, by adding, after the words "Dutch standard," the words "below No. 12, Dutch standard, 2½ cents." I offer that amendment for this reason: that all the white or clayed sugars below No. 12, Dutch standard, are not provided for by the amendment of the chairman of the Committee of Ways and Means. The words "above No. 12, Dutch standard," were introduced by him, leaving all the clayed or white sugars, as they are termed, below No. 12, unprovided for.

Mr. MORRILL, of Vermont. Allow me to suggest to the gentleman that he will accomplish his object by inserting in line eleven, after the word "above," the words "No. 12." I suppose it to be an error of the clerk in transcribing the bill.

Mr. DAVIS. That part of the section applies only to raw or Muscovado sugar. The classification of "white and clayed sugar" embraces sugars in value from 2½ to 7 cents a pound. White and clayed sugars do not mean the same thing at all. Clayed sugars are those that have been by any process clarified—from white, through different grades of yellow, to almost black. If we were to adopt the Dutch classification—not merely the No. 12, but all the numbers as they do in Europe, we would arrive at a just method of levying the duties. But if you impose a duty of three cents a pound on all white and clayed sugar, you impose the same duty on the best white sugar as you do on the brown sugar which forms the raw material out of which the refiner in this country is to make his loaf sugar.

Mr. MORRILL, of Vermont. I move to amend the amendment so that it will read:

"All sugar commonly called Muscovado or brown sugar, and on sugar not advanced above No. 12, Dutch standard, by claying, boiling, or other processes."

I think that will effect the purpose of the gentleman.

Mr. DAVIS. I accept that amendment.

The amendment was agreed to.

Mr. COX. I move to amend by striking out the following clause:

"Tea, 15 cents a pound," and "coffee of all kinds, 5 cents per pound."

Mr. Chairman, I was fully prepared, at the last session of Congress, when all our measures of adjustment failed, and when we had the prospect before us of a dissolving Union, to find, as the result of our action or non-action then, not only large armies enrolled, but perpetual taxes imposed—taxes which would be felt in the dwellings of the most humble. I was prepared to find introduced, at this session of Congress, a bill to tax the necessaries of life—coffee, tea, sugar, &c. Here we have it. I will not give my vote for it, unless the gentleman from Pennsylvania [Mr. STEVENS] comes up and answers the demands of the country, and the demands of the crisis, by taking off the onerous tribute levied on the agricultural portion of the country for the benefit of Pennsylvania's interests.

I denounced the bill of last session, and was almost alone in denouncing it, as a fiscal tyranny, which taxed almost all implements used, from a locomotive down to a needle—almost everything made of iron which entered into common use. I denounced it as a tyranny which would, in time, alienate even the western country from some portions of this Confederacy. I said that the same bad influence which had contributed somewhat to alienate the southern portion of the country from the North, would, in time, work out similar bad effects even on the western country. We passed a bill last Congress which the civilized world, in view of the crisis now pending, called upon us to modify or repeal. But, instead of having equal taxation—a taxation which might have produced more revenue—we find the same old blighting interest here, clinging on to what it has got already in Pennsylvania and New England, and asking that taxes shall be pushed into the cottages of the poor and industrious classes; nay, of the very men who are now fighting the battles of the country.

Sir, I am opposed to this mode of taxing tea and coffee, by imposing a specific duty of 15 cents per pound on the one and of 5 cents per pound on the other. The price of tea now is from 20 cents to $1 per pound. Most of the teas now imported are worth, perhaps, at the smallest figure, 30 cents per pound. But it matters not what the price is. By this tariff the poor man has got to pay the same tax as the rich man—the man who drinks cheap tea pays the same tax as the man who drinks expensive tea. So it is with coffee, on which a specific duty of 5 cents per pound is proposed. I believe we could raise more revenue by cutting down the duty to 2½ cents per pound. Why? Because this tax is proposed to be levied on all kinds of coffee from Rio to Mocha, from coffee of 15 cents per pound to coffee of 30 cents per pound; and the consequence will be, that there will not be so large a consumption and importation, with the duty at 5 cents as there would be with less duty. We know that the large portion of poor people, especially Germans, use the Rio coffee. They will stop the use of it altogether at 5 cents per pound duty. They will use a substitute. It would be wise for us to adopt the proposition made by the other gentleman from Pennsylvania, [Mr. COVODE,] and reduce this duty, if the bill is to pass. If its passage is a foregone conclusion, then we ought so to modify it as to make it bring a greater amount of revenue. I will not vote to levy any tax on tea, coffee, or sugar, till I see some proposition made here to cut down the infamous rates imposed by the Morrill tariff bill on such things as chisels, cutlery, &c., and, I may add, wood screws, about which gentlemen heard so much last session, the benefits of which are given to one company in Rhode Island, which has, by having the only patent, the monopoly of their manufacture, and which paid out money in England to stop the importation of those articles here, so that it might enjoy the monopoly. So long as these things exist, the great West, the agricultural portion of the population, will not march up here and pay very cheerfully these large taxes.

Mr. MORRILL, of Vermont. I believe, Mr. Chairman, that it is necessary for us all to give up something of our own opinions in order to conduct the Government successfully through the present crisis. I may say, with reference to this bill, that while it does not meet my entire and cordial support, yet I mean to give it my vote. I believe that the duties on most articles are put too high. I am not so sanguine as my friend from Pennsylvania [Mr. STEVENS] is, that we will receive under it the amount of revenue that he has estimated. I think it but right to say to the House that, in my judgment, we can realize no such amount of revenue as he has predicted. In the first place, let us take the article of coffee. Last year we only imported 180,000,000 pounds; and yet we are supposed to consume an equal quantity this year, in spite of

all our troubles. Now, I believe that we ought to reduce our estimates very considerably, from our not having the trade of these rebellious States; and besides that, we ought to make large allowances for the economy which is, and ought to be, practiced by the whole American people. The consumption must be much less, and the revenue consequently not so large as estimated.

In reply to the gentleman from Ohio, I will say that I should regard it as a great evil if we were even permitted to import large quantities of merchandise at the present time, because the payment for it would diminish our means of carrying on the war. Why, sir, in order to get a small amount of revenue, we have always to carry abroad a large amount of coin, or its equivalent, to pay for the goods which we import; we have not only to pay the duties, but to pay the cost abroad; and I will say here, that I am very much obliged to the gentleman and others of his party for stigmatizing the bill passed at the last session, and for raising a hue and cry about it, so as to prevent an enormous influx of goods. The false hue and cry has deterred importations. At home and abroad people have believed these were prohibitory duties, when they were only moderate duties, to be honestly collected. By these very means the people of the United States have so husbanded their resources that foreign coin has been tending to this country, and will for some time yet continue to flow in this direction, although the only articles that we have to pay for it are what is produced in the North and West.

Now, Mr. Chairman, it is necessary we should impose duties on something that will increase the revenue. I am very sorry that it has been found necessary to disturb the act of last session. But it is necessary that we should increase our resources so that capitalists may see that they are going to be paid the interest on their advances to the Government promptly. The proof must be strong and palpable. I tell you, Mr. Chairman, and I tell this committee, that it is not only necessary that we should pass a bill of this character, but that it will be indispensable that we raise other means, by internal duties, income tax, or direct taxation, in order that we may be able to pay not only the ordinary expenses of the Government, but pay the interest on the debt which already exists, and on the large debt which we propose to contract.

Now, the gentleman from Ohio [Mr. Cox] has alluded to the enormous duties which he says are levied on chisels. I desire to ask him what is the enormous duty levied by this "infamous Morrill tariff" on chisels?

Mr. COX. I did not mention the rate of duty on chisels. I spoke of the duty on cutlery being largely increased.

Mr. MORRILL, of Vermont. The gentleman mentioned the article of chisels specifically.

Mr. COX. I referred to it as an article of cutlery.

Mr. MORRILL, of Vermont. The gentleman has, undoubtedly, got his information from the New York papers; and they got their information from the English papers in relation to cutlery.

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. MORRILL, of Vermont. No, sir; I cannot yield any further portion of my five minutes. I wish to say, Mr. Chairman, that the tariff of 1861 levies the same duty—no more and no less—upon chisels and cutlery than did the tariff of 1846. It levies a duty of thirty per cent. *ad valorem*.

In relation to screws, I have a letter here from perhaps one of the largest dealers in this country—from a gentleman in Boston. He states that on the whole he is entirely satisfied with the duty upon this article. My own opinion is, that it is something too high. My own opinion also is, that the duty is something too high upon iron. I would have been glad, if all the interests of the country could have been harmonized, to have fixed it at somewhat less.

[Here the hammer fell.]

The question was taken upon Mr. Cox's amendment; and it was disagreed to.

Mr. MORRILL, of Vermont. For the purpose of enabling me to complete the remarks I intended to make, I will move to reduce the duty on coffee to 4 cents per pound.

Now, Mr. Chairman, I had hoped that the committee would have come to the conclusion to fix the duty at a less rate than this bill fixes it upon coffee, and possibly a little less upon sugar, tea, and some other articles; but the majority of the committee, in whose judgment I ought to repose more confidence than in my own, thought differently; and I yield up my own judgment; and shall vote for the bill with the amendment which I have offered, or if it shall be rejected, without it.

It was, in my opinion, important that we should so arrange the scale of duties that they would not need revision at the next session of Congress. I believe that it is of vital consequence that when a tariff act is once put upon our statutes, it should remain there permanently. Constant change is an American financial vice. If there is any rate of duty fixed so high as to make it prohibitory in its character, it certainly does not meet my approval. I am not in favor of a prohibitory duty upon any article. Neither do I believe that the people of this country will be willing that we should levy a direct tax, in order that prohibitory duties may be maintained. And it was in order that we might escape the labor of another revision of the tariff at the next session of Congress, that I, for one, was willing to take the bill of the Secretary of the Treasury as the basis of our action, amend it where it needed amendment, and fix up the whole matter here and now, so that there would be an end of the question for the present at least; and this bill was identically the bill of the last session, except the changes for the purpose of increasing the revenue and for correcting verbal errors. But, sir, the Committee of Ways and Means have thought otherwise, and I have no complaint to make. I am in favor of supporting the Government, and of supporting it efficiently. I know that if we would make our credit, in the language of Hamilton, "immortal," we must levy such a tax as will pay the interest on the public debt, meet the ordinary current expenses of the Government, and provide a sinking fund for the final extinguishment of the public debt. I believe, therefore, it is necessary that we should raise our scale of duties upon many articles very considerably, and that if they are permitted to remain as this bill fixes them, they will produce a very considerable amount of additional revenue, but not quite as much as we should have raised if we had placed some of them at a lower rate.

Mr. MORRILL, of Vermont, by unanimous consent, then withdrew his amendment.

Mr. CURTIS. I move to amend the bill by striking out "coffee" altogether.

Mr. Chairman, I am in favor, as I suppose we all are, in favor of doing anything and everything in our power to try to sustain the Government fully in this emergency—produced, not as my friend from Ohio [Mr. Cox] says, by anything this Congress did or did not do in its last session, but by a wicked and unreasonable war made upon the Federal Government—not by ourselves, but by the rebels who have taken up arms against us. But, Mr. Chairman, the duties which this bill proposes to levy upon coarse sugar, upon coffee, upon tea, and upon salt, on which an increased revenue is proposed to be raised, will be found particularly onerous, and to weigh particularly heavy upon the people in that portion of the country which I have the honor to represent.

My people are loyal; they are willing to be taxed; but they are not willing, I am not willing, that they should be taxed out of proportion to the other portions of the Union. Coffee is the principal article which the people in my section of the country find it necessary to buy. Tea, I believe, is much more used in the New England and the eastern States. But, sir, this bill proposes to make coffee pay a much higher rate of duty in proportion to its cost than tea, and therefore I say the burdens imposed by it will fall very heavily upon the people of the Northwest. Why, sir, the price of the kind of coffee that is mostly used by my constituents costs not more than 10 cents a pound; and a tax of 5 cents in addition—of fifty per cent upon the article—is, it seems to me, unreasonable. I cannot support it. I do not deem it necessary. I hope the Committee on Ways and Means will bring in a bill for issuing Treasury notes in sums as small as ten dollars. My constituents would be willing to take the largest amount of such issues their means would permit, and I think such a course would be much preferable to placing a tax upon the necessaries of life, such as this bill levies upon coarse sugar, coffee, and upon salt.

Mr. SPAULDING. If the gentleman will allow me, I desire to ask him if he is aware that the bill authorizing the issue of Treasury notes in as small sums as ten dollars has passed both Houses, and only awaits the signature of the President to become a law?

Mr. CURTIS. Well, sir, I would be in favor of extending the amount to whatever was necessary to meet the exigencies of the Government. That course was adopted in the Revolution, when there was no basis for it. We now have the basis of the Constitution for it, and I am in favor of resorting to it, at whatever gain or loss, rather than by the mode of taxation which this bill provides for. I wish the members of this committee to understand distinctly that the duties levied by this bill upon coarse sugar, tea, coffee, and salt, will not be sustained by their constituents, and I hope it will not be sustained by this House. The people of the West certainly would much prefer to resort to some mode of taxation which would be more equal in its burdens upon the different sections of the country.

Mr. WRIGHT. I am opposed to the amendment of the gentleman from Iowa. There are one or two things which it becomes necessary to do in this emergency in which the country is now placed. We must either raise money by direct taxation, or we must raise it by additional taxes upon imports. One of these things is an absolute necessity, and therefore I have no hesitation in my own mind in declaring my position to be for increasing the rates of duties rather than by resorting to direct taxation. I am old enough, sir, to know the effect that direct taxation had upon the people of this country during the war of 1812. I know that a more odious measure was never adopted than that mode of raising money to prosecute the war. There is no gentleman in this House, even if he calls himself a free-trade man, but will admit as a principle that there should be a tariff laid upon imports sufficient for the support of the Government in times of peace at least. I would go one step further; I would say that it ought to be a rule of imperative necessity upon us to organize an interest fund in times of war to meet the demands upon the Treasury. It is true that there ought to be a judicious discrimination as to the articles upon which we should lay duties. They ought to bear as lightly upon the necessaries of life as may be, consistently with the interests of our people. I have no hesitation in my own mind in voting for this tax upon coffee and sugar. I do not regard coffee as a necessary of life. It is one of the luxuries of life. It must be regarded by the gentlemen upon this floor as a luxury.

Mr. Chairman, with the little time that I have had to bestow upon this subject, I must say that I have no objection to the bill as it has been reported from the Committee of Ways and Means. I think that the several articles enumerated, such as tea, molasses, sugar, and coffee, will all of them sustain an additional tax, or rather the tax as proposed by the committee. We of Pennsylvania, who claim a protective tariff upon iron, ought not to object to a reasonable tariff upon articles which we do not produce ourselves. We are willing to act fairly and impartially, so far as that is concerned.

I am requested by my venerable friend from Kentucky to inquire of the chairman of the Committee of Ways and Means, whether any additional duty is laid upon liquors?

Mr. STEVENS. I am happy to inform my friend and others, that there is no increase of duty on liquors. [Laughter.]

Mr. WRIGHT. Before the gentleman takes his seat, let me propound another question to him. Does he believe liquor to be a necessary of life?

Mr. STEVENS. I knew if we touched that we could not pass any bill; and therefore we did not do it. [Laughter.]

The question was taken on Mr. CURTIS's amendment; and it was rejected.

Mr. FOUKE. What would be the amount of revenue which would be derived under the first section of this bill? I put the question to the chairman of the Committee of Ways and Means.

Mr. STEVENS. I think about $26,000,000.

Mr. FOUKE. I move to strike out as follows:

"That from and after the date of the passage of this act, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say: First. On raw sugar, commonly called Muscovado or brown sugar, not advanced above Dutch standard, by claying, boiling, clarifying, or other process, and on sirup of sugar or sugar cane and concentrated molasses, or concentrated melado, 2½ cents; on white and clayed sugar, Dutch standard, when advanced beyond the raw state, by clarifying or other process, and not yet refined, 3 cents per pound; on refined sugars, whether loaf, lump, crushed, or pulverized, 4 cents per pound; on sugars after being refined, when they are tinctured, colored, or in any way adulterated, and on sugar candy, 6 cents per pound; on molasses, 5 cents per gallon: *Provided*, That all sirups of sugar or sugar cane, concentrated molasses or melado, entered under the name of molasses, or any other name than sirup of sugar or sugar cane, concentrated molasses or concentrated melado, shall be liable to forfeiture to the United States; on all teas, 15 cents per pound; on almonds, 4 cents per pound; shelled almonds, 6 cents per pound; on arrow root, twenty per centum *ad valorem*; on brimstone, crude, $3 per ton; on brimstone, rolled, $6 per ton; on coffee, of all kinds, 5 cents per pound; on cocoa, 5 cents per pound; on cocoa leaves and cocoa shells, 3 cents per pound; on cocoa, prepared or manufactured, 8 cents per pound; on chicory, 3 cents per pound; on chocolate, 6 cents per pound; on cassia, 10 cents per pound; cassia buds, 15 cents per pound; on cinnamon, 20 cents per pound; on cloves, 8 cents per pound; on cayenne pepper, 6 cents per pound; on cayenne pepper, ground, 8 cents per pound; on currants, 5 cents per pound; on argol or cream tartar, 6 cents per pound; on figs, 5 cents per pound; on ginger root, 3 cents per pound; on ginger, ground, 5 cents per pound; on ginger, preserved or pickled, thirty per centum *ad valorem*; on limes, lemons, oranges, bananas, and plantains, twenty per centum *ad valorem*; on liquorice paste and juice, 5 cents per pound; liquorice root, 1 cent per pound; on mace and nutmegs, 25 cents per pound; on nuts, 2 cents per pound; on pepper, 6 cents per pound; on Peruvian bark, fifteen per centum *ad valorem*; on pimento, 6 cents per pound; on plums, 5 cents per pound; on prunes, 5 cents per pound; on quinine, thirty per centum *ad valorem*; on raisins, 5 cents per pound.

Mr. Chairman, all these articles are such as are used by the poorer classes. My friend from Pennsylvania [Mr. WRIGHT] is right in stating that coffee is a luxury; but it is one of those luxuries, and almost the only one, which is known in the log-cabin as well as in the mansion of the rich. I am opposed to any tax upon sugar and coffee. We are borrowing enormous sums of money to carry on this war; and the revenue derived from a duty upon tea and coffee is a mere bagatelle in comparison. I believe that the men who are enduring all the hardships and toils of this painful and distressing conflict ought not to have imposed upon them such an onerous tax. We should leave this debt to be paid mainly by posterity. It is our duty to do the fighting and to see that Union is maintained. When the Government shall go on as of yore, there will be abundant revenue to pay off the interest upon the public debt, and gradually to reduce it. Past events prove this. This is the view I take of the matter; and I believe it is the correct one. No man who lends this money, or any part of it, expects to get it back soon; but he lends it with the assurance, judging from the past, that he will receive the interest on it.

Mr. WRIGHT. How does the gentleman propose to raise the interest upon this loan?

Mr. FOUKE. By a duty upon liquors, broadcloth, satin, and silk, and other like luxuries.

Mr. WRIGHT. And upon iron?

Mr. FOUKE. I am not so much in favor of increased duties upon iron. We have had a surplus of revenue, until recently, under the tariff of 1846; and I think, peace once restored, that state of things can be brought about again. How far Congress is responsible for passing events is a question to be settled in the future. But, sir, we can provide for the present and the future without high duties upon necessaries. I merely rose to ask the chairman of the Committee of Ways and Means how much revenue this section would produce. He says about $26,000,000, if as much of these articles be imported in the future as has been done in the past. If this duty be imposed upon tea and coffee, I assure gentlemen that the poorer and larger class of our people will cease to use them. It will be so much taken from their daily wages, which are now not within thirty-three per cent. of what they were, and in a few months more they will not be fifty per cent. of what they have heretofore received. In some portions of the country men are enlisting in the Army for bread and meat, leaving their families for the time to live upon the small allowance of money which the Government pays them. And these are the men the Government relies upon for the defense of its flag.

The man who receives 50 cents per day pays as much tax, so far as sugar and coffee are concerned, to support this war, as the man whose income is counted by the thousands. The principle should be that the capital of the country, which is most benefited by Government, should support it. The poor man, who enjoys few other luxuries besides sugar, tea, and coffee, fights for $11 per month; while his more fortunate brethren, who wear broadcloth, command regiments and companies, battalions, and brigades. Give us something that will produce sufficient revenue to pay the interest upon our public debt, and at the same time operate equally and without oppression.

I withdraw my amendment.

Mr. BURNETT. I object. I must express my surprise and astonishment that gentlemen who have voted for every measure recommended by this Administration, running the expenses of the Government up to hundreds of millions, and who are ready to bankrupt the Treasury, not only for the present, but the future, should get up here now and cry crocodile tears over the poorer classes of our people, and the men who are fighting our battles. When a tax of 15 cents upon tea, 4 upon sugar, and 5 upon coffee, is to be levied, they fold their arms, and complain that the poor people have in that way to foot the enormous bills they have themselves created. Sir, it is a logical sequence of the acts of this Congress. Gentlemen who vote these measures ought to be willing to foot the bill. I had no agency in these matters. I voted against them. I have preserved—as has been well remarked upon the floor of this House upon another occasion—the symmetry of my record; and, at the last session of Congress, I voted against this tax upon sugar, tea, and coffee. But gentlemen say tea and coffee are luxuries. Sir, they have become necessaries to the masses of the people of this country. They are necessaries with the men who are now fighting the battles of this country, and who have left their dear wives and children at home in the great State of Illinois and the great State of Ohio, which some of these gentlemen sitting in front of me represent. But not only did I oppose and vote against it, but I intend to do it again.

Why do not gentlemen come up here and, like men, meet the question fairly, and vote direct taxes to meet the expenses of the war? It is impossible to so organize a tariff as to yield revenue enough to meet the expenses of this war. I am surprised that the gentleman from Pennsylvania should advocate a tax upon sugar, tea, and coffee, those articles which have become absolute necessities to the poor of this country, and to the very men who are doing the fighting, when it is well known that, by a reduction of the duty imposed upon iron under the act of 1857, which was quadrupled, and in some instances quintupled, a much larger amount of revenue could be raised upon that great staple than upon all the articles mentioned in the first section of this bill. It is a strange and singular philanthropy that would prompt men to urge their fellow-citizens into a bloody civil war, and then propose to tax them upon the articles which enter into the consumption of all their families, and that, too, when there is no necessity, if the gentleman from Pennsylvania [Mr. STEVENS] will consent to such a reduction of duties upon their great staple as would be reasonable and right. I must express my surprise that while the distinguished chairman of the Committee of Ways and Means, together with the distinguished civilian and distinguished military chieftain from Iowa, [Mr. CURTIS,] expresses his concern for the poor, and with an enlarged philanthropy and love of country, desires to prosecute this war to speedy and successful termination, I have not heard a word from him about a reduction of duty upon iron, when there is not a schoolboy in the country that does not know that by such reduction we would get an immense addition to our revenue. The gentleman from Pennsylvania proposes to do nothing except securing men to do the fighting, and then taxing that which is absolutely necessary for those who fight the battles. This is philanthropy and love of country with a vengeance.

Mr. STEVENS. As we are running very rank into Buncombe, I move that the committee rise, for the purpose of terminating debate upon this first section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and especially House bill No. 54, to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, and had come to no conclusion thereon.

Mr. STEVENS. I move that all debate on the first section of this bill be terminated in one half minute after the committee again resumes its consideration.

Mr. DIVEN. I move to amend by making the time five minutes.

The amendment was not agreed to.

The motion of Mr. STEVENS was agreed to.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to alter and regulate the Navy rations; when the Speaker signed the same.

TARIFF BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CAMPBELL in the chair,) and resumed the consideration of the tariff bill; the pending question being on the motion of Mr. FOUKE to strike out the first section.

Mr. PENDLETON. Before the question is put, I move to strike out from line twenty-seven the words "on all teas, 15 cents per pound," and insert:

First. On bar iron, rolled or hammered, comprising flats, not less than one inch nor more than seven inches wide, nor less than one quarter of an inch nor more than two inches thick; rounds not less than one half an inch nor more than four inches in diameter; and squares not less than one half an inch nor more than four inches square, $14 per ton.

I offer this amendment for the purpose of——

Mr. STEVENS. No debate is in order.

The CHAIRMAN. The half minute has expired.

The amendment was not agreed to.

Mr. WARD. I move to strike out from line three, page 1, the words "the date of the passage of this act," and insert "1st of September, 1861." I desire it for this reason: the bill provides that goods in bonded warehouses——

Mr. STEVENS. I call the gentleman to order. No debate is in order.

Mr. WARD. I propose to make an explanation merely.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. VALLANDIGHAM. We had better observe the rules.

The amendment was not agreed to.

Mr. ARNOLD. In line thirty-one, I move to strike out "five" and insert "three," reducing the tax on coffee from 5 to 3 cents, believing that that will produce more revenue.

Mr. DUELL. I call for tellers on the amendment.

Tellers were ordered; and Messrs. WOOD, and KELLOGG of Illinois, were appointed.

The House divided; and the tellers reported—ayes 64, noes 51.

So the amendment was agreed to.

Mr. STEVENS. As I perceive this bill is not likely to pass the House, I move that the committee rise. If we strike out coffee from one section, we must strike out tea from another. I move that the committee rise, and we may possibly report a bill to-morrow to lay a direct tax to raise a revenue.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL reported that

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. FRIDAY, JULY 19, 1861. NEW SERIES....No. 12.

the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and especially House bill No. 54, to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, and had come to no conclusion thereon.

And then, on motion of Mr. KELLOGG, of Michigan, (at ten minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *July* 18, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Secretary called the Senate to order and said: Senators, the Secretary will state that he has received the following letter from the Vice President:

SENATE CHAMBER, *July* 17, 1861.

SIR: Intending to be absent from the Senate during the residue of the present session, after to-day, I request that this intention be made known to the Senate to-morrow morning at the hour of meeting.

Very respectfully, your obedient servant,

H. HAMLIN,
Vice President of the United States.

JOHN W. FORNEY, Esq., *Secretary of the Senate.*

What action will the Senate take upon the communication of the Vice President?

Mr. PEARCE. Mr. Secretary, in compliance with a custom which has grown to be almost universal now, I submit this resolution:

Resolved, That in the absence of the Vice President, Hon. SOLOMON FOOT be, and he is hereby, chosen President *pro tempore* of the Senate.

The resolution was agreed to.

The SECRETARY. Senator FOOT will please assume the chair.

The PRESIDENT *pro tempore* took the chair and directed the Secretary to read the Journal.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Petitions are in order. [A pause.] If there be no petitions, reports from committees are in order. [A pause.] If there be no motions, petitions, or reports of committees, the Chair, with the consent of the Senate, will call up the special order assigned for one o'clock this day. If there be no objection, the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, is under consideration, on which the Senator from Delaware [Mr. BAYARD] has the floor.

Mr. BAYARD. The order was made for one o'clock. I want to make use of some books in the remarks I shall submit, which I have not here now, but will get in the course of half an hour by going to my lodgings. I did not suppose the resolution would be taken up before one o'clock, as it was made the special order for that hour.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Delaware that he first called for the ordinary morning business. There being no such business to be presented, the Chair, with the unanimous consent of the Senate, took up this resolution. By unanimous consent, it will be postponed until the hour assigned for its consideration.

Mr. BAYARD. By misfortune I did not hear the motion to take it up. My desire was merely to get the books. If it is the pleasure of the Senate to proceed with it regularly, I shall get the books, which I need, before one o'clock.

The PRESIDENT *pro tempore*. The resolution, by unanimous consent, will lie on the table for the time being.

BILL INTRODUCED.

Mr. GRIMES. I ask leave to introduce a bill of which no previous notice has been given.

Leave was granted; and the bill (S. No. 34) for the construction of a railway from the Navy-Yard, Washington, to Georgetown, District of Columbia, was read twice by its title.

Mr. GRIMES. I desire simply to say that I present the bill, it having been reported to me as having been drawn at the instance of the city authorities of the city of Washington. I have given no consideration to the subject myself, and do not, therefore, wish to be regarded as being committed either for or against the provisions of the bill. I move that it be referred to the Committee on the District of Columbia, and printed.

The motion was agreed to.

REPORT FROM A COMMITTEE.

Mr. McDOUGALL, from the Committee on Naval Affairs, to whom was referred a petition of citizens of California, praying that a pension may be granted to the widow of Captain R. B. Cunningham, of the Navy, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

ASSISTANT SECRETARY OF THE NAVY.

Mr. HALE. There lies upon your table, sir, a bill reported by the Committee on Naval Affairs for the appointment of an Assistant Secretary of the Navy. I move that all prior orders be dispensed with, and that bill be taken up for consideration.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same. It proposes to authorize the President to appoint in the Department of the Secretary of the Navy, by and with the advice and consent of the Senate, a competent person, who shall be called the Assistant Secretary of the Navy, whose salary shall be equal to the sea pay of a captain in the Navy, payable in the same manner as the salary of the Secretary of the Navy, who shall perform all such duties in the office of the Secretary of the Navy, belonging to that Department, as shall be prescribed by the Secretary of the Navy, or as may be required by law, and who shall act as Secretary of the Navy in the absence of that officer.

The PRESIDENT *pro tempore*. The galleries must preserve order. To this end all conversation must be suspended. This order will be enforced, even to the extent of directing the galleries to be cleared, unless it be strictly observed.

Mr. DOOLITTLE. I move the following amendment, as an additional section:

And be it further enacted, That an officer shall be appointed in the Department of the Interior, by the President, by and with the advice and consent of the Senate, to be called the Assistant Secretary of the Interior, whose salary shall be $3,000 per annum, payable in the same manner as that of the Secretary of the Interior, who shall perform all such duties in the office of the Secretary of the Interior as may be prescribed by the Secretary of the Interior, or as may be required by law: *Provided*, That the salary of the said Assistant Secretary shall be paid from the appropriations for compensation of clerks in said Department or the bureaus thereof, and no increased expenditure shall be thereby incurred.

Mr. HALE. I hope the Senator from Wisconsin will not insist upon that being offered here at this time. I do not know whether it comes from any committee or not. Does it?

Mr. DOOLITTLE. No, sir.

Mr. HALE. It does not come from any committee. The necessities of the naval service at this time are pressing, and the Secretary earnestly desires the aid in the administration of the office which this bill offers him. The amendment is not germane to the subject, and it seems not to be appropriate to be put on a naval bill. I hope the Senator will not insist upon it here, but present it by itself.

Mr. DOOLITTLE. This amendment does not propose any increased expenditure whatever, but provides that in the office of the Secretary of the Interior there may be appointed an Assistant Secretary of the Interior, whose salary is to be paid out of the present appropriation, by dispensing, it may be, with some two clerks in the Department. The office of the Secretary of the Interior is very laborious. Appeals are often made from the Commissioner of the General Land Office, and appeals enough are made to require one person to devote the whole of his time in adjudications. The Pension Office appeals are made to the Secretary of the Interior. It is a vast Department, and an Assistant Secretary is a necessity. I agree with the Senator from New Hampshire, that an Assistant Secretary of the Navy is a necessity. There is an Assistant Secretary of War, as I understand, provided for by one of these bills. There are Assistant Postmasters General, there is an Assistant Secretary of State. There is no reason in the world why each one of these heads of Departments should not have an assistant; and I therefore am in favor of the amendment; for it expressly provides that there shall be no increase of expenditure, and the officer who may be appointed at this salary may act judicially on those questions that are constantly arising, and it is of necessity that such an officer should be in the Interior Department.

Mr. GRIMES. The great objection to the amendment is its connection with this bill, that relates solely to the Navy. If the Senator will introduce it in a bill independent of this, or if he will attach it to some miscellaneous bill, probably gentlemen who are now opposing it will be willing to support it. It is the desire of the Committee on Naval Affairs to keep this bill distinct by itself. They desire to propose some amendments connected with naval matters. But whenever the Senator from Wisconsin will introduce a bill containing the provision which he attempts to add to this bill, I presume that many gentlemen who will now vote against his amendment will then very cordially support his proposition.

Mr. DOOLITTLE. I do not understand this to be a naval appropriation bill or a bill in relation to the Navy. It is a simple provision containing one section, that there shall be an Assistant Secretary of the Navy.

Mr. GRIMES. I stated to the Senator that we had several amendments which we desired to offer to it, agreed upon in the Committee on Naval Affairs, connected with naval matters.

Mr. DOOLITTLE. I suggest to the honorable Senator that those amendments can be put on the naval bill.

Mr. GRIMES. The naval appropriation bill has been passed.

Mr. DOOLITTLE. Any bill connected with the Navy.

Mr. FESSENDEN. I should like to ask a question or two in reference to this matter. We profess to be somewhat economical, and it seems from the proposed amendment that some two clerks can be very easily dispensed with in the Interior Department. Now, it is well known that the Land Office is necessarily very much lessened in its labors at the present time, from what has happened, on account of the great decrease of business. I was informed by the Commissioner of Patents the other day that there was so little business, comparatively, in that office that he should reduce his force one third. If that is the case, and we are disposed to be economical, I should like to know why the present Secretary of the Interior cannot get along with two thirds of the business that has been done by his predecessors. If he needs this additional officer, very well; but I should like very much to know why he cannot get along with less business, with the same force that his predecessors had with more business. If the Senator who moves the amendment will explain that satisfactorily to me, I shall vote with him. It is perfectly manifest that in the Departments connected with the Army and the Navy, there is a vast increase of business and of labor. That we can easily see and understand; but the same causes that have produced a very large increase in those Departments, have produced a most decided decrease in the Interior Department, and because we give them an additional officer, I do not know that it is any reason why we should increase the force in the Interior Department.

Mr. DOOLITTLE. I stated before the Senator came in and took his seat, the reasons why in my opinion there ought to be an assistant Secretary

of the Interior. The appeals that come up from the Land department, that come up from the Pension department, are enough in the office of the Secretary of the Interior to keep one man's time wholly occupied in the determination of those appeals.

Mr. FESSENDEN. Are there any more than there have been heretofore?

Mr. DOOLITTLE. I do not say there are any more than there have been heretofore; but this does not propose any increase of expense.

Mr. FESSENDEN. Why not lessen the expense? If you can dispense with two clerks, why not save their salaries, instead of increasing salaries in another direction?

Mr. DOOLITTLE. I think that for harmony and to do justice to all these Departments, each of them ought to have an Assistant Secretary.

Mr. FESSENDEN. I am not in favor of paying a man $3,000 in the present state of the Treasury, merely for the sake of preserving harmony in the Departments. If there is an assistant needed by the Secretary of the Interior, and it is understood that it is necessary, I am perfectly ready to vote it; but when we all know and understand that no committee whatever has investigated the measure, and reported it as in the case of the Army and the Navy, and when we all know that the business of that Department is vastly decreased from the very causes which have increased the others, I want something more than an argument of harmony in the Departments to make an additional officer here.

The amendment was rejected.

Mr. GRIMES. I offer an amendment, to insert as an additional section:

And be it further enacted, That there be added to the clerical force of the Navy Department, eight additional clerks, with a salary of $1,200 per annum.

I will simply say that I have been instructed to offer the amendment by the Committee on Naval Affairs, and it is desired by the Secretary of the Navy. I will also say that we have fixed the salary lower than any of the clerks in that Department. I believe they are all paid $1,400 or over now.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. HALE, the title was amended so as to read: A bill authorizing the appointment of an Assistant Secretary of the Navy and fixing the salary of the same, and for other purposes.

MARINE CORPS.

Mr. HALE. There is a bill lying upon your table, sir, reported by the same committee, for the better organization of the Marine Corps. I move that that be taken up and considered.

The motion was agreed to; and the bill (S. No. 14) for the better organization of the Marine Corps was considered as in Committee of the Whole. It provides that the Marine Corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: One brigadier general, commandant; two colonels, two lieutenant colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, thirty captains, forty first lieutenants, thirty second lieutenants, two sergeant-majors, two quartermaster sergeants, two drum-majors, two principal musicians, two hundred and forty sergeants, two hundred and seventy corporals, fifty musicians for band, ninety drummers, ninety fifers, and three thousand privates.

The Secretary proceeded to read the bill.

Mr. HALE. It is hardly necessary to read the bill; it has been read twice, and printed. Let the amendment of the Naval Committee be read.

The Secretary read the first amendment, which was in lines five and six, to strike out the words "one brigadier general, commandant."

The amendment was agreed to.

The next amendment was, in line eight, to strike out the word "thirty," and insert "twenty;" so that it will read: "twenty captains."

The amendment was agreed to.

The next amendment was, in line nine, to strike out the word "forty," and insert "thirty;" so as to read: "thirty first lieutenants."

The amendment was agreed to.

The next amendment was, in lines nine and ten, to strike out "two sergeant majors," and insert "one sergeant major."

The amendment was agreed to.

The next amendment was, in line ten, to strike out "two quartermaster sergeants," and insert "one quartermaster sergeant."

The amendment was agreed to.

The next amendment was, in line ten, to strike out "two drum majors," and insert "one drum major."

The amendment was agreed to.

The next amendment was, in lines ten and eleven, to strike out "two principal musicians," and insert "one principal musician."

The amendment was agreed to.

The next amendment was, in line eleven, to strike out the words "and forty," before the word "sergeant;" so as to read: "two hundred sergeants."

The amendment was agreed to.

The next amendment was, in line twelve, to strike out "two hundred and seventy," and insert "two hundred and twenty;" so as to read: "two hundred and twenty corporals."

The amendment was agreed to.

The next amendment was, in line twelve, to strike out "fifty," and insert "thirty;" so as to read: "thirty musicians for band."

The amendment was agreed to.

The next amendment was, in line thirteen, to strike out "ninety," and insert "sixty;" so as to read: "sixty drummers."

The amendment was agreed to.

The next amendment was, in line thirteen, to strike out "ninety," and insert "sixty;" so as to read: "sixty fifers."

The amendment was agreed to.

The next amendment was, in line thirteen, to strike out "three thousand," and insert "twenty-five hundred;" so as to read: "twenty-five hundred privates."

The amendment was agreed to.

The next amendment was to strike out the proviso after the word "privates," in the thirteenth line, as follows:

"*Provided*, That the officers composing the staff of the corps shall, after ten years' service as such, in which they shall hold the rank assigned them by the act of March 2, 1847, be promoted, the adjutant and inspector, the paymaster, and the quartermaster, respectively, to the rank of lieutenant colonel, and the assistant quartermasters, respectively, to the rank of major."

The amendment was agreed to.

Mr. ANTHONY. I endeavored to address the Chair before the vote was taken on adopting the last amendment. I wish the chairman of the committee to explain. The promotion in the corps, I believe, is made according to the length of service in the corps.

Mr. HALE. The amendment proposes to strike that out.

Mr. ANTHONY. So as to leave the promotion——

Mr. HALE. So as to leave the promotion just as it is now.

Mr. ANTHONY. I am satisfied.

The next amendment was to strike out the third section, in the following words:

"SEC. 3. *And be it further enacted*, That all acts or parts of acts, relating to the officers or enlisted men of the Marine Corps, not inconsistent with the provisions of this act, be, and the same are hereby, continued in full force and effect."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. GRIMES. I am authorized by the Committee on Naval Affairs to offer the following amendment, as an additional section:

And be it further enacted, That the appointment of commissioned officers to be made under the provisions of this act shall be of persons between the ages of twenty and twenty-five years, who shall be subjected, under the direction of the Secretary of the Navy, to examination as to their qualifications for the service to which they are to be appointed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed and read the third time. It was read the third time, and passed.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HAY, his Secretary, announced that the President had approved and signed, on the 17th instant, an act (S. No. 13) to provide for the appointment of assistant paymasters in the Navy.

ORGANIZATION OF THE ARMY.

Mr. WILSON. I am directed by the Committee on Military Affairs, to whom was recommitted Senate bill No. 3, providing for the better organization of the military establishment, to report it back, with certain amendments.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, from the Committee on Military Affairs, reports back a bill recommitted to that committee, with amendments, which will be read.

Mr. WILSON. If the Secretary will send me back the bill, I will make an explanation of the changes which the committee propose to make.

The tenth section of the bill, in regard to the vacancies in the Military Academy, the committee have changed so that they shall be filled by the President, "upon the nomination, by members of the House of Representatives, of two from each State now represented in the House." This will change the appointment from the Senate to the delegation of each State in the House of Representatives, and will give to each State two cadetships to be filled up in that way.

An amendment was moved and adopted by the Senate yesterday to the twentieth section of the bill in regard to the retired list of the Army, to pay the retired officers their pay proper, and nothing more; no allowance of any sort. The Senator from Iowa suggested that there would be an inequality in the pay of the officer retired, and that was the chief reason for recommitting the proposition. The committee have arranged it in this way: that if any commissioned officer shall become incapable of performing the duties of his office, he shall be placed on the retired list, and withdrawn from active service and command and from the line of promotion, with the following pay, namely: major generals, $2,640; brigadier generals, $1,488; colonels, $1,140; lieutenant colonels, $960; majors, $840; captains, $720; first lieutenants, $540; second lieutenants, $540; without any other pay or allowances. That is the pay proper now received by the officers of the infantry and artillery. It is the full pay proper of these officers, without any emoluments, and according to the proposition made by the Senator from Ohio [Mr. SHERMAN] yesterday, which was sustained by the Senate. This equalizes all the officers, and places officers of engineers, artillery, and infantry, on the same footing, and does away with the objection, made by the Senator from Iowa, of inequality.

The committee propose to change the twenty-eighth section in regard to the retired officers of the Navy, by striking out the words "leave-of-absence pay he was entitled to at the time of such retirement," and inserting the words "pay allowed by this act."

In the twenty-ninth section, the committee propose to insert, after the word "promotion," in line six, these words:

With the following pay, namely: captains in the Navy, $1,300; commanders in the Navy, $1,100; lieutenants in the Navy, $1,000; surgeons, ranking with captains, $1,300, with commanders, $1,100, with lieutenants, $1,000; paymasters, ranking with captains, $1,300, with commanders, $1,100, with lieutenants, $1,000; chief engineers, $1,000; first assistant engineers, $700; second assistant engineers, $500; and third assistant engineers, $400; masters, $400; passed midshipmen, $350; without any other pay or allowance. Captains, commanders, and lieutenants, now on the retired list of the Navy, shall receive the same compensation and no greater than is allowed to the officers of the same rank by the provisions of this act.

The officers that have been retired heretofore receive a larger pay than we propose to give officers retired by this act; this proposition places all the officers who are or may be retired on the same footing. Other slight changes have been made in the bill, but they are merely verbal.

The Senator from Maine [Mr. FESSENDEN] desires to know what change we have made in the section relating to the Military Academy. The committee report this change: that, instead of the appointments to fill vacancies being made by the President on the recommendation of Senators, they shall be made by the President on the recommendation of the members of the House of Representatives from the States represented in Congress. It leaves the matter to be settled by

the delegations of the several States in the House of Representatives, and relieves Senators from any connection with the matter.

The PRESIDENT *pro tempore*. The several amendments reported to the Committee on Military Affairs will be read and considered in order. The first amendment reported will now be read.

Mr. RICE. I rise to what I believe is a privileged question. I call the attention of the chairman to pages 14 and 15 of the printed bill. There are some amendments there which he has not mentioned or explained.

Mr. WILSON. I stated that they were chiefly verbal amendments.

The PRESIDENT *pro tempore*. They will all be considered in their order.

Mr. McDOUGALL. I wish to ask the chairman of the Committee on Military Affairs a question in regard to the appointment of cadets. What is to be done in cases where States have no representation on the floor of the House by reason——

The PRESIDENT *pro tempore*. The Senator from California will suspend his remarks until the amendments reported by the committee have been read. The Secretary will read them in their order.

The Secretary read the first amendment, to insert as section one the following:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer in the War Department, to be called the Assistant Secretary of War, whose salary shall be $3,000 per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall be prescribed by the Secretary of War, or as may be required by law.

The amendment was agreed to.

The next amendment was to insert, as section two:

SEC. 2. *And be it further enacted*, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, in addition to the number authorized by existing laws and regulation, eight assistant adjutants general, six commissaries of subsistence, four quartermasters and twenty assistant quartermasters, ten surgeons and twenty assistant surgeons, to have the pay, rank, and allowances, and perform the duties, of similar officers in the present military establishment, and to hold their offices for three years, unless sooner discharged.

The amendment was agreed to.

Mr. GRIMES. I wish to call the attention of the chairman of the Committee on Military Affairs to the question of inspectors of the Army. We have appointed a great number of staff officers, but I believe there are no inspectors provided for. The Army of the United States now has two. One of them is a very old man, and I think unable to perform the duties of his place; the other is a new man, just appointed; how efficient he may be, I do not know. But, if I understand the detail of the Army and the duty that is incumbent upon the respective officers, there is no more important office connected with the Army than its inspector. It is his business, as I understand it, to go round to these camps, to look into the police of the camp, to see what is the condition of the Army; and if they are improperly treated, to cause a change to be made, and if it is not speedily made to report to a superior commander, who will see that it is made. They are established in the Army for the protection of the Army, to inspect the men, to inspect their transportation, to inspect the provisions, to inspect the redoubts they may throw up, and to report generally to the commanding officers in what condition he may find them, and to see that everything is conducted according to the rules of war, for the best interests of the country, and for the health and contentment of the men.

Now, we have not any such officers provided in this bill. We have only one inspector in the Army; and if we are going to increase the corps, it seems to me there are no more important officers to be created than these. It occurs to me that this subject may have been entirely overlooked. I do not wish to interfere any further with the Senator's bill; but I am afraid that this matter has been overlooked, and that we shall do injustice to the Army, to the men, and to the country, by not providing some officers who will have the general supervision of the condition of the men and of the condition of transportation and provisions, and who can report to commanders of detachments, or to their superiors, in case they find that anything is wrong.

The PRESIDENT *pro tempore*. The Senator from Iowa, of course, does not require to be informed by the Chair that it is competent for him to move an amendment to that effect, after the amendments reported by the committee shall have been considered.

Mr. GRIMES. The reason why I suggest it is, that we are acting on that section now.

The PRESIDENT *pro tempore*. Does the Senator move an amendment?

Mr. GRIMES. No, sir; I do not wish to interfere with the Senator's bill any further. I only wish to call his attention to this point, and in connection with this question, when he is appointing these staff officers.

The next amendment was to insert, as section three, the following:

SEC. 3. *And be it further enacted*, That there shall be added to each of the corps of engineers and topographical engineers, and to the ordnance department, three first and three second lieutenants, to be promoted thereto in accordance with the existing laws and regulations.

The amendment was agreed to.

The next amendment was to insert, as section four:

SEC. 4. *And be it further enacted*, That there shall be added to the corps of engineers three companies of engineer soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and be entitled to the same benefits, in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May 16, 1846. The said three companies shall be subject to the rules and articles of war; shall be recruited in the same manner and with the same limitation; shall be instructed in and perform the same duties, and be liable to serve in the same way, and shall have their vehicles, pontoons, tools, implements, arms, and other supplies, regulated in the same manner as the existing engineer company; and each of the four companies of engineer soldiers shall hereafter be composed of ten sergeants, ten corporals, two musicians, sixty-four privates of the first class, or artificers, and sixty-four privates of the second class—in all one hundred and fifty men each.

The amendment was agreed to.

The next amendment was to insert, as section five:

SEC. 5. *And be it further enacted*, That there be added to the medical staff of the Army a corps of medical cadets, whose duty it shall be to act as dressers in the general hospitals and as ambulance attendants in the field, under the direction and control of the medical officers alone. They shall have the same rank and pay as the military cadets at West Point. Their number shall be regulated by the exigencies of the service, at no time to exceed fifty. It shall be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and attended at least one course of lectures in a medical college. They shall enlist for one year, and be subject to the rules and articles of war. On the 15th day of the last month of their service the near approach of their discharge shall be reported to the Surgeon General, in order, if desired, that they may be relieved by another detail of applicants.

The amendment was agreed to.

The next amendment was to insert, as section six:

SEC. 6. *And be it further enacted*, That in general or permanent hospitals female nurses may be substituted for soldiers, when, in the opinion of the Surgeon General or medical officer in charge, it is expedient to do so; the number of female nurses to be indicated by the Surgeon General or surgeon in charge of the hospital. The nurses so employed to receive forty cents a day and one ration in kind, or by commutation, in lieu of all emoluments except transportation in kind.

The amendment was agreed to.

The next amendment was to insert, as section seven:

SEC. 7. *And be it further enacted*, That one chaplain shall be allowed to each regiment of the Army, to be selected and appointed as the President may direct: *Provided*, That none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment.

Mr. WILSON. I desire to amend that section by adding after the word "direct," these words: "and that he be authorized to appoint one chaplain for two brigades, when the necessity of the service shall, in his opinion, require it." I will state the reason why I offer the amendment. The Secretary of War called on me last night, and said it was very important that this should be done; that there were a few brigades that required it. Since this bill was reported to the Senate, I have had a call from gentlemen interested in this matter, who say they would not ask it for every brigade, but it is desirable that the President should have the power to make such appointments for two, if he sees fit. There are a large number of Catholics in all the regiments, and unless those regiments be entirely of Catholics, or nearly so, they have Protestant chaplains. It was thought by the Secretary of War and by those interested that, if the Secretary of War or the President could be authorized to appoint a few Catholic clergymen to meet the wants of the members of these regiments who are Catholics, it would be beneficial to the service of the country; and for that purpose I propose to add these words authorizing the President, in cases where he thinks the public good will be promoted by it, to add a chaplain for two brigades. Every regiment, as now provided for, is to have a chaplain, but that does not meet the wants of the Catholics who are members of those regiments. They desire that in a brigade, or two brigades, or three brigades, there may be a Catholic clergymen associated with them, with whom they have sympathy and a common belief. That is the proposition. If the Senate chooses to take it, very well; if not, they can vote it down.

Mr. TEN EYCK. I wish to say a word on this proposition. I advocated the other day a proposition allowing the highest pay to the chaplains; but it appeared by a calculation made by the Senator from Ohio, that if five hundred regiments were called into the field, the salaries of these chaplains would amount to about nine hundred thousand dollars a year. If this amendment be adopted, according to that calculation, the increase of pay to these chaplains will be over one hundred thousand dollars a year in addition. It will take a million a year, provided the whole of the regiments contemplated are called out. I have no objection to an arrangement by which gentlemen believing in the Roman faith should be employed as chaplains. I think it would be highly important and proper; and I would desire that those who believe in that faith should be ministered to by chaplains of their own persuasion. Such a thing can be done as the law now is; because I know that, in one of the regiments, a highly respectable gentleman of the Catholic faith, the son of a distinguished prelate, is now acting as chaplain; but in the economical point of view cited upon us the other day, I beg leave to submit these remarks.

Mr. WILSON. I have no idea, if this amendment is adopted, that it will require the appointment of half a dozen men. It may be that half a dozen chaplains may be appointed to meet the wants and requirements of the service; but if Senators think the amendment will add to the expenses of the Government—and that is a serious objection with them, they can vote the proposition down.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The Secretary read the next amendment of the committee, as follows:

Insert, as section eight:

And be it further enacted, That existing vacancies at the Military Academy, from congressional districts where there have been failures to make nominations according to the provisions of existing laws, shall be supplied by the President upon the nomination by members of the House of Representatives from such States as are represented in Congress: *Provided*, That but two cadets shall be appointed from any one State; and that such cadets shall be actual residents of the State from which they are nominated, and shall have the qualifications for admission to the Military Academy as are now required for appointments from congressional districts and at large. And no cadet, who shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the Academy, shall be returned or reappointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions, unless upon the recommendaton of the academic board of the Academy.

Mr. FESSENDEN. I move to strike out "by members of the House of Representatives," and insert the words "by the Governors of the respective States." The reasons I will briefly state; they appear to me, on reflection, to be very sound ones. There has been difficulty always about the appointment of cadets where they have been appointed by Representatives. It has been a very invidious task; and of necessity it leads to favoritism, and runs somewhat into politics in almost all cases. I am very glad, exceedingly rejoiced, that the committee, on consideration, have struck out the clause giving these appointments to the Senators; for, if there was anything I dreaded, it was to have the responsibility of appointing a cadet; but I think it will be still better to adopt my amendment, and let these appointments be made by the Governors of the States. There seems to be a propriety in it. In the first place, in all the States the Governor is command-

er-in-chief of the militia of the State. He is necessarily connected with the military to a very great degree, so far as the State is concerned. In the next place, the Governor would have the very best opportunity to select the best candidates for the office, because it would be perfectly easy for him to have an examination of them, with reference to their capacity and their qualities generally. A Senator or Representative has no such opportunity, and can have none. He has only one to appoint; he may have twenty or thirty applications. He cannot appoint a commission to examine the several candidates who apply to him; and his decision must necessarily be governed very much by local or personal considerations, even when most honestly exercised; whereas the Governor of a State, if it was left to him, could very easily direct that all the applicants for the cadetship should assemble at the capital of the State, or such place as he saw fit to designate, and subject them to an examination as to their physical, intellectual, and moral qualities. In that way, with the responsibility resting upon him before the public, the result, in my judgment, would be that the very best selections would be made, or would be likely to be made, in all cases. At any rate, the chance of making good selections would be very much increased, as I think; at the same time that the mere patronage of the thing was taken away from Representatives and Senators. This bill, to be sure, goes no further than the two now to be appointed from each State; but if it works well, as I believe it will, I hope it will lead to a change of the system entirely, which has been, in many instances, a bad one; for we know the fact that not one half of those who are recommended by Representatives, and enter in a class, get through; and it is owing to, or a necessary consequence of, the mode in which they are selected, because the Representative can know nothing of the person except what is derived from partial friends. I think there should be a commission in all cases; and if you give the power to the Governors, each State being interested in it, and it being considered a matter of State pride to be well represented at the Military Academy by their first men, I believe that the character of the institution and the character of the graduates will be very much improved by it. I therefore move this amendment.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, at which the Senate assigned a special order for consideration, it is incumbent on the Chair, under the rules of the Senate, to call up that resolution for consideration. The joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, is before the Senate for consideration.

Mr. WILSON. With the consent of the Senator from Delaware, I move to lay aside that joint resolution for a short time, for the purpose of going on and finishing this bill. If it is not through within half an hour, I will give way to the Senator.

The PRESIDENT *pro tempore*. By common consent the special order can be passed over informally.

Mr. BAYARD. I would prefer to have it go over until to-morrow.

Mr. WILSON. The Senator from Delaware says he would prefer to have the joint resolution go over until to-morrow; and for that purpose I move to assign it for to-morrow at one o'clock.

Mr. BAYARD. I feel so oppressed that I would rather defer it, if that is the pleasure of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the joint resolution be postponed until to-morrow at one o'clock, and made the special order for that hour.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Maine to the amendment of the Committee on Military Affairs.

Mr. ANTHONY. If the Senator from Maine will accept this as part of the amendment, I shall offer it; otherwise I suppose it will not be in order:

And that such appointments shall be made after a public examination of all the applicants of suitable age within the State, proper notice of the time and place of examination being previously given.

Leaving the details entirely to the Governors.

Mr. FESSENDEN. I have no objection to that, except that it would be, perhaps, imposing an obligation and not leaving it to their discretion; but if it is satisfactory to the Senator, I have no objection to that. That is my design, and I will accept it.

The PRESIDENT *pro tempore*. Does the Senator from Maine accept the suggestion of the Senator from Rhode Island as part of his amendment.

Mr. SHERMAN. I trust that amendment will not be adopted. It may do very well in the State of Rhode Island; but I can assure the Senator the army of applicants in Ohio would not be less than thirty or forty thousand, and that would be too many young men to withdraw from the schools and collect together for this examination.

Mr. FESSENDEN. We had better leave my amendment as it was first proposed.

Mr. ANTHONY. I think we can turn out as many applicants in Rhode Island as Ohio. The examination would be confined to very few; the great mass of applicants would be manifestly improper, and would not be examined at all.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to the amendment of the Committee on Military Affairs.

Mr. HARRIS. I had not intended to interfere further with this matter of appointing cadets. I despair, myself, of being able to get it in a shape which will do anything like justice to the different States. I do not like this proposition of the Committee on Military Affairs, and with some hesitation I rise to express the injustice, perhaps I should say inequality, which is so apparent on the face of the proposition. It is proposed to have an election of two cadets from each State by the members of the House of Representatives, and then it is proposed by the amendment suggested by the Senator from Maine, that it shall be transferred to the Governor. Now, sir, I represent a State composed of four millions of people, and it is virtually, so far as this privilege is concerned, depriving that State of its representation in the Academy. Two cadets to be appointed by the Governor from that State, where I have a list of more than one hundred applicants for positions in that school! To give two cadets under these circumstances to that State, is virtually depriving it of its fair share of patronage. To put us on an equality with the States of Delaware and Rhode Island—I mean no disrespect—certainly the representatives of those States will see its injustice towards us. I do not expect to change the views of Senators here on this subject, but I feel bound to call the attention of the Senate to this gross inequality.

Mr. WILSON. This matter of filling some fifty or sixty vacancies in the Military Academy has cost me, and the committee of which I am a member, a vast amount of labor. We at first made the only fair proposition that we have made, and that was that the President of the United States should fill these vacancies from the districts, or from the country at large. That came into the Senate, and Senators would not trust the President to fill the vacancies from the districts that have failed to have them filled, or from the country at large; and to accommodate Senators that was stricken out, and then the matter was referred to Senators. They were to fill the vacancies, and appoint two from each State. That did not suit Senators. Then it is proposed that the Governors of the States shall fill the vacancies, and that does not suit Senators here. Sir, nothing will suit Senators. Now, I am willing to abandon the whole thing, and let the Military Academy be unfilled. It is a small matter, anyhow. The interest of that institution requires that the vacancies should be filled. I have no doubt upon that point. We have tried four ways, and nobody is suited. It seems to me it would have been a small matter to allow the President of the United States to fill these vacancies, or to allow the Senators to fill them, or the Governor, or the Representatives. The provision applies only to existing vacancies. I am willing, however, to strike out all in regard to it—let the matter go over to another year, and let the vacancies exist in the mean time, or let a remedy be applied by some other bill.

Mr. HARRIS. Mr. President, I am sorry that my friend from Massachusetts has grown impatient about this matter. I know the diligence with which he has labored to perfect this bill, and I know the earnest desire he has had to have the vacancies in the Military Academy supplied. I have generally agreed with him in his views. I do now. My own opinion is, that he had it right in the first instance; I have not a doubt about it. It is the right thing to leave the appointment of cadets to fill these vacancies to the President. We have confidence in him. We know he will discharge the trust faithfully, and he can equalize these appointments among the different States, so as to do justice. Then the State of New York will be represented. I have no fear that the President will ignore New York. I have no apprehension but that he will do us justice, and I have no desire that he should do us more than justice. I would wish, if Senators would allow it to be done, that we should go back to the first proposition, as it was recommended by the chairman of the Committee on Military Affairs, and authorize the President, by a provision in this bill, to fill the existing vacancies. I suppose no gentleman has any apprehension that the President will do anything wrong about this. It is a temporary matter. We hope it is a thing that will never exist after that, but that the States now unrepresented will be restored to the Union, and that they will take their place and have their share in the patronage of this Government. It is only with a view to fill existing vacancies; and it seems to me greatly to be desired that the President should be allowed to fill these vacancies without any of the congressional machinery that has been proposed here.

Mr. WADE. I move to strike out the tenth section of the bill. I can see no very particular reason for having it there. It is only for this occasion that provision is to be made. If we succeed in suppressing the insurrection, as we expect, the old law will take its course and be as good, at all events, as it ever was. I do not think any legislation on the subject is wanted.

The PRESIDENT *pro tempore*. The Senator moves to strike out this section from the bill. Before that motion can be put, however, the section is open to modification, to amendment, to perfection; and the first question to be entertained and passed upon is the motion of the Senator from Maine, as an amendment to the amendment proposed by the Committee on Military Affairs.

Mr. FESSENDEN. I look upon this matter in a little different light from that in which it seems to be looked upon by my friends around me. In the first place, I do not think it worth while for us to get impatient about it. We have not had half as many propositions about this as we have had about the Pacific railroad, and we have come a good deal nearer to it. It is important that these vacancies should be filled. To that all agree. If it is important, let us do it in some way or other.

Mr. WADE. I do not agree to it.

Mr. FESSENDEN. Substantially all of us do. I know the Senator from Ohio has his peculiar views about this institution. He thinks commanders are born, not made. I do not. I think they are made; I think education is necessary. As a general rule, we think it is necessary to fill these vacancies. The question arises, how shall it be done?

What will be the result if the President fills them? My friend from New York has foreshadowed what the result will be. New York will claim a number in proportion to her population; and he thinks he will stand a chance then to get what he calls justice; that is, instead of getting two to each State, New York will have more than any other State. That would be very disagreeable to all the rest of us; and whether the President did it or not, to leave him the power will expose him to be annoyed with arguments and solicitations upon that very point, and he will have more trouble and annoyance in reference to that very thing than he can calculate upon at present.

What next? The next thing will be that he would have a large list of names presented from which to select. How can he select? He will not see the applicants; he will not know who they are; he will not know what their qualifications are. There will be presented to him a list of recommendations got up by friends, as there are for every other office, certificates from A, B, C, D, E, and F; and when the cadet comes to get to his post, the chance is quite even, to say the

least of it, that he will be entirely unfit to be there.

Besides all that, we shall have the annoyance ourselves of being obliged to look after the applications, whatever they may be; have a contest with the Representative of every district in our State. Each district will say it ought to have one, and the Senators must go and argue that question, and spend time that can be better employed in attending to our duties here. That will be the result of it. We are only bringing upon ourselves this everlasting trouble about applications for office of persons of whom we know nothing, and can know nothing, for the reason that on paper all men look alike. So it is with the Representatives; so it will be if we appoint them, of necessity, for we cannot make any examination of them. If you take my proposition, as I said before, you place the responsibility where it properly belongs. They come from the States, and they represent the States. It is intended that the students shall represent the States. The Governor has the power and the time to take the list of applicants, whoever they are, and tell them to appear before him at a particular place, if he sees fit to do so; at any rate, the responsibility will be with him, and that is what he would naturally do. He can make a selection after the examination, and he is the only one that can. He is the only officer on whom you can devolve it that can make this examination, and see that these appointments are right in the first place. That is the advantage of the proposition; and the more I reflect on it, the better I am satisfied with it, as a solution of the difficulty. It will save us and the Representatives and the President from going at this matter hap-hazard, and probably doing it wrong. That is the simple argument of the question. I do not wish to occupy time.

Mr. CHANDLER. I hope the motion of the Senator from Ohio will prevail, and the section be stricken out. I see no immediate necessity for an increase of the cadets at West Point over the present number. At the close of this war, if it shall terminate as we expect it will, we shall have a large number of officers well educated—much better educated than the graduates from West Point. They will have been educated in the field, in front of the enemy; and many of them will be seeking positions in the Army. If we should make these appointments now, it will have no effect whatever on the present difficulties. These boys will spend five years at West Point, and then take their commissions as second lieutenants. I hope that the motion will prevail, and that no increase will be made at this time. I see no necessity for it. The law is very well as it stands, and had better remain as it is, in my opinion.

Mr. ANTHONY. I think the Senator from New York [Mr. HARRIS] does not manifest his usual liberality in the objections which he raises. There is very little of our legislation, very little of the patronage of our Government, in which the Federal character of the Government is recognized. Almost everything is based upon population. These vacancies are accidental; they will not occur again; and, if they are to be filled at all, I think it would be only a graceful thing on the part of the Senators from the larger States to allow us, for once, to have the same representation there that we have in this body. All the rest of the time, and for all the future, we shall only have the representation which we have in the other House.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Maine, to the amendment of the committee.

The amendment to the amendment was rejected; there being, on a division—ayes 16, noes 22.

The PRESIDENT *pro tempore*. The question recurs upon the amendment reported by the Committee on Military Affairs.

Mr. COLLAMER. Let that be read.

The Secretary read, as follows:

And be it further enacted, That existing vacancies at the Military Academy from congressional districts where there have been failures to make nominations according to the provisions of existing laws, shall be supplied by the President upon the nomination by members of the House of Representatives from such States as are represented in Congress: *Provided*, That but two cadets shall be appointed from any one State, and that such cadets shall be actual residents of the State from which they are nominated, and shall have the qualifications for admission to the Military Academy as are now required for appointment from congressional districts and at large. And no cadet, who shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the Academy, shall be returned or reappointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions, unless upon the recommendation of the academic board of the Academy.

Mr. HARRIS. I do not mean to take up the time of the Senate further with this matter, and yet I really hope this amendment will not prevail. I would very much prefer that it should be left as it was in the bill before. It may do very well in small States; the Senators from Rhode Island may prefer that the members of the House from Rhode Island should make these appointments rather than to make them themselves. That is a matter of taste, or perhaps of choice; I do not know how that may be; but when you take a large State, like the State of New York, you must have a sort of town meeting of the members of the House of Representatives to elect those two cadets; and you will not get them together at all, except when they happen to be here during the session. If this session should close and they should happen not to make a nomination, New York would go unrepresented.

Besides, these members have their appointments. Each member of the House has the appointment of a cadet under the law as it now exists. That is enough, and that is well enough. Now, sir, whilst I do not desire—it would certainly be an invidious task—the privilege of making a nomination, yet I would very much prefer to exercise that privilege, or that duty, if it be such, rather than to leave it, with respect to my State, to the members of the House of Representatives. I apprehend the effect would be to leave New York unrepresented.

Mr. SIMMONS. I wish to raise the question whether the power shall be delegated to members of the House of Representatives or members of the Senate. I prefer to have it here. I never had a bit of patronage in my life, but I should like to have the appointment of one cadet before I leave the Senate. I agree with the Senator from New York we can do it better than the members of the other House. There is one young man whom I should like to appoint to a place as cadet. I do not know him; but I have heard of him, and I want to appoint him. I shall vote against this proposition to give this power to the members of the other House.

Mr. THOMSON. I am very glad indeed that I have not the privilege of appointing a cadet. I make no objection to that; but I desire to move an amendment in the twelfth and thirteenth lines of the tenth section. As the section now stands, it reads thus:

"And no cadet who shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the Academy, shall be returned," &c.

I move to insert the words "who has been or," before "shall hereafter be;" for I know there are some of that kind.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee, as amended.

Mr. BINGHAM. Will the President be good enough to have it read?

The PRESIDENT *pro tempore*. It will be read.

Mr. BINGHAM. I do not insist upon its being read. I wish to understand if this proposes to give the appointment to members of the House of Representatives.

The PRESIDENT *pro tempore*. That is the proposition.

Mr. BINGHAM. Then I do not ask it to be read. I think that will prove impracticable. The State of Michigan has four members of the House of Representatives. This amendment proposes to give them the appointment of two cadets at West Point. I think every member would ask, demand, and insist upon an appointment from his district, and there could not be a majority of them got for any single one. I think it will prove impracticable.

Mr. GRIMES. That is not all. Take, for instance, the State of Illinois. In the year that the Congress ceases, on the 4th of March, those members of Congress will not meet, until they meet (if they happen to be reëlected) here in Washington the succeeding December. In the mean time, however, the academic year commences at West Point, in September. You have got to require these members of Congress to meet together in a general assembly somewhere in Illinois, and travel three or four hundred miles to reach that meeting, in order to select these two cadets at large. It will never be carried into effect in the world; it is utterly impracticable.

Mr. COLLAMER. I do not exactly understand it as the gentleman does. I take it for granted, all we are voting on now relates to existing vacancies, and nothing else. Thus it will have nothing to do with calling them together hereafter, or with vacancies that arise hereafter. I understand that this is not to nullify at all the standing law for the appointment of cadets; it does not affect that. It is nothing but a special law for this special occasion.

Mr. SIMMONS. I so understand it. I intend to vote against this amendment with a view of having the appointments made by Senators, instead of members of the House of Representatives; and I take it, if we reject this, that will come up next.

Mr. WILSON. I ask the Chair if the amendment of the committee has not been adopted? I understand that it has been.

The PRESIDENT *pro tempore*. The vote has not yet been taken on the amendment of the committee.

Mr. SIMMONS. It is subject to amendment; and if it be in order, I move to strike out "the members of the House of Representatives," and insert "Senators."

Mr. WILSON. I think that would not be in order. The original proposition is an amendment, and the report of the committee is an amendment to this amendment; and the question before the Senate is, whether we will strike out of the original amendment the words "Senators," and insert "members of the House of Representatives." That is the direct question before the Senate.

Mr. SIMMONS. Then I shall vote against this; I do not care how we get at it.

The PRESIDENT *pro tempore*. The question is on the amendment, as reported by the Committee on Military Affairs.

Mr. HARRIS. Do I understand that if this amendment is rejected, it will leave the section providing for the nomination of these cadets by Senators.

Mr. WILSON. Certainly.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from Ohio, [Mr. WADE,] to strike out the whole section.

Mr. WILSON. I ask the Senator from Ohio to spare the second clause of the section. That clause provides that when a cadet has conducted himself improperly and been dismissed, he shall not be brought back there by the will of a Secretary of War. The last Secretary of War abused this privilege in a manner that would disgrace anybody but that officer; but, as he could not be disgraced by any act, he simply injured the institution. I hope the Senator will spare that portion of the section. It is very important.

Mr. WADE. I am willing to accept that qualification. I do not wish to destroy the cautions against restoring incompetent persons.

Mr. McDOUGALL. I wish to understand whether, by the rules of the Senate, it be not possible to recur to the original section as it was first reported, leaving the whole matter to the President? It seems to me, after this discussion, that will be the most convenient way of disposing of the subject. If that can be done by any means, I think it would meet the views of the Senate.

Mr. WILSON. I suppose it is competent for the Senator from California to move to amend the first part of this section.

Mr. McDOUGALL. I will move that amendment, so that the bill shall stand as it was originally reported in this respect, leaving the appointing power to the President, from the District or from the States.

Mr. LANE, of Kansas. The bill, as originally reported, gave to the President the power to appoint fifty cadets, and fill the vacancies now in the institution——

Mr. McDOUGALL. That is the amendment I propose.

Mr. LANE, of Kansas. It gave to the Senators, in addition, the power of naming one each.

I desire to say, while up, that I am very anxious, indeed, that Senators should have the privilege of selecting each one cadet. It is a little labor, I grant, sir; a great annoyance; but it does seem to me that a Senator could enjoy no greater pleasure than to see a cadet of his own appointment winning laurels in the Army of the United States. It seems to me it would smooth his pathway to the tomb.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to strike out the entire section.

Mr. WILSON. The Senator modified it so as to strike out the first clause and leave that part of the section which relates to the restoration of cadets.

The PRESIDENT *pro tempore*. The Senator from Ohio will restate his motion.

Mr. WADE. My motion is to strike out all the section except that portion relating to the reappointment of cadets once dismissed, which includes the whole section down to the words "at large" in the twelfth line. That leaves all the other provisions of the section as they are, which are, I believe, very wholesome provisions, that probably ought to be annexed to the general law on the subject.

Mr. CHANDLER. I hope this motion will prevail, for this reason: we have got rid of nearly all the traitors from our Army; States that have seceded are not now represented either at West Point or in the Army; and I hope these places may remain open for the appointment of good Union men when those States shall return to their allegiance. I am perfectly confident that there are sound Union men in every one of the seceded States; and I think it is but a simple act of justice to the Union men in those States that these places should remain vacant until they return to their allegiance, and then let them have a representation in the Army and Navy, as heretofore. I hope, for that reason, if for no other, that this proposition to strike out will prevail.

The PRESIDENT *pro tempore*. The question is on the motion to strike out.

Mr. CARLILE. We do not understand what it is proposed to strike out; at least I do not.

The PRESIDENT *pro tempore*. All that relates to the appointment of cadets at West Point.

Mr. CARLILE. Beginning with what was the tenth section of the bill?

The PRESIDENT *pro tempore*. The Secretary will read the words proposed to be stricken out, and the Chair calls attention of Senators to the reading.

The Secretary read, as follows:

And be it further enacted, That existing vacancies at the Military Academy, from congressional districts where there have been failures to make nominations according to the provisions of existing laws, shall be supplied by the President, upon the nomination of the members of the House of Representatives, from such States as are represented in Congress: *Provided*, That but two cadets shall be appointed from any one State, and that such cadets shall be actual residents of the State from which they are nominated, and shall have the qualifications for admission to the Military Academy as are now required for appointment from congressional districts and at large. And no cadet who shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the academy, shall be returned or reappointed, or appointed to any place in the Army before his class shall have left the academy and received their commissions, unless upon the recommendation of the academic board of the academy.

Mr. HARRIS. That, as reported, is not the section as it has been adopted. The provision in relation to the appointment of cadets by members of the House of Representatives has been stricken out.

Mr. CARLILE. In my copy, it reads: "upon the nomination of Senators."

The PRESIDENT *pro tempore*. The Senator from Ohio moved, in the first place, to strike out the whole section. He afterwards modified his motion, confining it to the first part of the section, or so much of it as relates to filling up the corps at West Point. Before the question could be taken on the motion to strike out, it was competent to move modifications, in order to perfect that section. That having been gone through with, the question now is on the motion of the Senator from Ohio to strike out so much as has been read.

Mr. CLARK. As I understand it, yesterday an amendment was submitted to the Senate providing that the Senators should have the power to appoint these cadets. That amendment was committed to the Committee on Military Affairs, and they so changed it as to give the appointment or nomination to the members of the House of Representatives. We have voted down the amendment which the committee reported this morning, and it now stands on the original amendment, as I understand it, leaving it in the power of Senators to appoint. The Senator from Ohio moves to strike out that. I understand that to be now the position of the question.

I am opposed to striking out so much of the section as provides for these appointments; not that I like quite well the appointment by the Senators; but that we may amend it so as to leave it where it was originally, with the President of the United States; and I do it for the reason suggested by the Senator from Michigan, that the President of the United States may have it in his power to hold out some inducements to the Union men in the seceding States, in filling up these vacancies, and show them that there is some advantage still to be held out to the Union men in those States, and that they may have the advantage of these places.

Now, it seems to me, if I may be permitted to say so, that it does not exhibit a very dignified spectacle to the nation, that we, Senators of the United States, are quarreling over the spoils of these seceded States. These are places which have been abandoned by the seceded States, and we are quarreling here to-day as to who shall have them, whether the members of the House, or the Senators, or the President. What is the condition of affairs? We propose now to give them to Senators; you send your bill to the other House, and they will strike that out, and insert, "members of the House of Representatives;" and then you will have a quarrel between the two Houses. I say in the outset, we had better leave it to the President in the first place, and let him make the appointments; and I hope that will be done. I shall vote against striking out the amendment, that we may leave these appointments to the President; because I think it of some importance that the appointments should be made.

Mr. CHANDLER. Why not wait, and let the members, when elected, appoint as heretofore? Why give it to the President now?

Mr. CLARK. Because I do not know when these States are to return and members be elected. There may be districts where there will be loyal members. There may be other districts that may not be represented at all, or where there may be disunion members still. Let the President have the choice from those States at large, and return Union men to fill these places, and at once.

Mr. CARLILE. Mr. President, I would suggest to the Senator from Ohio, if he would not accomplish his object by striking out all after the word "Senate," in the sixth line, down to the word "large," in the eleventh inclusive. I think it but just that these vacancies in the Military Academy should be filled, and filled by appointees from the States where the vacancies exist. The proviso confines the nomination to two from each State; that provision, I think, should be stricken out. In the bill as I have it printed, this section provides for filling existing vacancies at the Military Academy "from congressional districts where there have been failures to make nominations according to the provisions of existing laws, by the President, upon the nomination of Senators from such States as are represented in the Senate." That much of this section I should like to see retained. I do not suppose that it is the intention of Senators to give to States who have now their full complement of cadets at the Military Academy, additional cadets, because of the vacancies that exist in States where there are no appointments; but I take it to be the object of the committee—at least I have so supposed—that these vacancies shall be filled from the States where they exist upon the recommendation of such Senators as may be here, by the President exercising the power of appointment, and I am for retaining so much of the tenth section as I presume intends to supply that which now is not in existence, intends to fill the Military Academy with cadets from States where, by the laws heretofore in existence, they had a right to be represented, but, from circumstances which are familiar to us all, now fail to have their complement of cadets. I therefore hope that it will be the pleasure of the Senate to strike out all after the word "provided" to the word "large" in the section.

Mr. WILSON. The original proposition of the committee was this:

That the President of the United States be, and he is hereby, authorized to fill any existing vacancies at the United States Military Academy from congressional districts, for which no nominations are made by Representatives in Congress, by appointments from those districts, or from "at large."

That proposition was voted down by the Senate; and some four or five other propositions have since been made, and voted up and voted down. The object in reporting the original proposition was this: that in those States from which vacancies existed the President should find, if he could, true and loyal young men to put into the institution; if he could not find such persons, then to allow him the whole country at large to pick from. I think that the fairest proposition which has been made. It is what I have been for from the beginning; and as I said a short time ago, I think it the only one that has equity in it.

Mr. CARLILE. I would say to the chairman of the Committee on Military Affairs that I, for one, shall be very grateful to him if he will get us back to the original proposition, which he has just read.

Mr. WILSON. I shall make the motion.

Mr. CARLILE. I desire you should do so. I am certain that, from my own State, every vacancy can be filled with a proper appointee, and I am unwilling that my State shall be deprived of the benefit of having a few of her sons educated at the Military Academy. The chairman, I trust, will get us back there.

Mr. WILSON. I move to strike out the first sentence of the tenth section as it now stands, and to insert these words:

That the President of the United States be, and he is hereby, authorized to fill any existing vacancies at the United States Military Academy from congressional districts, for which no nominations are made by Representatives in Congress, by appointments from those districts, or from "at large."

Mr. McDOUGALL. That is the proposition which I was endeavoring to get at some time since.

Mr. CARLILE. Will not the Senator put in the word "State," before "at large?" I understand the object will be accomplished by that.

Mr. CHANDLER. I do not think that will accomplish the object which is intended. The Senator from Virginia desires that all vacancies from the State of Virginia may be filled from that State?

Mr. CARLILE. Yes, sir.

Mr. CHANDLER. I desire to vote with him to accomplish that object. There are true and loyal men in Virginia, and it would be an outrage upon the State of Virginia to appoint cadets from Michigan or New York or elsewhere to fill these vacancies. It is the same in Tennessee; the honorable Senator from Tennessee, who is present on this floor, is perfectly competent to supply you with as true and loyal men from the State of Tennessee as you can find in any other State in the Union; and I should look upon it as an outrage to give these appointments to any other State than the State of Tennessee. I desire, in the same way, to reserve the vacancies from the State of Alabama, for there are as true and loyal men in the mountains of Alabama as you can find anywhere. I desire to reserve these vacancies for the State of Alabama when she shall have Senators upon this floor, as she soon will have, and within six months from this date, to make the appointments. I hope that not a single appointment will be made to a vacancy from any seceded State, except by their representatives upon this floor or upon the other. I trust, therefore, we shall strike out the section and leave the matter as it is. There is plenty of time. We can pass a law next December, or, if you will introduce the proposition suggested by the Senator from Virginia, that each State shall have the full number upon the recommendation of the Senators, I will vote for that; but I will not vote to transfer the appointment of a single cadetship outside of the State to which it belongs.

The PRESIDENT *pro tempore*. The Chair, with deference, will suggest to the Senate, as a simpler and less complicated mode of proceeding in reference to these various propositions of amendment, that if the motion of the Senator from Ohio to strike out the first portion of the section referred to shall prevail, it will then be competent to move to insert any other proposition, and take the ques-

tion distinctly upon such proposition as shall be made. The question is upon the motion of the Senator from Ohio, to strike out the first portion which has been read, of the section indicated.

The motion to strike out was agreed to.

The PRESIDENT *pro tempore*. It is now competent to move to insert any proposition that any Senator may see fit to do.

Mr. WILSON. To reach the views expressed by the Senator from Virginia and the Senator from Michigan, I will renew the motion I made, with a slight modification, inserting the words "by appointments from those districts, or from the State at large." That will leave the President to make the appointments from the congressional districts of the States now represented, or from the State at large.

Mr. TRUMBULL. I have taken no part in this discussion, over what has been denominated by the Senator from New Hampshire the spoils of the seceded States. I thought myself that the motion of the Senator from Ohio was a good one to get rid of this thing; but of all the propositions that have been submitted, I do think this is the last that ought to have been submitted, or that ought to be adopted.

This is a proposition to authorize somebody to go mousing about in the State of South Carolina, and these other States, to see if he can find somebody to educate at the public expense at West Point. That is all.

Mr. CHANDLER. On the recommendation of the Senators.

Mr. TRUMBULL. No, sir, on the recommendation of no Senator. The proposition of the Senator from Massachusetts is to authorize the President of the United States to appoint a cadet at West Point from the Charleston district and from the district of Mobile; and if he can find nobody there that will accept an appointment to be educated at West Point at the public expense, it is his duty to go hunting him up, under the proposition of the Senator from Massachusetts; and if he cannot find any one in the district, he appoints anywhere in the State. If, forsooth, he cannot find a boy in the Charleston district whom he would educate at West Point, then he is to find him anywhere that he can in South Carolina; and no doubt he will find somebody, who happens to be abroad perhaps, from the State of South Carolina, in Europe or elsewhere, who will think "this is a good opportunity to have my son educated, and I will tender him to the President, and send him to West Point at the public expense." Of all propositions, I am the least willing to vote for that. I have no idea of authorizing anybody to go on a hunting excursion into these disloyal districts to see if he cannot find some person there to send to West Point. This amendment does not authorize what my friend from Rhode Island [Mr. SIMMONS] seems to suppose; he will never get his boy in; he does not belong, thank God, to a seceded State. I know he does not; then I am sure he will never get him in. This is simply a proposition for the President to fill up vacancies from the disloyal districts and States. I think we had better wait until these disloyal districts are represented by somebody who knows the people there and can recommend a suitable person. I hope this amendment will not be adopted.

Mr. CHANDLER. Certainly it was not my proposition to send the President upon a roving mission into South Carolina or any other State. My proposition was to permit the Senators on this floor to nominate in their States; and I named the Senators from Virginia, and likewise the Senator from Tennessee. My idea was that they should make the nominations to the President, and that so fast as representatives came upon this floor from the seceded States, they should have power and authority to recommend from their own States to the President, and that he should appoint. I certainly never intended to send him on a roving commission all over creation to look up somebody that he might educate at the public expense; and I will not vote for that.

Mr. WILSON. I think we have "much ado about nothing" in this body; and I do not wish to prolong a contest that seems to me to make the Senate ridiculous. We have had a dozen propositions, and everybody has something of his own. Every one has a proposition of his own, but nobody seems to be willing to agree to anything; and so I suppose the institution will go unfilled. We had an appeal just now in favor of giving to the seceded States the right to fill up this institution. The original proposition was that the President should fill the vacancies from the districts and from the country at large. I thought that right, but the Senator from Virginia [Mr. CARLILE] wanted those States to be represented there, to have the appointments confined to those States; and the argument of the Senator from Michigan [Mr. CHANDLER] was in the same direction. Now the Senator from Illinois thinks we ought not to send the President on a roving commission. Why, sir, pass the section which I propose, and I take it it will amount to this: that the President of the United States, upon proper representations, would send to that institution from each district unrepresented a good man if he could find him; if not, he would find some such person in the State; and if he did not find any such person in the State, he would make no nomination at all. There is no difficulty in some of the States. Perhaps in South Carolina, and in Florida, and a few of those States, there would be difficulty. I should look at a candidate from South Carolina several times before I would put him in the institution, and I think the President will; but if Senators do not wish this, I will withdraw the amendment and leave the matter.

Several SENATORS. No; let us vote.

Mr. DOOLITTLE. I desire to say a single word. Outside of South Carolina, there is not now, and there never was, a majority of the people of any State in favor of this rebellion. A majority of the people of all the States outside of South Carolina are yet loyal; and even in South Carolina there is a very large minority to-day, and that minority is increasing, and will continue to increase, and the time is not far distant when by overwhelming majorities in all these States, they will be in favor of the United States of America under its old and glorious Constitution; and, sir, in any kind of legislation that we may enter upon on this floor, I do not admit for a moment that any State of this Union is to be put under the ban.

Sir, I stand for the proposition and upon the ground suggested by the Senator from Michigan. The State of South Carolina has her rights in this Union, and so have the loyal people of that State. So have they in every other State. I am willing that the children of the loyal people of those States should have the advantage of education in the military schools of the United States, and therefore it is my deliberate conviction that the proposition as introduced by the Senator from Massachusetts as chairman of the Committee on Military Affairs in the beginning is substantially the true proposition on this subject, if we are to have any at all; and that is, that the President appoint from those districts, if there be no representation from those districts in the House of Representatives; and if he cannot find men in the districts that are worthy of the appointment, and loyal to the Union, let him make the appointments in the States at large. I have no doubt, sir, that there are loyal men in South Carolina to-day, and their number will be increasing, and increasing very fast for the next six months to come.

Mr. HARRIS. Mr. President, I will venture to submit a proposition which, it seems to me, after this discussion, will meet the views of Senators. I agree with much that has been said in respect to the rights of the seceded States, and I should be glad to see loyal representatives from those States in the Military Academy; but I have no doubt, and I apprehend no Senator doubts, if this thing were left to the President, but what the President would, if it were possible, appoint such cadets; and therefore, as a substitute for all the propositions which have been submitted, I propose this simple provision:

That when there shall be any vacancy in the Military Academy at West Point from any congressional district, the President shall have power to fill such vacancy.

Let us enact this; let the President select; let him appoint from Virginia, as he doubtless will, the proper number which belongs to Virginia; let him appoint from Tennessee, as he doubtless will, some cadets, because there are loyal men there, and that State is represented nobly and ably here, and her representative here can no doubt suggest names to the President suitable to be appointed, and which the President will rejoice to appoint, to fill the number of vacancies now existing in that State. So far as other States are concerned, the President doubtless will be unable to do it. In South Carolina, probably, he can find none to appoint; probably not any in Georgia or Florida. Where he cannot find persons from those States to appoint, let him fill the vacancies as he pleases. My proposition, therefore, is to leave it to the President entirely, that when there shall be a vacancy in the Military Academy from any congressional district, the President shall have power to fill the vacancy. He will do it right. Nobody, I apprehend, doubts but what he will.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The question now is on the motion of the Senator from Massachusetts, which is an amendment to an amendment. The motion of the Senator from New York, therefore, is not now in order.

Mr. COLLAMER. I was about to say a word on the amendment proposed by the Senator from New York, which authorizes the President to fill all the vacancies in the Academy. It is perfectly well known that the classes which enter gradually shade off and shade off, and do not graduate finally much more than half those who enter; never two thirds. These other classes always have vacancies in them. Now to authorize the President to fill all the vacancies in the Academy, would empower him to make appointments even to the third and fourth year classes.

Mr. HARRIS. Oh, no; I do not contemplate any such thing.

Mr. COLLAMER. But under the broad language of the amendment which the gentleman offers, the President could fill up vacancies in the second, third, or fourth year classes.

But a word in relation to the proposition now before us. That part of the section which relates to filling up these vacancies in the Academy which have not been nominated for, has been stricken out already. It stands, then, with no provision on that subject, and the propositions now presented are with a view to filling it up. To my mind, it had better stand just as it is. We have for a long time had this military school of a size which we fixed by a certain number, being one to each congressional district, and then a certain number appointed by the President. That we have considered the proper size of the school for this whole nation, for all the States. A part of the States have so far withdrawn that they do not fill these places. Now I know there has been, as gentlemen have said, an idea that the rest, or what is called the loyal part of the United States, want to take these vacancies for their own use; that that is what they are after. I do not desire that. If these seceded States come back, and we go on as a people together, then we will go on with the school as usual. If these seceded States do not come back, and they are not reduced, and do not come into obedience at all, why should we increase our school? It will then be as large in proportion to the States that remain as it is now for the whole of the Union. Why should we seize hold of this opportunity to fill up the school from abroad, or seize the occasion to fill it up by people who do not want or who do not choose to fill it up in the usual way? It seems to me the occasion is not one that calls for it. Let the day come when we shall need that increase by the fact that we have an increased loyal part of the country, and they will fill it up of course. Otherwise, let it be as it is. I am not prepared to say that we ought to increase this school. Let us leave the school to be filled up as has been provided by law. If it is filled up in the way which the law provides, well; if not, it is not needed. Therefore, in my opinion, we should leave this section just as it is, and fill up this part stricken out with nothing.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment of the Senator from Massachusetts to the amendment?

The question being put, there were, on a division—ayes twelve.

Mr. FESSENDEN. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. SHERMAN. I ask that the amendment to the amendment be read.

Mr. COLLAMER. I desire that the amendment and the amendment to the amendment be read.

The PRESIDING OFFICER. The amendment is a whole bill; but the amendment of the

Senator from Massachusetts to the amendment, is to insert, in place of the words stricken out of the tenth section, the following:

That the President of the United States be, and he is hereby, authorized to fill any existing vacancies at the United States Military Academy, from congressional districts for which no nominations are made by Representatives in Congress, by appointments from those districts or from the respective States at large.

The question is on adopting that as an amendment to the tenth section, in lieu of the words stricken out by a vote of the Senate.

The question being taken by yeas and nays, resulted—yeas 17, nays 23; as follows:

YEAS—Messrs. Browning, Carlile, Clark, Dixon, Doolittle, Fessenden, Harris, Howe, King, Latham, McDougall, Morrill, Pomeroy, Sumner, Ten Eyck, Willey, and Wilson.—17.

NAYS—Messrs. Anthony, Bingham, Breckinridge, Bright, Chandler, Collamer, Cowan, Foster, Grimes, Harlan, Johnson of Tennessee, Johnson of Missouri, Lane of Kansas, Nesmith, Pearce, Polk, Powell, Rice, Saulsbury, Sherman, Trumbull, Wade, and Wilkinson—23.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the remainder of that section, which will be read.

Mr. WILSON. We are all agreed about that. I suppose there will be no necessity for reading it.

Mr. TRUMBULL. There is no motion to strike out that portion of the section.

Mr. FESSENDEN. It has not been adopted.

Mr. TRUMBULL. It is part of the bill.

The PRESIDING OFFICER. It is reported by the committee, and the question is on agreeing to it.

Mr. TRUMBULL. It is reported with the whole bill, as I understand it.

Mr. WILSON. The bill itself is an amendment to another bill.

Mr. FESSENDEN. Precisely; the whole of it is an amendment.

Mr. WILSON. I believe every Senator is agreed about that part of the bill. It was put in by, I believe, a unanimous vote of the Senate, and I suggest that we go on, and simply take votes on the modifications proposed by the committee this morning to the amendment; and then, if anybody has any propositions to make, they can make them.

Mr. KING. I should like to know how this matter is left in the bill. There is still part of this section remaining, as I understand.

Mr. TRUMBULL. I believe I can inform the Senator from New York. There is now no authority in the bill to fill vacancies at all. We have struck it all out; and I do hope we may now let it remain as it is. There is some legislation in the bill in regard to West Point to prevent cadets who have been dismissed because of deficiency in studies, or acting improperly, from being returned again after they have been dismissed. It seems there has been a custom growing up there, when a young man was dismissed, to have him recommended a second time by a member, and come back again upon the institution. This bill provides for correcting that evil, but makes no provision whatever for filling up the vacancies; and I hope we shall stand by it as it is.

Mr. KING. My object was to have the section, as amended, read, in order that we may see what it is.

The PRESIDING OFFICER. The Chair is informed that it has been the course of the Senate in the consideration of this bill to take up *seriatim* each section from the beginning; and where amendments were proposed by the committee, those amendments have been acted upon, and then a vote has been taken upon the section. We have proceeded thus far with the bill. This section has been amended by striking out certain portions of it; and the question now is: "Will the Senate adopt the residue of the section?"

Mr. KING. What I ask is, that that residue, upon which we are to have a vote, be read, so that we may see what is left of the section.

The PRESIDING OFFICER. The question is on adopting the residue of the section, which will now be read.

The Secretary read it, as follows:

And no cadet who shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the Academy, shall be returned or reappointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions, unless upon the recommendation of the academic board of the Academy.

Mr. CARLILE. If it be in order, I would like very much to fill the blank that has been created by the action of the Senate striking out that portion of this section which it has stricken out. I understand, from the Senator from Illinois, that there is now no provision whatever to fill these vacancies in the Academy, and therefore they must continue to exist. I think, as far as they can be filled, they should be filled; and I think that the first clause of that section which has been stricken out would accomplish the purpose to a certain extent; and, if it be in order, I will move to fill the blank with the words:

That existing vacancies at the Military Academy, from congressional districts where there have been failures to make nominations, according to the provisions of existing laws, shall be supplied by the President, upon the nomination of Senators from such States as are represented in the Senate.

This is only a part of what was stricken out. I presume it is perfectly competent for the Senate to strike out a portion, while at the same time they would be willing to retain a portion of the matter stricken out. I am not sufficiently conversant with the rules of this body to say. The phraseology, however, can be very easily changed so as to obviate any technical objection that might be raised. I move to fill the blank that has been made by the action of the Senate, by the insertion of the words that I have read.

Mr. SHERMAN. Mr. President, I trust this amendment will not be adopted. It applies only to five States—the States of Missouri, Virginia, Tennessee, Kentucky, and Maryland. There are vacancies in the Military Academy from those States, and those States are represented in the Senate. It seems to me much easier to delay for a little while the filling up of these vacancies until members shall be elected for the various congressional districts. I have no doubt that within six months from this time every district of those States will have a member elected to the House of Representatives; and then those members can fill the vacancies. There is no object to be accomplished by the amendment now offered by the Senator from Virginia.

As to the other States, they will be left entirely out of view, or unrepresented in the Academy; and I think it is better to leave all the States where there are vacancies stand as they are. It would probably be an inducement to the election of Representatives here, or, at any rate, a motive to elect them; and then will be the time to fill these vacancies. In the meantime I think we can get along very well, and survive the calamity of having only one hundred and fifty cadets, instead of two hundred and fifty.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the residue of the section.

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 9. *And be it further enacted*, That the three months' extra pay allowed by the twenty-ninth section of the act of the 5th of July, 1838, for reënlistments under certain conditions; the bounty granted by the third section of the act of the 17th of June, 1850, for enlistments at remote and distant stations; and the premium now paid for bringing accepted recruits to rendezvous, be, and they are hereby, abolished.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 9. *And be it further enacted*, That hereafter two dollars per month shall be retained out of the monthly pay of each enlisted man in the regular Army until the expiration of his term of service, instead of one dollar per month, as authorized by existing laws.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 10. *And be it further enacted*, That the fifth section of the act approved September 28, 1850, requiring the Secretary of War to discharge from the Army all minors, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 11. *And be it further enacted*, That in all cases of enlistment and reënlistment in the military service of the United States, the prescribed oath of allegiance may be administered by any commissioned officer of the Army.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 12. *And be it further enacted*, That the two regiments of dragoons, the regiment of mounted riflemen, and the two regiments of cavalry, shall hereafter be known and recognized as the first, second, third, fourth, and fifth regiments of cavalry, respectively; the officers thereof to retain their present relative rank, and to be promoted as of one arm of service, according to existing law and established usage and regulation.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 13. *And be it further enacted*, That the Army ration shall be increased as follows, viz: Twenty-two ounces of bread or flour, or one pound of hard bread, instead of the present issue; fresh beef shall be issued as often as the commanding officer of any detachment or regiment shall require it, when practicable, in place of salt meat; beans and rice, or hominy, shall be issued in the same ration in the proportions now provided by the regulation, and one pound of potatoes per man shall be issued at least three times a week, if practicable; and when these articles cannot be issued in these proportions, an equivalent in value shall be issued in some other proper food; and a ration of tea may be substituted for a ration of coffee upon the requisition of the proper officer.

The amendment was agreed to.

The next amendment of the committee was to insert, as an additional section:

SEC. 14. *And be it further enacted*, That there may be allowed in hospitals, to be provided under such rules as the Surgeon General of the Army, with the approval of the Secretary of War, may prescribe, such quantities of fresh or preserved fruits, milk or butter, and of eggs, as may be necessary for the proper diet of the sick.

The amendment was agreed to.

The next amendment of the committee was to insert, as an additional section:

SEC. 15. *And be it further enacted*, That there shall be appointed by the Secretary of War, on the recommendation of the council of administration and the approval of the commanding officer, as many sutlers as the exigencies of the service may require, not to exceed one to each military post.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 16. *And be it further enacted*, That any commissioned officer of the Army, or of the Marine Corps of the Navy, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 17. *And be it further enacted*, That if any commissioned officer of the Army, or of the Marine Corps of the Navy, shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list, and withdrawn from active service and command, and from the line of promotion, with the following pay, namely: major general, $2,640 per annum; brigadier general, $1,488 per annum; colonel, $1,140; lieutenant colonel, $960; major, $840; captain, $720; first lieutenant, $540; second lieutenant, $540; without any other pay or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disability be proved to result from wounds received in action, the pay proper of the retired officer shall be that of his highest rank, by brevet or otherwise: *And provided also*, That should the brevet Lieutenant General be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided further*, That there shall not be on the retired list, at any one time, more than seven per centum of the whole number of officers of the Army, as fixed by law.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC 18. *And be it further enacted*. That in order to carry out the provisions of this act, whenever any officer of the Army, or of the Marine Corps of the Navy, who may be incapacitated, as before recited, shall voluntarily apply to be retired from active service, or, being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Army shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of War to refer the case of such officer to a board of not more than thirteen or less than five commissioned officers, to be composed (as far as may be) of his seniors in lineal rank, and preferably of officers already retired. And the determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary or War, to be laid before the President for his approval or disapproval, and orders in the

case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register: *Provided always*, That the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the Army shall be retired either partially or wholly from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 19. *And be it further enacted*, That the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 20. *And be it further enacted*, That so much of the sixth section of the act of August 23, 1842, as allows additional or double rations to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 21. *And be it further enacted*, That officers having brevet commissions shall not be entitled to any increase of pay or emoluments because of the exercise of command according to their brevet rank.

Mr. NESMITH. I move that that section be stricken out.

The PRESIDING OFFICER. The question will be on adopting the section, and a negative vote on that will effect the Senator's purpose. Is the Senate ready for the question on adopting the section just read?

Mr. GRIMES. I propose to amend it by adding, "except when in active service in the field." Where a man is actually in the field, acting in the capacity of a brevet officer, then he ought to be paid, and not otherwise.

Mr. RICE. I presume the amendment of the Senator from Iowa will not accomplish the object he has in view. If I understand him aright, he wishes to have it applied to all officers serving in the field?

Mr. GRIMES. No, sir; only to those who have held brevet rank; for instance, a captain brevetted as a colonel. He thereby ranks other officers when on detached service; and when he is acting as a colonel he ought to receive the pay of colonel, and not receive the line pay while those that are subordinate to him are receiving greater pay than he is.

Mr. RICE. Then why may not a captain who has not been brevetted receive the pay when performing the duty?

Mr. GRIMES. He does not perform the duty.

Mr. RICE. They are frequently compelled to do so. I hope the section will be adopted as it is, without amendment.

Mr. NESMITH. I think if the section as it now is be defeated, it will accomplish what the Senator from Iowa desires to arrive at. These officers by law get no brevet pay, unless assigned to duty on their brevet commission.

Mr. GRIMES. That is not what I want. There are gentlemen who have never seen service, except in the bureaus of the Departments, who may be at the head of a bureau, and therefore receive brevet pay. Now I am willing to pay the officer who is actually in the field, the pay of his brevet rank; but because a man happens to be at the head of a bureau in one of the Departments of the Government, it is not quite right, I think, that he should receive the pay of a brevet rank, which has been conferred upon him for his great red-tapeism, and not on account of his valor.

Mr. NESMITH. There are very few of those cases. I do not recollect any at present. I know that officers are selected and assigned to duty according to brevet rank in the field, and draw the pay accordingly; but they do not draw any pay for the brevet rank, unless they are discharging the duties which attach to that rank. I think the striking out of this section will work no hardship, but, on the contrary, will do a great deal of good to officers of the Army who are meritorious.

The PRESIDING OFFICER. The first question is on the amendments proposed to the section.

Mr. DOOLITTLE. I would like to amend the amendment of the Senator from Iowa. I presume I have the same object in view that he has. I should like to have added to that the words "and unless he shall have received a vote of thanks from Congress for gallant conduct in the field." Then this brevet rank will mean something.

The PRESIDING OFFICER. The amendment of the Senator from Iowa is an amendment to an amendment, and of course is not now susceptible of amendment.

Mr. GRIMES. I will accept the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Iowa adopts it as part of his own amendment, and the question now is on the amendment as modified by the mover, to insert at the end of the section the following:

Except when in active service in the field, and unless he shall have received a vote of thanks from Congress for gallant conduct in the field.

Mr. NESMITH. I think that will carry the matter a little further than is desired. It requires that an officer shall not only be brevetted in the first place, but, in the second place, that he shall have a vote of Congress, and, in the third place, that he shall be on duty in the field, making too many conditions, I think.

Mr. WILSON. Senators have expressed over and over again their opposition to increasing the rank of officers of our Army. They are willing to increase the lieutenants, the inferior officers, but do not wish to increase the higher grades. Now, as was said yesterday, we have to-day in the field a major commanding a division. The reason we have so many brevets in the Army of the United States is that our policy prevents officers rising to the higher positions in the Army, and we brevet a great many on that account. Now, sir, I am willing that the proposition should stand as amended by the Senator from Iowa; but I think the Senator from Wisconsin had better withdraw his modification, and let it stand in this way: that the brevet officers in the field in active service may receive the benefits of the brevet pay, so that those who are in the bureaus here will not receive it; and that is where I think the main abuse lies.

Mr. DOOLITTLE. I do not understand this brevetting of officers very much. I understand, however, that it is done by the commanding officer in the field, or on his recommendation to the Secretary of War. My object is to avoid the favoritism which may be practiced under the brevet system. Favorites may receive brevets when others more deserving do not. If they are to receive anything more than the honorable appellation of brevet, if they are to receive the additional pay, I want them to perform such services in the field as shall demand the consideration of Congress and receive a vote of thanks. I have no doubt that there will be officers in the field who will command the admiration of Congress to the extent of receiving a vote of thanks, and I desire to hold out some inducement to these officers to distinguish themselves.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the adoption of the section reported by the committee.

The amendment was agreed to; there being, on a division—ayes 19, noes 16.

The next amendment was to insert, as an additional section:

SEC. 22. *And be it further enacted*, That officers of the Army, when absent from their appropriate duties for a period exceeding six months, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel, and quarters, either in kind or in commutation.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 23. *And be it further enacted*, That nothing in this act contained shall in any event reduce the pay or emoluments of the Lieutenant General of the Army.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 24. *And be it further enacted*, That any commissioned officer of the Army or Navy who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by the proper authority, and without leave, quit his post or proper duties with the intent to remain permanently absent therefrom, shall be registered as a deserter, and punished as such.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 25. *And be it further enacted*, That any officer of the Navy who has been forty years in the service of the United States may, upon his own application to the President of the United States, be placed upon the list of retired officers of the Navy, and shall receive the pay allowed by this act.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 26. *And be it further enacted*, That if any officer of the Navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command, and from the line of promotion, with the following pay, namely: Captains in the Navy, $1,300; commanders in the Navy, $1,100; lieutenants in the Navy, $1,000; surgeons ranking with captains, $1,300, with commanders, $1,100, with lieutenants, $1,000; paymasters ranking with captains, $1,300, with commanders, $1,100, with lieutenants, $1,000; chief engineers, $1,000; first assistant engineers, $700; second assistant engineers, $500; and third assistant engineers, $400; masters, $400; passed midshipmen, $350; without any other pay or allowances. Captains, commanders, and lieutenants, now on the retired list of the Navy, shall receive the same compensation and no greater than is allowed to retired officers of the same rank by the provisions of this act. The next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disability be proved to result from wounds received in action, such retired officer shall receive the sea pay of his grade.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 27. *And be it further enacted*, That whenever any officer of the Navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order; or whenever, in the judgment of the President of the United States, an officer of the Navy shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine, or less than five, commissioned officers, to be composed, if possible, (as far as may be,) of his seniors in rank. The determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of the Navy, to be laid before the President for his approval, or disapproval, and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service; if so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act; but if disability or incompetency proceeded from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service, with one year's pay, at the discretion of the President; and in this last case his name shall be wholly omitted from the Naval Register. The members of the board shall, in every case, be sworn to an honest and impartial discharge of their duties; and no officer of the Navy shall be retired, either partially or wholly, from the service, without having had a fair and full hearing before the board, if he shall demand it.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

SEC. 28. *And be it further enacted*, That the retired officers shall be entitled to wear the uniform of their respective grades; shall continue to be borne upon the Navy Register; shall be subject to the rules and articles of war, and to trial by general court-martial.

The amendment was agreed to.

The next amendment was to insert, as an additional section:

And be it further enacted, That retired Navy officers may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments of the committee have now been gone through. The bill is still before the Senate as in Committee of the Whole, and open to further amendment.

Mr. WILSON. In accordance with the suggestion of the Senator from Iowa, some time since, I propose to amend the second section. I will

simply say that the subject has been considered carefully, but was not brought forward, under the apprehension that it might be resisted as some other measures have been. That it is needed, there is no sort of doubt whatever; and I propose to make this amendment: to insert, after the word "regulations," in the fourth line of the second section, the words, "five assistant inspectors general, with the rank and pay of a major of cavalry." It gives us five assistant inspectors general of the Army to go with these different corps, to see that they are in order. There can be no doubt that they are needed. They are to be added for three years, as proposed by the Senator from Ohio.

Mr. LANE, of Kansas. I should think our Army would be pretty well inspected. We have a commission to inspect the medical department. We have brigade surgeons and regimental surgeons and assistants to inspect. We have daily and weekly and monthly company, regimental, brigade, and division inspections also. It seems to me—and that has been my experience—that these inspecting officers are not required in any arm of the service. They are redundant, the fifth wheel to the wagon, interfering with the moving of the machinery, interfering with the regulations of the service. I hope the amendment will not be adopted.

Mr. WILSON. If the amendment be adopted, and proper officers are appointed—and they will be unquestionably Army officers, there cannot be a doubt of that—I have no doubt, with our immense forces in the field, with our immense expenditures for the materials of war, it will save thousands and tens of thousands of dollars to the country, and, in my judgment, do a great deal for the health and the lives of our soldiers.

Mr. LANE, of Kansas. I desire to make a suggestion to the Senator from Massachusetts, for whose judgment I have the highest respect. I assure him that the best inspector for a company is the captain of a company; the best inspector for a regiment is the colonel; the best inspector for a brigade is the brigadier general; the best inspector for a division is the major general; and these officers thrown in create confusion, and are for no other purpose than to create confusion in the service. They come in as these medical commissioners have—to make suggestions and orders outside of the rules and regulations of the Army. I do assure the honorable Senator from Massachusetts that there is no other purpose, and they will accomplish no other object, than to create confusion in the service.

Mr. WILSON. Mr. President, we have an inspector general of the Army, an old man, eighty-one years of age. Colonel Scott has been put in his place. All he can do is to stay here at the head of the bureau. We have had assistant adjutant generals. General Mansfield was an assistant adjutant general, and he made a tour of the country. He went to Texas. I conversed with him on his return last year, during the early part of the session. He had examined all that part of the country.

Let me say to the Senator who says that the colonel of a regiment is the best inspector, that, if the colonel is a man of capacity and experience, he would be equal to anybody else as an inspector; but the Senator from Kansas knows, as I know, and as all of us know, that many of these colonels are unfitted by training and by experience to keep their regiments in the best possible order. This proposition, if it be adopted, will authorize the appointment of five assistant inspectors general. They will be sent to the different divisions of the Army. They will have under their superintendence the care of the men and of the munitions of war; and if they are men of capacity and of large experience, they can reform abuses, and correct evils which the undisciplined and inexperienced volunteers we have in the country necessarily bring into the field.

Why, sir, I see it stated in the press, that Mr. Russell, the correspondent of the London Times, says that the sanitary condition of some of our regiments is worse than the condition of the British regiments in the Crimea, that excited and alarmed the people of England—so much so that they sent a sanitary commission to examine into the condition of the Army. That the condition of some of the regiments in the service to-day is disgraceful to the officers and to the country, we all know. Some of the regiments that are led by officers of experience and capacity are in fine condition; but the best of the volunteer regiments do not compare for a moment in comfort, and in all that characterizes soldiers, with the Army of the United States. It does a man's heart good to look upon the veteran troops of our Army, after having passed around among these encampments of our volunteers, to see the neatness, the cleanliness, the order, the system, and the comfort of the one, and the slovenly condition of the other.

The Senator refers to the sanitary commission that has been appointed. A commission has been appointed of gentlemen who have taken upon themselves this work, and their object is to save the health and lives of hundreds and thousands of our fellow-citizens who are summoned into the field. It is with them a work of humanity, not of dollars and cents; for it is a contribution of their time, their toil, and their money. They ask us to pay them nothing. They have been about among these soldiers. They all bear testimony to their zeal, their patriotism, and their devotion to their country. They all bear evidence to the sufferings of these men through the incapacity and inexperience of men who have undertaken to command regiments in the service.

Now, sir, as we have an immense Army, an Army perhaps that will amount to three hundred thousand men in several large divisions, made up chiefly of volunteers, I think if there could be with the divisions of McDowell, of Butler, Frémont, Patterson, and McClellan, a proper officer, whose sole duty was to inspect that Army, to keep his eye upon the Army, to correct abuse, and instruct men who want to do right, but do not know how to do it, such an officer would be invaluable to the service Therefore, sir, I concur heartily with the suggestion that was made by the Senator from Iowa. I should have reported such a proposition originally, but I feared that it would meet this opposition in the Senate, which there seemed to be to creating offices. However, as we have provided in this section that their offices shall expire at the close of the contest, or at the end of three years, I hope it will receive the sanction of the Senate. I have great deference to the opinions of the Senator from Kansas, who is not only a Senator but a soldier; but I think that if he will reflect fully on the subject, and consider the kind of men of which our regiments are made, he will see the wisdom of putting into the service five accomplished and experienced officers to correct the abuses that do exist. Now, that abuses do exist, and that some portions of our forces are almost demoralized, I personally know to be true. There cannot be any doubt of it. In other regiments, in other brigades, in other commands, there are great improvements; but the great point is to get these commands under officers of experience and capacity.

The amendment was agreed to.

The PRESIDING OFFICER. The substitute having been perfected, the question is, shall the amendment be adopted in lieu of the original bill?

The amendment was adopted.

Mr. POWELL. I offer the following amendment as an additional section to the bill:

And be it further enacted, That no part of the Army or Navy of the United States shall be employed or used in subjecting or holding as a conquered province any sovereign State now or lately one of the United States, or in abolishing or interfering with African slavery in any of the States.

On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McDOUGALL. I wish merely to say that I shall vote against the amendment, because I think it altogether uncalled for.

Mr. LANE, of Kansas. Is it too late to offer a modification? I should like to add to that amendment, "except to crush out rebellion and hang traitors."

Mr. BRECKINRIDGE. Reduce your amendment to writing.

Mr. SHERMAN. Mr. President, the amendment now offered is a very singular one in the Senate of the United States. Does the Senator from Kentucky suppose that the Army designated by this bill is to be used to subjugate a State? Does he suppose that the Army now to be used is for the purpose of freeing slaves? I supposed this kind of argument was not to be used here. I did not suppose that the Senator from Kentucky would for a moment claim, either here or anywhere, that this war was for the purpose of freeing slaves or subjugating States. I do not want to rest under that imputation. I shall vote against the amendment, as a matter of course, because it is out of place, and ought not to be offered here, in my judgment; but I wish it distinctly understood that in voting against it, I do not assent to the proposition, or the imputation, that this is a war for the purpose of subjugating any State or freeing any slave. If I understand the purpose of this war, it is to maintain the national honor, to defend the national property, to uphold the national flag everywhere wherever by right it floats, whether it be in South Carolina, or Florida, or Louisiana; but I say here, as I have said elsewhere, that there is no purpose in conducting this war to subjugate a State, to free a slave, or to interfere with the social or domestic institutions of any State or of any people. The purpose of the war, as I understand it, is to preserve this Union; to maintain the Constitution as it is in all its clauses, in all its guarantees, without change or limitation.

I was astonished the other day at the remark made by the honorable Senator from Kentucky, who said here in his place, that the purpose of this war was to overthrow the Constitution; and that the men who were now conducting it had that idea in view, or that that would be the effect of their action; and he also remarked that he was sorry to see that these movements were drifting under the control of the extreme men of the Republican party. Why, Mr. President, I cannot sit here in my place and allow that imputation to be fixed upon my constituents in Ohio, without repelling it. My idea is, that there never has been a proposition to alter the Constitution by the Republican members of the Senate or of the House of Representatives. We do not propose to do it. I would not change one line, one word, one syllable of the Constitution. I am willing to take it as it was construed by our fathers who framed it, and not change a particle. The only proposed change in the Constitution comes from those men who, when they cannot change it to suit themselves, endeavor to subvert this Government by force.

But I have said more than I intended; I merely wished to repel the insinuation contained in that amendment, which seems to charge upon the Senators who vote for this bill the purpose and the intent of using this Army to subjugate any State, or to free any slave. That is not, as I understand it, the purpose or object of this war.

Mr. POWELL. It is not my purpose to enter into any discussion of the amendment. I am pleased to hear the conservative sentiments uttered by the Senator from Ohio; but the Senator, I think, was unnecessarily surprised in his astonishment at the idea of any Senator supposing the result of this war would be probably the emancipation of the slaves, or the overthrow of State sovereignty. Does not the Senator from Ohio know that more than one of those who have been heretofore considered the most conservative Senators on the other side of this Chamber have declared that if the necessity existed, they were for emancipating the slaves in the southern States? It was so announced by the Senator from Connecticut, [Mr. DIXON.] It was affirmed by the Senator from Michigan, [Mr. BINGHAM.] The Senator from Kansas [Mr. POMEROY] introduced a bill into the Senate, which is now before the Judiciary Committee and has been printed, for the purpose of abolishing slavery in all the seceded States. When we witness all this, should the Senator from Ohio be surprised that the representatives of the slaveholding States fear that it may be and is the purpose of those in power to use the Army for the purpose of abolishing the institution of slavery and overthrowing the States? Did not the Senator from Oregon [Mr. BAKER] the other day, declare that if it were necessary, he would vote to reduce the seceded States to provinces, and send Governors there from other States to govern them as Territories? When we hear all these declarations, I think the Senator should not be surprised at the fear which I have expressed.

If the object of the Senate, and the object of those in power, is not to use the Army and the Navy for these purposes, why not put it in the law; why not say so; why not vote it here in the

Senate, and let the whole country be advised of the purpose? I know, sir, that leading political journals of the Senator's party have declared that that is the object. I know that Senators on this floor have declared, that if it shall become necessary to save the Union, they will abolish the institution of slavery. I know that a Senator on this floor has offered—which is now before the Senate—a bill absolutely abolishing slavery in all the seceded States. There certainly can be no impropriety, in view of these facts, in the Senate saying, when they are passing laws providing ways and means to carry on this most unfortunate war, that the armies and navies of the country are not to be used for those purposes. It would at least satisfy the country.

Mr. DIXON. Mr. President, the Senator from Kentucky has alluded to remarks of mine, and has said that I have declared on this floor, that if it were necessary to abolish slavery in order to save the Union, slavery should be abolished. Mr. President, I have said no such thing. What I said was this: that if the war should be persisted in and be long protracted on the part of the South, and in the course of its progress it should turn out that either this Government or slavery must be destroyed, then the people of the North—the conservative people of the North—would say, rather than let the Government perish, let slavery perish. That is what I said, and say it now, and shall continue at all times to say the same; not by any means as a threat, but as a warning and an admonition.

This Government is an object of affection to the northern people. They have tolerated slavery; they have even guarantied slavery; they have gone far in its support; but I cannot say that they love slavery as they love the Union and the Government of the United States. If either must be sacrificed, they will have no question as to which it shall be.

Well, then, sir, as to the object of the war. I said expressly that the object of the war was not to abolish slavery; but I said further that, should the war be long continued, that might be its inevitable consequence. It may be that the southern States will persist in the infatuated course they are now pursuing, until they will themselves strike a death-blow to slavery; and, if such a death-blow is struck, let it be remembered that slavery will die by its own hand. If it dies at all, it will be a case of suicide.

Mr. LANE, of Kansas. I move to amend the amendment of the Senator from Kentucky, by adding to it:

Unless it shall be necessary in enforcing the laws, or maintaining the Constitution of the Union.

Mr. President, I represent a constituency whose rights were trampled under foot by the slave oligarchy of this country. Fraud, cruelty, barbarism, were inflicted on them by that power. Although thus afflicted by the slave power of this country, in an attempt to force upon us, against our will, that institution, yet, after that struggle was over, we were willing to stand by the compromises of the Constitution, and permit slavery to remain undisturbed in the States where it existed. An attempt is now being made by that power to overthrow the Government—to destroy the Union. They have brought upon us the conflict. If, in that conflict, the institution of slavery perish, we will thank God that he has brought upon us this war. We wish not to be misunderstood. We would have stood by the compromises of the Constitution, and permitted slavery to exist in the States where it was planted; would not, by word or act, have disturbed it; but they have forced upon us this struggle, and I, for one, am willing that it shall be followed to its logical conclusion.

I do believe, Mr. President, that the institution of slavery will not survive, in any State of this Union, the march of the Union armies, and I thank God that it is so. It is an institution that has been the curse of the country ever since my recollection; these Halls have been accursed with it; the people of the States where it exists have been accursed with it, and the people of the free States have been accursed with it. I respect the gentlemen who represent slave States upon this floor, but I say to them that my experience is, that the institution of slavery requires from its devotees devotion; that kind of devotion which makes fiends of men. There is no crime that the devotees of slavery will not commit in maintaining or extending it. It was the amusement of the slave oligarchy of Missouri to stuff the ballot-boxes of Kansas. I respect the Union sentiment and the Union men of Missouri; but it was the amusement of the fillibusters of Missouri and of Alabama and of Louisiana and of Georgia to stuff the ballot-boxes of Kansas, in order to force their accursed institution upon us. It was their daily practice to murder unarmed, helpless prisoners, and to tear from reeking heads the scalps of their yet living victims. It was their common practice to take free-State men who were from slave States, tie them to trees, and demanding of them to recant their free-State principles, to cut off finger by finger, until the hands were fingerless, and then tie them to stakes and riddle them to death with bullets. And then this General Government was used to force slavery upon that people. The Constitution of the United States was trampled under foot; the Army of the United States was used by these men to force that institution upon our people. Not one word was heard from that side of this Chamber, or from that side of the lower House, in complaint. The Constitution may be trampled under foot to advance slavery, to force it upon a gallant people; but when the President of the United States exercises extraordinary authority, within the Constitution in my opinion, he is arraigned here by distinguished gentlemen as having outraged that instrument and trampled it under foot!

I was reminded the other day, and I felt, that a distinguished Senator was placing himself, in the arraignment of this Administration, somewhat in the situation of the boy in the orchard, who complained bitterly because he could not obtain the apple that was beyond his reach. It did seem to me that the criticisms upon this Administration could with much more dignity have come from any other distinguished Senator than from him who delivered that most eloquent speech here the day before yesterday.

Mr. President, I will vote against the amendment proposed by the Senator from Kentucky; and I will vote for the amendment I have proposed with the distinct understanding, and the avowal to the country, that slavery is to perish rather than that one inch of this Union shall be parted with.

Mr. CARLILE. Mr. President, I regret very much the introduction of the amendment. I regret that those who are opposed to the amendment have permitted themselves to be betrayed, at least the Senator from Kansas, into the line of remark in which he has indulged. I think that it is doing injustice to the causes which have produced the rebellion that is now in the land, to charge it to the institution of slavery.

Sir, we must remember that he who conducted our armies throughout the long years of the Revolution, and who won for us this priceless inheritance, was himself a slaveholder, and nurtured by slaves. It is therefore no fault of the institution itself. In my opinion, if slavery had not existed in any portion of this country, the same motives would have existed that exist now and prompted this rebellion. I therefore regret that the discussion of this subject, and the evidence of warmth exhibited upon its unwonted introduction at almost every turn in our deliberations in this body, should create what I believe to be a false impression upon the mind of the Union people residing in the States where the institution of slavery exists.

Sir, I can say that in my portion of the Commonwealth of Virginia, the warmest, soundest Union men, are among our largest slaveholders; and I ventured to assert, in the midst of a slaveholding body, on the 7th day of last March, that the most direct mode by which the object of the loudest Abolitionist could be accomplished was the mode upon which Virginia was then about to enter. I have no fear of the destruction of the institution of slavery by the efforts of those residing beyond the limits of the States in which it exists; and I can, in justice to the proud column that is now relieving my portion of the Commonwealth, and, I trust, will soon relieve every portion of the State of Virginia from the reign of terror that has been inaugurated by those who have conspired to overthrow the fairest fabric of government ever erected by man, say that, whatever representatives on this floor or in the other House of Congress may desire, they will never aid them in the accomplishment of an unholy purpose to override the Constitution which is now struggling for its existence, in an effort to destroy the rights of the people of the several States. Sir, four fifths of those who compose that column, under the gallant McClellan are men who would die as soon as my own people in defense of the rights of my State; and they will soon stop the sinews of war whenever you can induce them to believe that it is no longer a war for the maintenance of the Government formed for them and for us by our fathers.

Sir, I shall vote against the amendment offered by the Senator from Kentucky. I repeat, that I regret its introduction; but as I do not intend to vote for it, I have thought it my duty to say thus much. This is no war of subjugation; there is no power in this Government to carry on any such war; no constitutional, no physical power to carry it on. This is a war for the maintenance of the existence of the Constitution, and the Union under it; and it is a war in which the hearts of the loyal people of the so-called seceded States are as much enlisted as are the hearts of the constituency which the honorable Senator from Connecticut represents. I did not understand him to say, I do not understand him now to say, that he himself desires that this war should be prosecuted to the extermination of the institution of slavery. I merely understood him to say—that was an inference which I drew, and I conceive it to be a very legitimate inference—that those who have inaugurated this rebellion, who seem determined to push it to its extremities, may by their act, and by their act alone, effect the destruction which the Abolitionists never could have accomplished. I believe this a war constitutionally waged for the perpetuity of the Government, in which are bound up all our hopes, the hopes of posterity, and the hopes of the civilized world.

I shall vote against the amendment to the amendment also. Sir, there can be no prosecution of a lawful enterprise to do an unlawful act. I trust that this discussion will be allowed to close, and that the Senate will be allowed to vote upon the propositions now before it.

Mr. BROWNING. Mr. President, I cannot say, in common with the Senator from Virginia, that I regret that this amendment has been proposed to the Senate. I shall certainly vote against it; it does not meet my views, or receive my approbation; but it may still be well that it has been offered, as it affords us an opportunity of comparing notes, understanding the opinions of each other, and giving the country at large a distinct understanding of what the purpose and intentions of the Congress of the United States are. I speak only for one; I intend to speak very briefly, but very plainly, my sentiments upon this subject.

I differ furthermore from the Senator from Virginia in the supposition that the institution of slavery has had nothing to do in involving the country in the calamities which now press upon it. Had it not been for the sentiments and opinions which are engendered, fostered, and cherished by the institution of slavery, I cannot persuade myself to believe that there ever would have been found a disloyal heart to the American Constitution upon the American continent. I believe that the whole trouble has grown out of the institution of slavery and its presence among us, and, as I remarked, the sentiments and opinions which it necessarily engenders, fosters, and cherishes. The war, it is true, is not a war for the extermination of slavery. With the institution of slavery where it exists the General Government has nothing, as a Government, to do; nor has the General Government ever assumed the power of in any shape or manner controlling the institution of slavery, or its management in the States where it exists. The General Government has never been aggressive either upon the slave States, or upon the institution of slavery. These troubles have all grown out of precisely the opposite—not the aggressions of the General Government or of the free States—but out of the aggressions of slavery itself, and its continual struggles for expansion and extension to countries where it had no right to go, and where our fathers never intended that it should go. If slavery had been content to remain where the Constitution placed it, if it had been content with the privileges and immunities which the Constitution guarantied to it, the free States and the slave States of this Union could

have lived together in a perpetual bond of fraternity.

Mr. President, history gives no instance, in my judgment, of such long suffering and forbearance as there has been, not by the people of the slave States, but as there has been exhibited by the people of the free States of this Union in the endurance of outrages, wrongs, and oppressions that they have suffered at the hands of that institution, and those who maintain the institution, and have suffered from their strong and enduring devotion to the General Government; to the institutions that our fathers achieved for us, and transmitted to us. I think I should not be at all mistaken in asserting that for every slave that has ever been seduced from the service of his owner, by the interference of citizens of the free States with the institution where it exists, more than ten free white men of the free States of this Union have been outraged, every privilege of freemen trodden upon; every right of person violated by lawless mobs in the slave States. We have borne all this uncomplainingly; we have borne it without a murmur, because we were willing to bear it, willing to make the sacrifice, for the sake of the glorious institutions that were the common property and common blessing of us all.

Mr. President, we have not invited this war; the loyal States of the Union are in no way responsible for the calamities that are now upon the country; we gave no occasion for them. There is, in the history of man, no instance of so stupendous a conspiracy, so atrocious a treason, so causeless a rebellion, as that which now exists in this country; and for what purpose? What wrong had we ever done to the slave States, or to the institution of slavery? I have heard, in all the assaults that have been made on this Administration, no single specification of one injustice that they had ever suffered at the hands of the General Government, or at the hands of the free States, or the people of the free States.

Mr. President, I am not prepared to admit, either, as some gentlemen take pains to explain, that this is not a war of subjugation. If it is not a war of subjugation, what is it? What was it set on foot for, if it is not for the sole, identical purpose of subjugating the atrocious rebellion that now exists in the country?

Mr. SHERMAN. My friend will allow me?

Mr. BROWNING. Certainly.

Mr. SHERMAN. My friend misunderstood my language. I said distinctly that it was not the purpose of this war to subjugate a State, a political community; but I will go as far as he or any other living man to uphold the Government against all rebellious citizens, whether there be one or many of them in a State. If nine tenths of the people of any State rebel against the authority of this Government, the physical power of this Government should be brought to reduce those citizens to subjection; the State survives; and I have no doubt the State of South Carolina, and the State of Florida, and the State of Virginia will be represented on this floor, long after the honorable Senator and I have filled the missions allotted to us.

Mr. BROWNING. I trust so. I will not stop to deal with technicalities; I care not whether you call it the subjugation of the people or the subjugation of the State. Where all the authorities of a State, where all the officers, who are the embodiment of the power of the State, who speak for the State, who represent the government of the State, where they are all disloyal and banded in treasonable confederation against this Government, I, for one, am for subjugating them, and you may call it the subjugation of the State or of the people, just as you please. I am for subjugation, and you may apply the term subjugation to the State or the people. I want this rebellion put down, this wicked and causeless treason punished, and an example given to the world that will teach them that there is a power in the freemen of this continent to maintain a constitutional Government.

Why, Mr. President, it is just a struggle today—the whole of this fight is about that, and nothing else—whether there shall be any longer any such thing as government on this continent or not; and the very moment that the doctrine of secession, the very moment that the astounding heresy of secession is admitted in any sense, or to any degree, government is overthrown; because if there be any such thing as a right existing in a State to secede at any time in any State, at her will, causelessly to dismember this Union and overthrow this Government, there is an end to all constitutions and all laws; and it is a struggle today for the life of the nation. They have assailed that life; we have not done it; and all that the Government has done, and all that the Administration proposes to do, is in necessary self-defense against assaults that are made upon the very life of the nation.

Mr. President, it may be a little out of place, but as I do not wish at any time again during this session of the Senate to intrude any poor remarks of mine on the attention either of the Senate or the country, I will take the occasion here to say a word in response to the assaults that have been made upon the Chief Executive of the nation, upon the entire Administration, upon that entire portion of the country and the people who sustain the Administration. I take this occasion to say, in response to the assaults that have been made upon the President for what is called the suspension of the writ of *habeas corpus*, that I approve heartily, fully, to the uttermost possible extent to which approval can go, that act of the President of the United States; and so far from the President deserving, as the honorable Senator from Kentucky said, the rebuke of the councils of the nation for the exercise of that authority, he would, in my judgment, have been faithless and recreant to every high and noble trust with which he was clothed if he had not exercised the power.

There is, sir, in nations as well as in individuals, an ultimate right of self-defense that transcends all written Constitution and laws. That right of self-defense inheres in a political community as well as it does in an individual. I concede that there is no written authority, there is no prescribed rule by which the President of the United States may suspend the writ of *habeas corpus;* but there is a law of necessity, inexorable and overmastering, which, when it arises, not only hallows the act, but would make him subject to the severest animadversions if he failed, either from want of intellect or want of moral nerve to exercise the act.

Mr. President, let me ask a question of the honorable Senators who have discussed this question. Our armories and our arsenals had been robbed; our custom-houses had been plundered; our mints had been pilfered; the Army and Navy had been corrupted; and every department of the Government was reeking with treason. That is a part of the already written history of the country. It had been given out in speeches by the leaders of this rebellion, that the northern people should be made to feel southern steel and smell southern powder. It had been declared by those who originated and set on foot, who led and controlled the organized bands of rebellious traitors, that, before the dawning of another anniversary of our independence, the flag of treason should float in triumph from the top of your Capitol, and in the execution of that design, their army was understood to be on its march for the purpose of seizing upon the nation's capital and executing that threat. Now, sir, permit me to ask the Senators, suppose it were reduced to a matter of demonstration, suppose it were unmistakably shown that the execution of that purpose could be prevented in no other way than by the exercise by the President of the high prerogative of suspending the writ of *habeas corpus:* would the gentlemen sanction the act in the President, or would they denounce him? Would they still maintain that it was his duty to sit supinely by, witness the overthrow of the Government, the rending of the Constitution into tatters, witness the capital of the nation involved in flames and hordes of vandals desolating the city? Would they maintain that it was the duty of the President to do all that, rather than exercise a power for which there is no written authority, but for which there is an authority higher and more transcendent than ever any written authority was or can be?

I understood one of the Senators from Kentucky to say that he desired the capital to be defended. I understood him further to say that he approved of the act of the Governor of Kentucky in refusing to respond to the call of the President of the nation for troops for that purpose. I do not understand that there is any assault made upon that act of the President.

Mr. POWELL. Will the Senator allow me?

Mr. BROWNING. Certainly.

Mr. POWELL. I will say to him that the capital was in no danger when the Governor of Kentucky refused to respond to the call. Virginia was then a State of this Union; Virginia did not go out until after the President's proclamation. That proclamation of the President caused four States to go out instantly, namely: Virginia, Arkansas, North Carolina, and Tennessee.

Mr. BROWNING. If the capital was not in danger then, it never was in danger; then was the moment of its greatest possible peril; and it was for the very purpose of the defense of the capital from the threats that had been fiercely made against it, that the President exercised the power which I do not understand to be questioned that he exercised constitutionally, of calling forth the militia of the respective States.

I understand the Senator from Kentucky and the Senator from Missouri both to say that they approved and indorsed the acts of their respective Executives in refusing to respond to that call. I apprehend they indorse them and approve them because they believe them to be right. There is no difference between the relations subsisting between one State of this Union and another State, and the General Government. The relations of all the States to the General Government are precisely the same. The President made what they concede to be a call that was clearly within his constitutional power; which, I add, it was his sacred duty, a duty from which he dared not shrink, to exercise. Now, sir, if it was the duty of one State to refuse to respond to that call, it was alike the duty of all the other States to refuse to respond to it. If it was the duty of Vermont to answer the call, and send her gallant-hearted sons forth to do battle in this great cause, it was equally the duty of Kentucky and of Missouri to do so. But, sir, gentlemen say they were right in refusing. If they were right in refusing, all the other States would have been alike right in refusing. What does the Senator from Kentucky mean when he says he desired to see the capital defended, and yet places himself in a position which takes from the nation the power of making any defense that could have been effectual? How was the capital to be defended? If no State when called upon, constitutionally called upon by the Chief Executive of the nation, would so far respect that call as to respond to it, how was this capital or this nation to have been defended? And yet the honorable Senators find no higher duty for them to perform here than to denounce the President for doing precisely what they are forced to admit they desired to see done—defend the capital.

Mr. President, I have wandered from the purpose of my rising; and I do not intend to detain the Senate more than a few minutes longer. There are a few things that I want to say, and that I rose to say, and which, when I have said plainly, I shall resume my seat.

Gentlemen have expressed their earnest desire to see what they designate as this unnatural, this fratricidal war, brought to a close. There is no heart here that would more rejoice at the termination of all hostilities, the restoration of affectionate and fraternal feelings everywhere throughout this vast Union than I would. Have we the power to do it? Where is the power to terminate, and to terminate upon the instant, in the next fleeting hour, this war, and terminate it forever? Let them go to the rebellious States; let them go to those who are confederated for the overthrow of the Government; let them go to those who are prosecuting a causeless and vindictive war against the very life of the Government, and preach to them their high regard for the Constitution and laws. Let them ground the arms of their rebellion; let them return to their easy and just allegiance to the Government that they have never known except by its beneficence and its blessings; let them do that, and in the next passing hour peace will spread her downy pinion over every inch of soil in the American Union. But, sir, as long as they are in arms, as long as they are in rebellion for the overthrow of the Government, it is the duty of the Government, the duty of the people of the country, a duty from which they will never shrink, to keep on foot an Army adequate to the emergency, which shall meet and put down, and subjugate, if you choose, everywhere, those who are in armed rebellion for so unholy a purpose.

Now, Mr. President, one thing more. It is better that people everywhere should understand precisely what is going on, what has happened, and what is to happen. For one, I should rejoice to see all the States in rebellion return to their allegiance; and if they return, if they lay down the arms of their rebellion and come back to their duties and their obligations, they will be as fully protected, now and at all times hereafter, as they have ever been before, in all their rights, including the ownership, use, and management of slaves. Let them return to their allegiance; and I, for one, am now for giving to the slave States as fully and completely all the protection of the Constitution and laws, as they have ever enjoyed in any past hour of our existence.

But, sir, let us understand another thing. As I have already said, the power to terminate this war now is not with us. The power is with us, but not to terminate it instantly. We will terminate it, if it is not terminated, as it should be, by those who began it. But, sir, I say for one—I speak for myself and myself only, but I believe in so speaking I utter the sentiments which will burst from every free heart in all the northern States of the Confederacy—that if our brethren of the South do force upon us the distinct issue, shall this Government be overthrown, and it and all the hopes for civil liberty, all the hopes for the oppressed and downtrodden of all the despotisms of the earth go down in one dark, dreary night of hopelessness and despair—if they force upon us the issue, whether the Government shall go down to maintain the institutions of slavery, or whether slavery shall be obliterated to sustain the Constitution and the Government for which our fathers fought and bled, and the principles that were concentrated in their blood—I say, sir, when the issue comes, if they force it upon us, that one or the other is to be overthrown, then I am for the Government and against slavery, and my voice and my vote shall be for sweeping the last vestige of barbarism from the face of the continent. I trust that necessity may not be forced on us; but when it is forced upon us, let us meet it like men, and not shrink from the high and holy and sacred duties that are laid upon us, as the conservators of not only of Government, but as the conservators of the eternal principles of justice and freedom for the whole human family.

It is better, Mr. President, that we should understand each other; and I repeat, in conclusion, that when the issue comes—and if it comes, it comes because it is forced upon us; it comes upon us as a hard, unwelcome necessity—I trust we shall be found adequate to the emergency; I trust that our hearts will not fail us in the day of that terrible conflict; for it is to be a terrible one if this war goes on. If rebellion does not recover of its madness; if American citizens will continue so infatuated as to prosecute still further this unnatural war against the best and most blessed Government that the world has ever known, this issue may be forced upon us. I say it is not true, as gentlemen have ventured to assert, that if it were known by the people of the great Northwest that, in any possible contingency, this war might result in the overthrow and extermination of slavery, they would no longer give their support to this Government. If it were known or believed by the people of the great Northwest that this Government could become so recreant to its duties as to shrink from meeting that great question, when forced upon us, in my opinion they would descend in an avalanche upon this Capitol, and hurl us from the places we should be unworthy to fill.

We do not desire this issue; we do not want this necessity; but we have no power to prevent it; and it is better that the people everywhere should understand that, if the necessity is forced upon us, our choice is promptly, instantly, manfully made, and made for all time—that we make the decision, and we will abide by the decision, to stand by the Government; and if it does go down, if not only this nation, but if the great brotherhood of mankind everywhere, is to witness that unspeakable and unheard of calamity of the overthrow of constitutional government here, let us go down in a manly effort to sustain and uphold it, and to sweep away the causes that brought upon us all this trouble.

Mr. POMEROY. Mr. President, I have the deepest sympathy with the new Senator from Virginia, who has spoken on this subject; and for one, I would not lay a single burden on the back of that Senator and his gallant and oppressed people that they cannot bear. Yet, sir, I introduced a bill to which reference has been made to-day and on a previous day; and I expect, on some occasion, when we shall have finished the business that has called us together, to give the reasons that induced me to offer that bill, and take myself the consequences of it. But I want to say here, in passing, one word only to-day. I have read the history of this country in vain if I am now to believe that slavery has had nothing to do with this rebellion. The position of the Senator from Virginia was, that there were other causes, and not slavery, that had produced it. I say I have read to no purpose if that declaration be true. My earliest readings were as long ago as 1820, when this Capitol and this Government were in commotion, when Missouri was sought to be introduced into the Union, on account of this very institution of slavery. I remember that that struggle lasted here from 1817 to 1821, and was finally settled by a compromise. I remember, too, that in 1850, when the compromise measures of that year were brought in here, there was an earnest and protracted struggle, and that the elements of that struggle were the same that are here to-day, growing out of this institution of slavery. I remember, too, that in 1854 there was a prolonged struggle here for weeks over the proposition for the repeal of the Missouri compromise. I should like to inquire of gentlemen if the disturbing elements in our Government have been anything else than questions growing out of human slavery. I have now only to say that these elements, which have existed among us for forty years, have culminated in a point, in this year 1861, and burst out into rebellion. It has provoked and produced this war. I cannot yield, then, for a moment, to the doctrine that slavery has had nothing to do with this rebellion.

But the gentleman further is astonished at the presumption of presenting a confiscation bill, leveled against the property of a portion of the citizens of the country. I will remind Senators that this is a year of sacrifices and of great sacrifices. The loyal citizens of the loyal States are responding this year in untold millions, and are responding too when they neither provoked nor produced this war. They have not only come up to our bill of $500,000,000, and five hundred thousand men, pouring out the best blood and treasure of the country; but they have to stand the repudiation of the South. She has repudiated in her corporate capacity, by State legislation, and so have her individual debtors, so that the loyal citizens of the free States are bending to-day under an accumulated load of southern repudiation. If the incidental results of this war are leveled at the species of property to which the gentleman refers, I can only say that it is a year of sacrifices to us all; and if they are called upon to sacrifice that species of property, it is only a sacrifice in harmony with the sacrifices that the loyal States of the Union are called upon to make. But I will not take this opportunity to give my reasons for introducing that bill. When the business that called us together shall have been accomplished, and there is a leisure hour in the Senate, I will embrace that opportunity to do so.

Mr. CARLILE. Mr. President, I know I owe an apology to the Senate for attempting, at this very early moment after my admission to the privileges of this body, to throw myself upon its indulgence. But, sir, when I assure them that I am only prompted to do so by an ardent love of country, and a sincere desire for the maintenance of our institutions, under which we have so long grown and prospered, I trust that they will forgive me. I do not regard myself as full fledged yet in this body.

Mr. President, I desired to be understood as saying that the institution of slavery did not, of necessity, produce this rebellion; and therefore gentlemen had no right, in justice, to level all their artillery against the rights of the people of one section of the Union, to the property which is tolerated and acknowledged by their laws. Because a conspiracy has been inaugurated to overthrow and destroy the Government, are you to overthrow and destroy the rights of property in one half of the States of this Union? Did gentlemen attempt to destroy commerce in 1832, because the tariff was made the pretext for the rebellion that was attempted to be inaugurated then? Does it follow that commerce is an evil, because resistance to tariffs, growing out of commerce, was made the pretext by South Carolina, in 1832, for an attempt to throw off her allegiance to this Government and to disconnect her people from it? As well should you have made a war upon commerce then, as to attempt now to make war upon an institution existing in one half of the States of this Union; and in the very breath that you speak when you advocate such a war, you say that you are waging it—for what? For the maintenance of the Constitution! And do you not violate the Constitution in any effort that you may make to destroy an institution known to the laws of the States of the Union? What right have you, sir, as a Senator upon this floor, to go into my State and to thrust yourself between me and my property, and to say that I shall not own it and dispose of it in accordance with the laws of my State? What would the Government be, that would be preserved after conduct like that?

Mr. BROWNING. Will the Senator permit me one moment?

Mr. CARLILE. Certainly, sir.

Mr. BROWNING. If he understood me as announcing any wish, or any intention, that this war should be a war waged against slavery, he totally misapprehended my meaning.

Mr. CARLILE. I did not so understand the Senator.

Mr. BROWNING. For I took especial pains to say that I would rejoice to see this war terminated; and, if the institution still existed when it is terminated, I should be for giving it then, as we had always done heretofore, in the best faith in the world, every possible protection that the Constitution and laws intended it should have; but that, if the issue was forced upon us, as it might be, to make a choice between the Government on the one side, and slavery on the other, then I was for the Government.

Mr. CARLILE. Mr. President, that issue never can be forced upon the Senator; it never can be forced upon this country. I will agree with the Senator that those who have originated this rebellion; that those who have been conspiring for years to overthrow the Government, have attempted to draw aid to their cause; and to enlist the sympathies of others, of loyal hearts, if you please, in their maddened scheme by their appeals to them upon this subject of slavery.

Mr. LANE, of Kansas. Will the Senator allow me to say one word?

Mr. CARLILE. With pleasure.

Mr. LANE, of Kansas. I desire to ask the Senator a question. Should the armies of the Union march into the slave States, and the slaves themselves should get up an insurrection, as I believe will be the case, and flee to the armies of the Union, or march out by the roads that the Union armies march in, will the Senator, under such circumstances, expect the people of the North, or the armies of the North, to become the servants of the traitors, and return those slaves to their traitorous masters?

Mr. CARLILE. The gentleman is putting a question to me entirely foreign to the subject; but I will answer him in the language of the proclamation of the gallant general, issued to the people of Virginia when his army entered upon our soil: "We come not among you, Virginians, to interfere with your rights of property; and should an insurrection be gotten up in your midst, the iron heel of this army will be yours to suppress it." Sir, that is the language of a man who loves his country, and who is disposed to obey its laws and be at the head of the army of deliverance—as I trust in God the armies of the Government of the Union will be everywhere—to deliver the people of the States that have been silenced and intimidated; many of them driven from their homes; and those who are left behind terrified by the conduct of disloyal men in their midst. That should be the name—"the army of deliverance"—that should be given to the forces of the United States everywhere, to protect us in our rights in the Union of every and any description.

Mr. LANE, of Kansas. While I think that policy might be a correct one, so far as returning slaves to the Union men is concerned, I should think it highly impolitic, and in a military sense highly improper, so far as the traitors are concerned.

Mr. CARLILE. I understand there are bills in this House providing for the confiscation of the property of those who are engaged in treasonable conduct against this Government; and I know no distinction between property. I am not complaining of the exercise of all your constitutional power to punish treason. That power, I trust, will be exercised, as far as it can be, by every loyal State in the Union; and I see that the proposition has already been brought to the notice of the Legislature of my own State. But, sir, for the love I bear to this Union, wishing as I do its perpetuity, I desire that no false impressions shall be made upon the minds of those who are struggling now in the midst of an opposition which gentlemen outside cannot appreciate, to maintain their loyalty and their position in the Union. No inferences should be allowed to be drawn by those who are laboring side by side and shoulder to shoulder to maintain the supremacy of the Government and by its laws—no inferences, I say, should be drawn, from anything that may be said here, to paralyze their efforts in this behalf within the States in which they reside.

Mr. President, there cannot be a man who has reflected on this subject seriously, who can believe for a moment that, if ever you make this a sectional war, it will end, or that there will be any Government left to maintain. Sir, it is because of this conviction that I have endured what I have for months and months that have gone by. I desire that this shall never become a sectional war. Make it a sectional war and you will never live to see its end, and there will be nothing left to save. Separate always the loyal people in each and every State of this Union from those who are making war upon the Government, and give them the aid and protection that the Government should afford to them, and at an earlier day than many gentlemen possibly contemplate, this rebellion will be crushed out, and treason will hide its head forever.

Mr. POWELL. It is not my purpose to detain the Senate longer than a few minutes. The Senator from Ohio, I trust, is satisfied by this time that the amendment which I have offered is proper. That Senator declared—and I was pleased to hear him utter such sentiments—that nobody desired to wage this war for the purpose of abolishing the institution of slavery in the States; he declared that nobody wished to wage this war for the purpose of reducing States to conquered provinces. He seemed to look on my amendment as a kind of reflection on the body. I trust that, since the Senator has heard the speeches of Senators on his side of the Chamber, he must see the necessity for this amendment. The Senator from Kansas boldly affirms in his place here that slavery will not survive the march of the Union Army through any State. He boldly, unequivocally, and without qualification, affirms it.

Mr. POMEROY. Does the gentleman allude to me?

Mr. POWELL. I alluded to the Senator from Kansas before me, [Mr. LANE,] not to the Senator on my right, [Mr. POMEROY.] The Senator from Ohio, [Mr. SHERMAN,] then, must see that there are some who differ from him. The Senator from Connecticut [Mr. DIXON] seemed to think that I had misrepresented his position; but after listening to the explanation of the distinguished Senator, I am satisfied that I properly and truly represented his position. When the Senator defines his position, I find it to be, in substance, what I said it was.

The Senator from Illinois [Mr. BROWNING] says that if the necessity comes, he is for overthrowing this institution, and saving the Constitution and the country. That Senator boldly and vehemently says that, if he does this, it will be to uphold constitutional government. I ask that Senator if he can uphold constitutional government by putting the Constitution of his country under his feet? It was well said by the Senator from Virginia, [Mr. CARLILE,] that this Government has no power to make war upon this institution, and to abolish it in the States where it exists; but the Senator from Illinois, for the purpose of upholding constitutional government, will, forsooth, destroy the Constitution of his country and rob the people, if the necessity should present itself, of their property in nearly half the States of this Union. So far from upholding, you would destroy constitutional government; you would overthrow the Government and the Constitution; the forms even would be gone. Senators on the other side of the Chamber, all that have spoken, with the exception of the distinguished Senator from Ohio, have avowed that if the necessity of which they speak should exist, they will abolish slavery in the States; that they will, as I understand them, reduce sovereign States to provinces——

Mr. SHERMAN. Will the Senator permit me to say a word?

Mr. POWELL. Certainly.

Mr. SHERMAN. I am not accustomed to this style of argument. I do not wish to be placed in that position. I do not understand either the Senator from Kansas on my right, or the Senator from Connecticut, or the Senator from Kansas behind me, to say that it is the purpose of this war to abolish slavery. It is not waged for any such purpose, or with any such view. They have all disclaimed it. Why then does the Senator insist upon it? I will now say, and the Senator may make the most of it, that rather than see one single foot of this country of ours torn from the national domain by traitors, I will myself see slaves set free; but at the same time I utterly disclaim any purpose of that kind. If the men who are now waging war against the Government, fitting out pirates against our commerce, going back to the old mode of warfare of the middle ages, should prosecute this rebellion to such an extent that there is no way of conquering South Carolina, for instance, except by emancipating her slaves, I say emancipate her slaves and conquer her rebellious citizens; and if they have not people there enough to elect members of Congress and Senators, we will send people there. Let there be no misunderstanding my position; I wish it distinctly understood; but at the same time I utterly disclaim that it was any purpose, or idea, or object of this war to free the slaves. On the contrary, I am in favor of the Constitution as it is; I am in favor of giving the people, the loyal people of the southern States, every constitutional right that they now possess. I voted last winter to change the Constitution for their benefit, to give them new guarantees, new conditions. I would not do that now; but I did last winter. I will give them all the Constitution gives them, and no more.

Mr. POWELL. I regret, sir, to have heard the last speech of the Senator from Ohio, because he seems to have abandoned the high conservative ground he occupied in his first remarks. The Senator is mistaken, however, when he says that none of the gentlemen on that side are for emancipating slavery now. I noted down the very words of the Senator from Kansas, [Mr. LANE,] when he most vehemently declared that slavery would not survive the march of the Union Army through one of the States of this Union.

Mr. LANE, of Kansas. Mr. President, I said that, and I repeat it; but while I say that, I disavow any intent upon the part of the Government or its Army to war against the institution of slavery. I said that the effect of marching an army on the soil of any slave State will be to instill into the slaves a determined purpose to free themselves; and, in my opinion, they will crush out everything that stands in the way of acquiring that freedom. I said to the Senator from Virginia that, in my opinion, there would be a colored army marching out of the slave States while the army of freedom was marching in. When I say that, I mean, of course, those slave States where they hold slaves in large numbers. I do believe, Mr. President, that whenever the army of freedom, the Army of the Union, is marched into Arkansas, into Louisiana, into either of the Carolinas, Alabama, or Georgia, it will be the tocsin, if you please, for an insurrection of the slaves, and that they will overthrow everything that stands in their way. So far as I am concerned, I do not propose to make myself a slave catcher for traitors and return them to their masters; but I would do this—and it is known to Senators that I have expressed that opinion—I would, at this session, digest a plan to colonize the slaves thus liberated by their own act at some point outside of the Union convenient thereto. Sir, I want to see, so soon as it can be done constitutionally, these two races separated, an ocean rolling between; that—South America—the elysium of the colored man; this the elysium of the white.

Mr. POWELL. Still, sir, it does not seem, from the speech of the Senator, that his object is a constitutional one. The Senator from Kansas on my right [Mr. POMEROY] proclaims this a year of sacrifices; and hence, he says, he is for emancipating the slaves in all the seceded States by law of Congress. He is for doing it now, *instanter*. He is not for waiting for the Army, but he wishes to use the legislative weapon; he wishes to pass a law which is now on your table for that purpose. Mr. President, I think every gentleman who has listened to the sentiments of the honorable Senators on the other side of the Chamber, must see the necessity of the amendment I have proposed. Its adoption would at least satisfy the people that the object of this war is not for the purpose of reducing the States to conquered provinces or for emancipating their slaves and destroying their property.

The Senator from Kansas, however, proposes to amend the amendment, by adding to it the words "unless it shall become a necessity to enforce the laws and maintain the Constitution of the Union." Do you not observe that the Senator would adopt these means—to wit, the emancipation of the slaves and the reduction of States to conquered provinces—for the purpose of executing the laws if the necessity should arise? Why, sir, in that very act does not the Senator destroy the Constitution and overthrow the laws? Certainly he does. He would execute the laws and maintain the Constitution by overthrowing the Constitution itself and trampling the laws under his feet. You must, upon the very presentation of the case, see that the position occupied by the Senator is not tenable. In order to execute the laws and maintain the constitutional authority of the Government, the Senator would do acts that would utterly overthrow the Constitution and violate the laws of the country. That is a strange position; but it is the position of the Senator from Kansas—nothing more, nothing less.

Sir, you have no right, under the Constitution of our country, to make a war of this kind upon the States of this Union. You have no right to enter with your armies any State of this Union and despoil the people of their property. Whenever you do it, sirs, you become national robbers, national freebooters—that is the whole of it. What would be thought if it were proposed to march an army against New York or against any of the northern States, and to despoil their people of their houses, their goods, their chattels, and their lands? Would not the whole world look upon it, and justly, too, as an overthrow of the constitutional liberties of those people? And yet you propose to do that in the name of the Constitution! Professedly executing the laws and maintaining the Constitution, you will destroy the Constitution, you will set the laws at defiance, and you will commit acts revolting to men and to God. Every man who will vote for the amendment of the Senator from Kansas, will declare by that vote, that if the necessity of which gentlemen have spoken should arise in their judgments, they are willing to reduce States to provinces, and to abolish slavery in the States. That is the plain Saxon of it.

Mr. President, it is not my purpose further to detain the Senate. As to the remarks of the Senator concerning the oppressions of the slave power, I will not enter upon that subject here; but I feel able to maintain that the slave power has never oppressed, but that it has been oppressed by the North. However, I will not enter into that controversy here further than to say that I hold the very converse of what gentlemen have asserted on that point to be true. I ask for the yeas and nays on the amendment offered by the Senator from Kansas to my amendment.

The yeas and nays were ordered.

Mr. SHERMAN. I have asked the Senator from Kansas to allow me to offer a substitute for the whole proposition, and I suppose, under the rules of the Senate, it will be necessary for him to withdraw his amendment to enable me to do that. When that is done, I shall offer what I send to the Chair, as a substitute for the proposition of the gentleman from Kentucky.

The PRESIDING OFFICER. Is the amendment of the Senator of Kansas to the amendment withdrawn?

Mr. BRECKINRIDGE. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered on it, the amendment to the amendment cannot be withdrawn, except by unanimous consent.

Mr. SHERMAN. I rose, and addressed the Chair respectfully, before the yeas and nays were ordered.

Mr. WILSON. I think, by common consent, we may have the proposition read for the information of the Senate.

Mr. BRECKINRIDGE. Certainly.

Mr. DOOLITTLE. That there may be no misunderstanding on this question, as to whether it requires unanimous consent, I beg to state that the Senator from Ohio rose and addressed the Chair before the announcement was made that the yeas and nays had been ordered; and, therefore, it does not require unanimous consent for the amendment to be withdrawn.

The PRESIDING OFFICER. The reading of the proposed substitute is asked for. It will be read for the information of the Senate.

The Secretary read it; to strike out all after the enacting clause of the amendment, and insert the following in lieu thereof:

That the purposes of the military establishment provided for in this bill are to preserve the Union, to defend the property, and to maintain the constitutional authority of the Government.

Mr. FESSENDEN. Mr. President, I do not feel at all disposed to be frightened by words. The effect of having the amendment proposed by the Senator from Kentucky put upon record here, and voted on, I suppose, would be to give to those Senators in the slave States, who are so disposed, a chance to argue that because we would not vote on that amendment, therefore that is the object. Sir, that game was played on the Senate the whole of its last session. Propositions that nobody was in favor of were advanced here by way of amendment, or bill, or otherwise; and because they were not voted, therefore the conclusion was that everybody was in favor of that which they condemned.

Now, sir, what is the use of getting up a furious debate upon mere words? I was ready to vote on the amendment of the Senator from Kentucky when it was offered, and to vote "no," for the simple reason that nobody in the world would suppose that, by my voting "no," I was in favor of either of the inferences that would be drawn from it. If we allow ourselves to go on in this way fighting shadows, contending against propositions that mean nothing, and amount to nothing, we shall never get through the business of this session, and we shall furnish our adversaries with just what they want—not from the propositions, but from the debates upon them—with a chance to say that something is meant more than appears upon the face of the paper. My advice—and I give it with all deference to our friends here in public—is, when propositions of this kind are advanced, that we have courage enough and confidence enough in ourselves, to suppose that the country knows what we mean; and that the country will sustain us in doing what is necessary to be done; and that we are not to be turned aside from that necessary duty which is incumbent upon us for the mere purpose of contending against propositions that mean nothing so far as legislation is concerned. In saying this, I do not mean to say that the Senator means nothing; but I say his proposition means nothing, and will come to nothing.

Sir, I think the country demands of us that we stop discussing these questions about slavery in Congress, that is to say, in this Congress. The country understands—the Union people of the country, both in the free States and the slave States, understand—that we come here to meet a crisis; that we come to meet a rebellion; that we come here to protect the Constitution and the Union, by providing means of defending both, and not for the purpose of ventilating our rhetoric upon questions that have been ventilated enough. I repeat again, not meaning to discuss this question, the people understand what they are driving at. The people we represent here, and the people the honorable Senator from Virginia represents here, his portion of the State of Virginia, know that we are assembled for the purpose of providing means and putting them into the hands of the Government to suppress this wicked rebellion which is now among us; and, sir, we cannot do it by talking about causes. We meet it as a fact; and the more we talk about causes of offense, or defense one way or the other, so far as parties are concerned, whether the parties call themselves one thing or another, the more we shall be delayed, and the less shall we accomplish our purpose, and the worse condition will that purpose be in when it is accomplished. I therefore appeal to our friends, those with whom I act, to let all these things pass in silence. They can vote upon them, and their vote will be a sufficient answer; and my word for it, we shall not be misjudged, except by those who desire to misjudge us, and desire to furnish cause for misrepresentation and misunderstanding.

I rose simply for the purpose of saying this, and to add that I shall carry it out by voting against the proposition of my friend from Ohio entirely, (for it is merely playing a game which amounts to nothing,) and voting against the proposition of the honorable Senator from Kansas, and voting against the original proposition, and every proposition of the kind, and I leave the country to judge whether I mean anything more than my acts say that I mean.

Mr. HOWE. I agree entirely with what has been said by the Senator from Maine, that we can vote as we intend to vote on this proposition, and that portion of the country which we represent will not misunderstand us. We are in no danger of that. That, however, is not the only consideration to be kept in view. There are other people besides ours, composing a portion of the people of this common Union, and a people, too, many of whom, notwithstanding they may now be in arms against the Government of the United States, yet if they understood to-day the purposes of that Government as we understand its purposes, would be as true and as loyal to it as we are; and a people who have not voluntarily and willingly and willfully misunderstood us, the Government, or its purposes; but a people who have been, as I solemnly believe, deliberately and systematically educated for many years to misunderstand our purposes. Now, sir, if a word can be said, whenever a proposition of this kind is offered, to undeceive that people, it seems to me that it is the duty of Senators and of the Senate to speak that word.

This amendment is submitted here by the Senator from Kentucky. The purpose of offering the amendment, I understand to be distinctly avowed by him as follows: that if it be rejected, it may be used before the people of those States holding this institution of slavery within their midst, as evidence that the purpose of this Government in waging this war, is precisely the reverse of what your President says it is; of what both Houses of Congress say it is; of what each Senator who has spoken on this side of the Chamber has avowed here. If that be the purpose of the mover of this amendment, it seems to me the tendency of it is but to perpetuate that great and fatal blunder into which so many of the people of those States have been plunged, only after a systematic effort——

Mr. POWELL. Will the Senator allow me a word?

Mr. HOWE. Yes, sir.

Mr. POWELL. I beg leave to say to the Senator that he is misunderstanding what I said. I did not state that the object of adopting the amendment I proposed was for the purpose of letting the seceded States know, but to let the people of the whole country know, the object of the war which was now being waged. My object was to let the people of the whole country know that the object of the war was not for the purpose of abolishing slavery or reducing States to provinces.

Mr. HOWE. I think, after all, the purpose of the Senator in moving this amendment, as he now states it, is precisely what I stated it to be at first. If he supposes the cause of secession is to gain any advantages in the northern portion of the Union through efforts of this kind, he ought to be undeceived. The loyal people of the Union who have been summoned to put down this rebellion, know precisely what they mean by it. The Senator from Ohio, the Senator from Illinois, the Senator from Kansas, has each in his place disclaimed any purpose of waging war upon any vested right in any portion or State of the Union. Yet each one of them avows his purpose to vote against this amendment.

And if the amendment is lost, the Senator from Kentucky, I understand, will urge its defeat as evidence that these Senators and the Senate mean precisely what they say they do not mean.

Each one of those Senators has affirmed this: that if we force the country to the issue of choosing between the continuance of slavery and the perpetuation of the Government, then slavery must fall. Everybody knows that is the simplest of all conceivable truths. Everybody knows that twenty million of loyal hearts have resolved that if it be necessary, in order to perpetuate the Union, not only will the slave property of the rebels, but all other property of theirs, be sacrificed. And not only will their property be sacrificed, if the success of the war demand, but their lives also. And not only their property and their lives, but our property and our lives, also, most freely and most unflinchingly.

Mr. WADE. I ask the Senator to give way to a motion to adjourn.

Mr. HOWE. I will, in a few minutes.

Mr. WADE. This is a subject of great importance, and I think that every Senator perhaps should express himself upon it. I do not think it is required that this should be a short session. When these great transcendent events that are passing are going on, the most important that ever did happen to this nation, I think Congress ought to remain here in session. That is my judgment; and I am very anxious that it should not adjourn until we can see further what is about to take place than we can now. I hope the Senator will give way to a motion to adjourn. ["Oh, no."]

Mr. HOWE. I will accommodate myself to the wishes of Senators. I did not rise here to make a speech; I have no speech to make. I rose to present a single reflection to the Senator from Kentucky, who moved this amendment, a reflection which I want to be borne in mind by every Senator. The reflection is this: that if the purpose of moving this and kindred amendments is to make here an ambiguous record, by means of which that false impression which has so long been inculcated in the southern mind may be widened and strengthened, they ought to be abandoned.

Mr. POWELL. Will the Senator allow me to say one word?

Mr. HOWE. Yes, sir.

Mr. POWELL. The Senator speaks of a false impression that the amendment I propose makes to the country, and a reflection on the Senate. I will say to the Senator that I had no motive for reflecting on the Senate or any Senator. If the Senator and gentlemen on his side of the Chamber wish to avoid what he is pleased to say is a wrong impression, let them vote for the amendment that I propose, and their acts will fully proclaim to the country that they have no such intention as some persons have imputed to them, and as some of themselves have declared. That act of voting for my amendment by gentlemen on that side of the Chamber, will be louder and more authoritative than any words, in my judgment.

Mr. HOWE. In reply to that, it is sufficient for me to say that Senators cannot afford to vote against their own convictions of propriety, for the sake of rebutting a charge groundlessly urged against their purposes and motives, and that when Senators disavow before the Senate and the country a particular purpose, their *words are loud and authoritative enough.*

I was about to urge this reflection, and in view of the general impatience of the Senate, I will submit and end what I have to say.

The more wide spread that unhappy prejudice becomes, the more general that false impression to which I have referred shall prevail in the southern portion of the Union, the more of their people will probably incur the guilt and the consequences of rebellion. If therefore it be the object of the Senator who moved this amendment to involve more of his constituents, or more of the people of his section in the guilt of treason and in its penalties, then precisely such motions as this before the Senate would seem to be in order. But if, on the contrary, he desires to secure, either to the people of his country, his section, or his State, the blessings and immunities of peace, let him tell them candidly, as he is himself told frankly, that while the war is prosecuted for no purpose of sacrificing private rights, yet while it is necessary to prosecute it for the purpose of

vindicating the supremacy of the people and the Constitution, they know the actual sacrifice of private rights will be limited, not by the strength of the written law, but by the strength and resolution of the opposing forces.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. POLK. I understood there was a motion made to adjourn.

The PRESIDING OFFICER. There is no motion to adjourn before the Senate.

Mr. LATHAM. Then I move that the Senate adjourn.

Mr. FESSENDEN. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 27; as follows:

YEAS—Messrs. Bingham, Bright, Johnson of Missouri, Kennedy, Latham, Polk, Powell, Saulsbury, Wade, and Willey—10.

NAYS—Messrs. Anthony, Browning, Carlile, Chandler, Clark, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Hale, Harlan, Harris, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Nesmith, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, and Wilson—27.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment to the amendment; and on that question the yeas and nays have been ordered.

Mr. POLK. Before the vote is taken, I think it is due to justice, to truth, and to myself, that I should say a few words, inasmuch as I think the Senator from Illinois [Mr. BROWNING] received a wrong impression from what I said a few days ago. I do not mean to occupy the time of the Senate. I feel that I have occupied as much time during the session as it is right and proper I should; and I would not now say a word, but for the reason I have just suggested.

I did not mean to be understood, and I am sure I did not say anything that would justify the inference which the Senator from Illinois seemed to draw from the speech I made the other day. I made no admission that the proclamation by the President was for the purpose of defending this capital at all. Sir, there is a very great mistake on that subject. I have that proclamation now in my desk, and I say there is not one word in that proclamation that refers to the defense of the capital at all. On the contrary, the President says that the first duty assigned the troops will probably be the repossessing of the forts and places belonging to the Government in the States that claim to have seceded.

When I was up a few days ago, I took the ground distinctly, and I maintain that ground still, that the President in that proclamation not only did not pursue the spirit or the letter of the act of 1795, but went in violation of it. As I said then, I believe now, that he referred to that act, so as to use it in the nature of a false pretense for the course he pursued; that he used the act in a case to which the act was not applicable at all; that he attempted to create a rebellion or resistance to the law, and then call upon troops to put down the resistance, which resistance had not developed itself in any one of the States to which he referred, so that he could say he had ever made an effort in any one of the States to enforce the laws, and that that effort had been unsuccessful by virtue of resistance in those States.

I do not mean to detain the Senate, but I mean to say that there is a wrong impression on this subject. This proclamation was not for troops for the purpose of defending this capital at all. I do not believe the President had such an idea in his mind, and I say that because I believe if he had had the idea in his mind, he would have expressed it in his proclamation. His proclamation is for a different purpose entirely. At that time, I do not believe the President or anybody else imagined that the capital was in danger in the least degree.

Mr. President, as I said, I do not wish to say anything for the purpose of occupying the time of the Senate; but I wish to refer to what the Senator from Kansas [Mr. LANE] said in regard to the aggressions by fillibusters in Missouri on the Territory of Kansas. I am one of those who are perfectly satisfied that in that matter Missouri and Missourians were more sinned against than sinning.

Mr. SAULSBURY. As the Senator from Kentucky has introduced this amendment, I shall vote for it. I shall vote for it because I hold that, whatever are the purposes and objects of this war, this Government has no right to wage a war for the purpose indicated in the amendment, of subjugating sovereign States or reducing them to provinces. I do not say that that is the object of this war. Its friends deny that that is the object. If I knew, or if I believed, that waging this war would result in reducing the seceded States to provinces, to be held as such—if I foresaw that, in the prosecution of this war, the President of the United States, or any person else, was to be clothed with high dictatorial powers, as has been indicated by some of the speeches made in this body—I should be unjust to the promptings of my own heart, I should be unjust to the feelings of humanity which ought to govern every man, I should be unjust to my country and my God, if I, directly or indirectly, sanctioned or countenanced such prosecution another hour.

Sir, my humble mission here was to do what I could for peace. I had hoped, from the great unanimity of opinion which was expressed from one end of this country to the other, during the last session of Congress, in favor of what was known as the Crittenden proposition, that the Senators of the United States and the Representatives, fresh from communing with the people, would see that it was far better to propose some honorable mode of adjustment to stay the bloody tide of war, rather than to desolate this hitherto happy and prosperous land. But, sir, never having believed in the principle of secession; never having believed that there were adequate causes for the exercise of that principle, and carrying it into practice, even if it had been a true principle; I came here, if the majority of the Congress of the United States chose to assume the awful responsibility of denying peace to the land, and were determined to wage this war; if, in their judgment, they could preserve by war this Union, which is as dear to me as it is to them, and which $500,000,000 and five hundred thousand men would be a very small price to secure; if, in their judgment, they thought they could preserve the Union by war, I intended that they should pursue their course, as far as I was concerned, without factious opposition on my part.

I believe, however, that in securing the Union by that means you have adopted the most costly, most expensive, and most awful mode of preserving it; when you might have preserved it at much less cost, and, as I believe, more effectually. I fear, sir, not that the proposition offered here to-day will have such a tendency, but that the expressions, the unwise—I would to Heaven that I could say the thoughtless—expressions which have fallen from the lips of gentlemen in discussing this proposition will make more disunionists than your armies will make Union men. My people, as I think, almost unanimously believe that this, like every other Government, has the power to preserve itself from destruction; and the only question with them is, what is the best mode of preserving this Government from destruction? Last winter, through their representatives in General Assembly, they expressed the opinion that it was by the adoption of peaceable measures, and not by war. They are offering now no opposition to the majority in this Congress passing all needful war measures, if, in their judgment, the Union can be thereby preserved. But, sir, when the lightning flashes along the wires the expressions that have fallen from the lips of Senators here to-day, peaceful, honest citizens will begin to look with dread and alarm at the bloody picture which you have unfolded before them.

I would that the majority of the Senate had voted directly in favor of the proposition submitted by the Senator from Kentucky. It is no use to disguise the fact that there is an impression with hundreds and thousands of honest people along the border, that the ultimate object of prosecuting this war is for the abolition of slavery; they are sure that with some that is the object. I would that that impression was removed, and that you, by your votes, would put it upon the broad, square basis, the only broad basis upon which it can be sustained—the preservation of the integrity of the American Union; and that you mean to wage it, not by unconstitutional means, but in harmony with the spirit and meaning of the Constitution.

I have thought it due to myself, sir, thus briefly to explain the reasons of the vote which I shall give.

Mr. LANE, of Kansas. If the rules will permit it, as I suggested to the Senator from Ohio before the yeas and nays were ordered, I shall cheerfully withdraw my amendment.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The Chair is of opinion that the amendment cannot be withdrawn.

Mr. LANE, of Kansas. Then I desire the word "military" to be inserted in the amendment; so as to make it read:

Unless a military necessity shall exist in enforcing the laws and maintaining the Constitution of the Union.

The PRESIDING OFFICER. The Chair thinks the question must be taken on the amendment as it is, unless by unanimous consent.

Mr. LANE, of Kansas. There is no objection.

Mr. DOOLITTLE. I understood the Senator from Ohio to move his as a substitute.

The PRESIDING OFFICER. The Chair is of opinion that it cannot be offered as a substitute; and the yeas and nays having been ordered on this amendment, it cannot be withdrawn or altered, except by unanimous consent.

Mr. BRECKINRIDGE. I suggest that there will probably be no objection to the introduction of the word "military," before "necessity," as desired by the Senator from Kansas.

The PRESIDING OFFICER. If there be no objection, the Senator can modify his amendment in any manner he pleases. It requires the unanimous consent of the Senate to modify the amendment after the yeas and nays are ordered on it. The Chair hears no objection. It is now in the power of the Senator from Kansas to modify it.

Mr. LATHAM. I should like to hear it read now.

The PRESIDING OFFICER. The reading of the amendment, as modified, is called for. It will be read.

The Secretary proceeded to read the amendment.

Mr. LATHAM. Read both amendments.

The Secretary read the amendment of Mr. POWELL, which was to add, as an additional section, the following:

And be it further enacted, That no part of the Army or Navy of the United States shall be employed, or used, in subjugating or holding as a conquered province any sovereign State, now or lately one of the United States, nor in abolishing or interfering with African slavery in any of the States.

The amendment of Mr. LANE, of Kansas, was, at the end of the amendment of Mr. POWELL, to add as follows:

Unless a military necessity shall exist for enforcing the laws or maintaining the Constitution of the Union.

The question being taken on the amendment to the amendment, by yeas and nays, resulted—yeas 11, nays 24, as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Cowan, Harlan, Lane of Indiana, Lane of Kansas, Pomeroy, Sumner, Wade, and Wilson—11.

NAYS—Messrs. Breckinridge, Bright, Browning, Carlile, Doolittle, Fessenden, Foster, Grimes, Hale, Harris, Howe, Johnson of Tennessee, Johnson of Missouri, Kennedy, Latham, McDougall, Morrill, Nesmith, Polk, Powell, Saulsbury, Sherman, Ten Eyck, and Willey—24.

So the amendment to the amendment was rejected; and the question recurred on the amendment of Mr. POWELL.

Mr. SHERMAN. I now offer the amendment to the amendment of the gentleman from Kentucky, which was indicated, to strike out and insert.

Mr. POWELL. I suggest that that is not in order. The yeas and nays have been ordered on my amendment.

The PRESIDING OFFICER. The Chair thinks it is in order.

Mr. BRIGHT. The yeas and nays have been ordered on the amendment proposed by the Senator from Kentucky.

Mr. DOOLITTLE. On the amendment to the amendment.

Mr. BRIGHT. On the amendment as an additional section to the bill. Now it is competent for the Senator from Ohio to move to amend that amendment.

The PRESIDING OFFICER. The Chair so decides. The Chair is of opinion that the amendment proposed by the Senator from Ohio is in order.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. SATURDAY, JULY 20, 1861. NEW SERIES....No. 13.

Mr. BRIGHT. As an amendment to the amendment?

The PRESIDING OFFICER. As an amendment to the amendment of the Senator from Kentucky.

Mr. BRECKINRIDGE. As I propose to offer an amendment to the amendment of the Senator from Ohio, I desire to call the attention of the Chair to the fact that the amendment of the Senator from Ohio is not an amendment to an amendment, but it is an amendment to the additional section which my colleague proposes to the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kentucky [Mr. POWELL] was an amendment to the bill. The motion of the Senator from Ohio is to amend that, which is an amendment to an amendment. The Chair can entertain that motion as now being in order.

Mr. BRIGHT. The object of the Senator from Kentucky, as I understand, Mr. President, is to get a direct vote on his proposition. The object of the Senator from Ohio is to supersede that amendment by striking out and inserting other matter in its stead, thus avoiding what I want, and what I presume the mover of the original proposition wants, namely, a direct vote. I will say frankly that I should prefer that course for this reason: there is what may be called a triangular sentiment in this Chamber that ought to be made public; there are three parties here. I will not consume the time of the Senate at this late hour in the evening describing minutely the shades of difference; but, in general terms, they may be classified thus: The extreme wing of the Republicans, known generally as Abolitionists, and representing the sentiment of the New England States, are for a war of subjugation, as they term it, and the total abolition of slavery, which they believe can be accomplished by the march of the Army provided to be raised by this bill, through or over the States that have declared themselves out of the Union.

Again, sir, inside of what is known as the Administration party, on this floor and elsewhere, are to be found a more conservative class, who oppose this extreme policy, and among whom, I infer from his remarks, made a few moments since, is to be placed the honorable Senator from Ohio, [Mr. SHERMAN.] He would not, if I understood him correctly, sanction the policy so openly proclaimed to-day by the honorable Senator from Kansas.

There is still another class here and in the country in favor of furnishing the Government with all the aid that is necessary to defend the capital of the United States against any and every enemy that may threaten or assail it, but who are not willing to vote either men or money to invade States that have formally declared themselves out of the Union, until every effort to secure peace and an honorable adjustment has been exhausted. There are a great many who do not believe that all efforts have been exhausted; and I am free to admit that I am one of that number. Notwithstanding the motives of the mover of this proposition is brought in question by the Senator from Maine and the Senator from Wisconsin, and criticised, too, with some severity, on the ground that there is nothing practical in it, it cannot be denied that a direct vote upon the issue raised by this amendment will go far to settle public judgment as to the true motive that prompts the prosecution of this unnatural war. Avow by your votes, in the plain and unmistakable language of this amendment, that this war is not to be prosecuted for the subjugation of any sovereign State now or lately one of the United States, nor to abolish or interfere with slavery in any of the States, and you do more to quiet the excited apprehensions of the loyal Union men of the southern States yet in the Union than has been effected by all the legislation of the present session.

The gentleman from Virginia has told you that the loyal men of that Commonwealth, true and devoted to this Union and the Constitution, as they have proven themselves to be, in his estimation would never sanction this degrading doctrine of subjugation and destruction of their property.

I have said that I believed that the Representatives of the New England States in both branches of Congress were in favor of making this a war of subjugation, and generally in favor of abolishing slavery in all the States—as well in those in as those that claim to have left the Union. The bill introduced by the Senator from Kansas speaks in a language more pointed and powerful on this subject than anything I can say, and will attract the attention of thinking men everywhere, as well as the extreme opinions uttered by several Senators in this debate.

Now as something has been said as to the feelings of the people in the great Northwest, allow me to add that I have studied their character to but little purpose, and know nothing of their opinions, if any considerable portion of them prefer war to peace, or are willing to aid in its further prosecution in order to subjugate or hold as conquered provinces any of the States of this Union, and still less to declare slavery abolished where it now exists by constitutional recognition. Avow that this is your motive, this is the end and aim of the party now in power, and you will find that thousands of the honest loyal men that have come promptly forward at the call of the Government, will say: "We will join in no such crusade against constitutional compacts; we are willing to peril our lives to defend that instrument, and unite these States again; but whatever we do must be done in the name of law and in aid of the Constitution, not in violation of it." An affirmative vote by both branches of Congress on this proposition will go far, in my judgment, to quiet the excited apprehensions of thousands and tens of thousands of men North and South.

Mr. CHANDLER. I think the Senator from Indiana is altogether mistaken. He says there are three parties in this body, and in the country. I deny it, sir. There are but two parties—patriots and traitors; and none others, in this body or in the country. I care not what proposition may be brought up to save the Union—to preserve its integrity—patriots will vote for it; and I care not what proposition you bring up to dissolve the Union—to break up this Government—traitors will vote for that; and those are the only two parties there are in the Senate or the country.

Mr. BRECKINRIDGE. I think it has been announced that the question is on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. That is the question before the Senate.

Mr. BRECKINRIDGE. I will call the attention of the Chair to the condition of business on the table. I went there a few moments ago and looked at it. The proposition offered by the Senator from Massachusetts was itself an amendment, as you will see by referring to it. The proposition of the Senator from Kentucky was an amendment to the amendment; consequently an amendment in the second degree, by the Senator from Ohio, cannot be offered. The proposition of the Senator from Kentucky, unless I am misinformed as to the state of business, exhausts the question. If I am in error I shall be glad to be corrected by the Clerk.

Mr. WILSON. The Senator from Kentucky is mistaken. The amendment I submitted has been adopted as the bill—adopted in Committee of the Whole—and is the bill before us now; and the motion made by his colleague is, to amend the bill; and I think it is in order for the Senator from Ohio to move to amend that amendment.

Mr. BRECKINRIDGE. The amendment was adopted in committee; was it adopted in the Senate?

Mr. WILSON. Yes, sir; it certainly has been adopted.

Mr. BRECKINRIDGE. I should be glad to have the fact distinctly ascertained.

The PRESIDING OFFICER. The Chair will state that the Senator from Kentucky is right in supposing that the amendment offered by the Senator from Massachusetts was an amendment to the bill reported from the Committee on Military Affairs. That amendment was under discussion, and was amended in various particulars, aad was then adopted in the Committee of the Whole. That, of course, struck out the original bill reported from the committee, and substituted the amendment introduced by the Senator from Massachusetts, which is now the bill. The Senate is yet in Committee of the Whole. The bill thus in committee was subject to amendment; and the Senator from Kentucky moved to amend it by adding an additional section, which was sent to the Chair, and read. Other amendments have been proposed to it; and the Senator from Ohio now moves an amendment to it; and the question is upon that amendment, which is an amendment to an amendment, and is in order.

Mr. BRIGHT. Will the Chair allow me? The amendment proposed by the Senator from Kentucky was submitted to the Senate, and the yeas and nays demanded upon it.

The PRESIDING OFFICER. That is so.

Mr. BRIGHT. Now, the Senator from Kentucky, as I understand him, desires the vote to be taken on his amendment first. If the question shall be taken on the amendment proposed by the Senator from Ohio to the amendment, and that shall be carried, no vote will be taken on the amendment proposed by the Senator from Kentucky.

The PRESIDING OFFICER. That is so; but it is still within the power of the Senate, by their vote, to amend the amendment of the Senator from Kentucky, notwithstanding the fact that the yeas and nays have been ordered upon it. The fact that the yeas and nays have been ordered does not prevent an amendment being moved to it.

Mr. BRIGHT. I shall not question the opinion of the Chair on that point. No doubt the Chair is correct. But the point I wish to state is, that there are Senators who will vote directly for this proposition, and in doing so—allow me to say to the Senator from Michigan—will feel that they are no more obnoxious to the charge of traitors than many gentlemen who will vote against it; and who are not to be deterred from doing their duty here fearlessly by any intimations or any innuendoes implying a want of fidelity to the Government.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Ohio to the amendment of the Senator from Kentucky.

Mr. GRIMES. I should like to hear it read. I have not heard it.

The amendment to the amendment was read, as follows:

Strike out all of the amendment after the word "enacted," and insert:

That the purposes of the military establishment provided for in this act are to preserve the Union, to defend the property, and to maintain the constitutional authority of the Government.

Mr. FESSENDEN called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BRIGHT, (when his name was called.) I desire to state that I would vote for this amendment as an independent proposition; but as it embarrasses the amendment of the Senator from Kentucky, on which I wish a direct vote, I shall not vote on this question.

Mr. LATHAM, (when his name was called.) I agree perfectly in both propositions. I vote "yea" on this.

The call of the roll was concluded, and resulted—yeas 27, nays 5.

The PRESIDING OFFICER. The Chair is informed that there is not a quorum voting.

Mr. KENNEDY, (who had voted in the negative.) I should like to change my vote; and I ask the consent of the Senate to state my reasons. I will vote "yea" for this amendment; but I should have preferred a direct vote on the proposition of the Senator from Kentucky. I am in favor of this, and I am of the other.

Mr. BRIGHT. I did not vote, for the reason

that I wished to spread my vote, if possible, on the record in favor of the proposition of the Senator from Kentucky, so that it should speak for itself. I vote "yea" on this amendment, to make a quorum.

Mr. SHERMAN. I will simply state that, upon examining the Constitution, it is my deliberate judgment that twenty-five constitute a quorum. I do not raise the point, because I am not sufficiently familiar with the Senate to do so. At the same time, I remark that I have no doubt, under the Constitution, that twenty-five constitute a quorum—there being but forty-nine members.

Mr. CLARK. The Senator from Vermont and the Senator from Delaware are in now.

Mr. COLLAMER voted "yea."

Mr. SAULSBURY. I am willing to vote to make a quorum. I wish to accompany it, however with an explanation. I wanted a direct vote on the proposition of the Senator from Kentucky; but, as the only object for which this war can be prosecuted is that which is stated in the amendment offered by the Senator from Ohio, I shall vote for that, although I do not wish to substitute it for the amendment of the Senator from Kentucky. I vote "yea."

Mr. BINGHAM voted "yea."

Mr. KING voted "yea."

The result was announced—yeas 33, nays 4; as follows:

YEAS—Messrs. Anthony, Bingham, Bright, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Doolittle, Fessenden, Foster, Grimes, Harlan, Harris, Howe, Johnson of Tennessee, Kennedy, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Saulsbury, Sherman, Sumner, Ten Eyck, Wade, Willey, and Wilson—33.

NAYS—Messrs. Breckinridge, Johnson of Missouri, Polk, and Powell—4.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. BRECKINRIDGE. The amendment of the Senator from Ohio is now open to amendment?

The PRESIDING OFFICER. It is.

Mr. BRECKINRIDGE. For the purpose of giving my colleague an opportunity to have a direct vote on what I regard as the substance of his proposition, I shall propose to amend the amendment of the Senator from Ohio; and if my amendment does not meet the views of my colleague, I will allow him to have it so modified as to embrace his idea. I send my amendment to the Chair, and ask the Secretary to read the amendment of the Senator from Ohio, and to follow it by reading the amendment which I propose.

The Secretary read the amendment of Mr. SHERMAN, as follows:

And be it further enacted, That the purposes of the military establishment provided for in this act are to preserve the Union, to defend the property, and to maintain the constitutional authority of the Government.

The amendment of Mr. BRECKINRIDGE was to add at the end of this amendment the following:

But the Army and Navy shall not be employed for the purpose of subjugating any State, of reducing it to the condition of a Territory or province, or to abolish slavery therein.

Mr. BRECKINRIDGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CARLILE. I merely desire to say that I cannot vote for the amendment to the amendment, for the reasons which I assigned before. It is a case, at least, that I shall never suppose.

The question being taken by yeas and nays, resulted—yeas 9, nays 30; as follows:

YEAS—Messrs. Breckinridge, Bright, Johnson of Missouri, Kennedy, Latham, Nesmith, Polk, Powell, and Saulsbury—9.

NAYS—Messrs. Anthony, Bingham, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Wade, Willey, and Wilson—30.

So the amendment to the amendment was rejected.

The question recurring on the original amendment, it was rejected.

The bill was reported to the Senate as amended, and the amendments agreed to as in Committee of the Whole were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill of the House No. 19, making additional appropriations for the naval service for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

The message further announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (No. 56) in relation to forwarding soldiers' letters;

A bill (No. 17) authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases; and

A bill (No. 57) for the relief of the Ohio and other volunteers.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 9) to alter and regulate the Navy ration; and

A bill (H. R. No. 19) making additional appropriations for the naval service for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 56) in relation to forwarding soldiers' letters—to the Committee on Military Affairs and the Militia.

A bill (No. 17) authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases—to the Committee on Finance.

A bill (No. 57) for the relief of the Ohio and other volunteers—to the Committee on Military Affairs and the Militia.

BILL INTRODUCED.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 35) for the punishment of conspiracy and kindred offenses against the United States, and for the confiscation of the property of the offenders; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

THE VOLUNTEER BILL.

Mr. WILSON, from the committee of conference on the disagreeing votes of the two Houses, on the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, made the following report:

The committee of conference on the disagreeing votes of the two Houses, on the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House of Representatives recede from its amendments to the bill, except the eleventh and twelfth sections, and agree to the bill of the Senate, with the following amendments thereto:

Page 1, strike out the preamble, and in lieu thereof insert as follows: "Whereas certain of the arsenals, custom-houses, navy-yards, and other property of the United States have been seized, and other violations of law have been committed and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the Government of the United States: Therefore."

Page 2, line nine, of section one, after the word "property," strike out as follows: "The volunteers mustered into service under this act shall serve for three years, unless sooner discharged by the President; but nothing in this section shall affect enlistments for a shorter period of volunteers already mustered into service;" and in lieu thereof insert: "*Provided*, That the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war; and all provisions of law applicable to three-years volunteers shall apply to two-years volunteers, and to all volunteers who have been or may be accepted into the service of the United States, for a period not less than six months, in the same manner as if such volunteers were specially named."

At the end of line twenty, in said section one, insert as follows: "And to the exigencies of the service at the time."

Page 4, line eleven, of section four, before the word "officers," strike out "subaltern."

Page 6, line seven, of section five, after the word "clothing," insert "when not furnished in kind."

Page 6, after line sixteen, strike out as follows: "Each cavalry volunteer who shall not keep himself supplied with a serviceable horse, shall serve on foot."

Page 7, line seven, of section six, after the word "and," insert "the widow, if there be one, and if not."

Page 7, line eight, of section seven, after the word "the," where it occurs the second time, strike out "drum-majors or."

Page 8, line six, of section eight, after the word "the," strike out "company," and, in lieu thereof, insert "regimental."

Page 9, line twenty-five, of section ten, after the word "be," strike out "supplied," and, in lieu thereof, insert "filled."

Page 9, section ten, after the word "the," where it occurs the second time in line twenty-five, strike out "officers above that rank," and in lieu thereof insert "commissioned officers of the regiment."

Page 9, line twenty-seven, at the end thereof, add as follows: "or by the President of the United States."

That the Senate recede from its disagreement to the eleventh and twelfth sections of the amendments of the House of Representatives, and agree thereto.

HENRY WILSON,
JOHN C. TEN EYCK,
H. M. RICE,
Managers on the part of the Senate.
FRANCIS P. BLAIR, Jr.,
A. B. OLIN,
HENDRICK B. WRIGHT,
Managers on the part of the House.

The report was concurred in.

On motion of Mr. CLARK, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 18, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced to the House that the Senate insist upon their disagreement to the amendments of the House to the bill of the Senate authorizing the employment of volunteers to aid in enforcing the laws and protecting public property; agree to the committee of conference asked for by the House; and have appointed Messrs. WILSON, TEN EYCK, and RICE, as such committee on the part of the Senate.

EXECUTIVE COMMUNICATION.

The SPEAKER, by unanimous consent, laid before the House an answer of the Secretary of the Treasury to the resolution of the House of Representatives, December 31, 1860, calling for information of the total expenditure in each State and Territory, for fortifications, improvements, &c., since the adoption of the Constitution; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury, in answer to the resolution of the House of Representatives requesting the Secretary of the Treasury to employ immediately a sufficient force to protect our commerce from the pirates that now infest our seas; which was referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES ARMORY.

The SPEAKER, by unanimous consent, also laid before the House a joint resolution of the Legislature of Iowa, instructing their Senators and requesting their Representatives to use their exertions to procure the establishment of an arsenal and armory for the distribution of arms to the northwestern States, on Rock Island, in the State of Illinois.

Mr. VANDEVER. I move that the resolution be referred to the Committee on Military Affairs.

The SPEAKER. A select committee was appointed for the consideration of this very subject; but the question will be first put upon the motion to refer to the Committee on Military Affairs.

The question was put; and it was decided in the negative.

The resolution was then referred to the select committee on the national armory.

CONTINUANCE OF COMMITTEES.

Mr. MOORHEAD, by unanimous consent, introduced the following resolution:

Resolved, That all select committees appointed at this

session be continued until discharged by order of the House, with permission to report at the next session.

Mr. BURNETT. I desire to inquire whether he contemplates, by that resolution, the sitting of these committees during the vacation.

Mr. MOORHEAD. No, sir. It only continues the committees that they may not die, and to permit them to report upon the subjects referred to them.

The resolution was adopted.

Mr. WASHBURNE. I call for the regular order of business.

Mr. PENDLETON, of Ohio. I appeal to the gentleman from Illinois to withdraw that call for a moment, until I can make a report, which I have been instructed to make by the Judiciary Committee.

Mr. WASHBURNE. If the gentleman will permit the regular order of business to go on, his committee will be called in a few moments.

Mr. PENDLETON, of Ohio. It may be so, or it may not.

Mr. WASHBURNE. I must insist on the regular order of business.

The SPEAKER proceeded, as the regular order of business, to call the committees for reports.

NAVY APPROPRIATION BILL.

Mr. STEVENS. I ask the consent of the House to take from the Speaker's table the naval appropriation bill, which has been returned from the Senate with amendments. The Committee of Ways and Means agree that they ought all to pass; and I ask that they be concurred in.

Mr. PENDLETON, of Ohio. Is that the regular order of business?

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. PENDLETON, of Ohio. I insist on the regular order of business.

REMISSION OF FINES AND PENALTIES.

Mr. WASHBURNE. I am instructed by the Committee on Commerce to report back House bill No. 17, authorizing the Secretary of the Treasury to remit the fines and penalties incurred in certain cases, regulating the compensation of certain surveyors of the customs, and for other purposes, with an amendment, and to ask that it be put upon its passage.

Mr. Speaker, I will make a brief statement to the House in relation to this bill. It is a bill of four sections. The first section of the bill related to the salaries of certain surveyors of customs. The committee, upon a consideration of that section of the bill, determined to strike it out, as there was some difference of opinion in the committee as to whether it would come within the terms of the resolution confining the business to be transacted at this session of Congress to certain specified subjects. The other sections of the bill, which the committee recommend the passage of, relate to the remission of certain fines and penalties. The letter of the Secretary of the Treasury, which I send to the Clerk's desk to be read, will explain the bill fully to the House. It is important that the bill should be passed, in order to give the Secretary of the Treasury authority to remit certain fines and penalties which have been incurred by reason of the closing of southern ports, and there being no collectors there to give the proper papers to vessels leaving those ports.

The Clerk read the letter of the Secretary of the Treasury, as follows:

TREASURY DEPARTMENT, *July* 6, 1861.

SIR: I have the honor to suggest the propriety of additional legislation providing for the compensation of the surveyors of the customs at ports on the Mississippi river and its tributaries, upon the ground that the salary of $350 now allowed by law is nearly, if not quite, the entire compensation they now receive. By the interruption of commerce with foreign nations, by way of the Mississippi river, they are deprived, to a very considerable extent, of the fees and commissions which, under the laws, constitute the greater part of their compensation. They have been, and still continue to be, actively employed as the preventive force in carrying out my instructions in reference to the intercourse and trade with persons and places under insurrectionary control. The compensation recommended is at a rate based on the average annual amount these officers have received for the last five years, and does not differ essentially from it.

Owing to the forcible exclusion of the officers of the customs from the exercise of their official functions under the laws of the United States, in certain southern States, masters of vessels, detained in their ports, could not obtain, on their departure, legal clearances and other requisite papers, and were in consequence subjected to the fines and penalties prescribed by the law in such cases. Where it appeared to my satisfaction that the failure to comply with the laws was solely occasioned by the fact that there were no officers of the customs at the ports of departure legally authorized to grant the requisite papers, I directed the collectors not to exact the penalty, but to refund to the parties who had deposited money in their hands to await my decision. In some cases the fines were distributed, under the law, by the collectors before my instructions were received by them, so that the amount of the fine or penalty cannot be restored without further legislation. I would respectfully recommend that the amount received as fines and penalties, under these circumstances, be refunded, and that authority for that purpose be granted by law. The amount to be refunded, would not, probably, exceed fifteen hundred or two thousand dollars.

I beg leave, also, to recommend that authority be granted by law to pay to the person or persons entitled to receive the same, a fine exacted of the master of the Russian vessel India, by the collector of the customs at the port of Norfolk, Virginia, in the month of November last, for failure to produce a manifest of cargo. It will appear, from an examination of the papers in the case, herewith transmitted, that the master of the India was but imperfectly acquainted with the English language, and that he misunderstood the demand made of him for a manifest, and that he had, in fact, a paper descriptive of his cargo, and answering all the purposes of a manifest. This fine had also been distributed before the instructions of my predecessor were received by the collector.

I would also respectfully recommend that authority be granted by law for the remission of the additional duty of one hundred per centum, secured by the bond given for the transportation of warehoused merchandise from a port in one collection district to a port in another collection district, under the provisions of the sixth section of the warehousing act of March 28, 1854, whenever satisfactory proof is produced that the failure to transport and deliver the merchandise, according to the conditions of the bond, occurred without negligence or fraudulent intent. Cases frequently occur of such failure without any ground for imputing fraud or negligence to the parties concerned, and the bond having matured, I have no power to afford relief, except by adopting the alternative provided by the warehousing act aforesaid, of a seizure of the merchandise, and the exercise of the remitting power under the act of 1797. This course, however, subjects innocent parties to much delay and expense. The execution of the warehousing laws would be much facilitated, and no public interest impaired, by conferring the authority suggested.

A draft of a bill, embodying the foregoing recommendations, is herewith respectfully submitted.

I am, very respectfully, S. P. CHASE,
Secretary of the Treasury.

Chairman of Committee on Commerce,
House of Representatives.

The amendment, to strike out the first section of the bill, was agreed to.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURNE moved to amend the title of the bill, by striking out the words "regulating the compensation of certain surveyors of customs and for other purposes."

The amendment was agreed to.

Mr. WASHBURNE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PUNISHMENT OF PIRACY, ETC.

Mr. SHEFFIELD, from the Committee on Commerce, reported a bill supplementary to an act entitled "An act to protect the commerce of the United States and punish the crime of piracy;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REVENUE MARINE.

Mr. ELIOT, from the Committee on Commerce, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to Congress, at its regular session in December next, such facts concerning the revenue marine of the United States as will enable them to take such action as may be expedient concerning the remodeling of the same.

PORTS OF ENTRY IN SOUTHERN STATES.

Mr. ELIOT, from the same committee, also reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire whether it may not be expedient that certain ports of entry in the southern States now in rebellion against the United States shall be closed by act of Congress, with leave to report by bill.

SOLDIERS' LETTERS.

Mr. COLFAX. I am unanimously instructed by the Committee on the Post Office and Post Roads to report a bill in relation to forwarding soldiers' letters.

The bill was read a first and second time by its title.

The bill was then read through. It provides that all prepaid letters to soldiers in any regiment in the service of the United States, and directed to a point where they have been stationed, may be forwarded, whenever practicable, to any other point to which they may have been ordered without further charge thereon.

Mr. COLFAX. I move the previous question on the bill.

Mr. WRIGHT. I wish to state that there will be a report from the committee of conference on the military bill, which, I think, will accomplish the object of this bill.

Mr. COLFAX. This bill is in regard to forwarding the letters of soldiers who have been ordered from the point to which the letters were directed.

Mr. WRIGHT. Ah, that is a different thing.

The previous question was seconded, and the main question ordered. The bill was ordered to engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COLFAX moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAY OF VOLUNTEERS.

Mr. PENDLETON, of Ohio, from the Committee on the Judiciary, reported a bill for the relief of the Ohio volunteers; which was read a first and second time by its title.

The bill provides that the pay of the Ohio volunteers shall be computed from the day when they assembled at the place of rendezvous in the State of Ohio, until the expiration of their term of service, and not from the day when they were actually sworn into the service of the United States.

Mr. DAWES. I would state to the gentleman that the Massachusetts soldiers are in the same position as those from Ohio.

Mr. PENDLETON, of Ohio. In reply to the gentleman from Massachusetts, I would state that the member of the Judiciary Committee from that State represented to the committee that the Massachusetts troops had been paid by the State, and that the State will make a claim upon the Government for that amount of pay.

Mr. DAWES. I do not wish, of course, to throw any obstacle in the way of the gentleman's bill. If the gentleman's statement is correct in regard to the Massachusetts troops, I do not wish to oppose it.

Mr. JOHNSON. Will the gentleman withdraw the demand for the previous question for a moment?

Mr. PENDLETON, of Ohio. Yes, sir; for a moment.

Mr. JOHNSON. I think the same state of facts exists, to a considerable extent, with relation to the soldiers from Pennsylvania. It is within my knowledge that they were for a number of days, if not weeks, in actual service before they were mustered into the service of the United States. I should like to see the provisions of this bill extended and made general, so as to include all the military.

Mr. PENDLETON, of Ohio. I have presented to the House a well-ascertained case, in which this difficulty exists. Other cases of a similar character may exist; and I shall be happy to vote for a bill for the relief of these volunteers. The House have a well-ascertained case now before them, and the Committee on the Judiciary have instructed me to report the bill; and I move the previous question upon it.

Mr. DAWES. I ask the gentleman to yield to me one moment. I do not wish to oppose the gentleman's bill, but I think there must be some mistake in reference to the soldiers from Massachusetts. I am informed by my colleague that those troops are precisely in the situation represented by the gentleman from Ohio to be the case with the Ohio troops. I hope, therefore, that the gentleman will so modify his bill as to comprise the Massachusetts troops. If they are not in the same situation it can do do harm.

Mr. HOLMAN. I ask the gentleman from Ohio to have the bill apply also to the Indiana troops.

Mr. ALDRICH. And also to the Minnesota troops, and troops from all other States. Make it general.

Mr. DAWES. While I agree with the gentleman from Ohio as to the objects of the bill, it is

certainly obvious that it is not right to single out one particular State, and confine its operation to the troops from that State, while the troops from other States are similarly circumstanced. It seems to me that it would be better to make this bill general, and let the volunteers of all the States have the benefits of it.

Mr. ALDRICH. That is right.

Mr. DAWES. There cannot be any harm in making the bill so general as to embrace the volteers of every State situated as those of Ohio are. I do not oppose the gentleman's bill; I only desire to make this suggestion to him.

Mr. VALLANDIGHAM. I appeal to my colleague to yield me the floor.

Mr. PENDLETON, of Ohio. I yield to my colleague.

Mr. VALLANDIGHAM. I offered the resolution referring the subject to the Committee on the Judiciary. The form of the resolution required a general amendment of the law, provided any was necessary; but I believe the reason why the bill is confined to Ohio volunteers is, that no gentleman presented the case in committee for any other State. Still the form of the resolution would justify or require the committee to report an amendment to the act of 1795 which would embrace the volunteers of all the States.

Mr. ROSCOE CONKLING. Will the gentleman allow me to understand one point?

Mr. PENDLETON, of Ohio. Yes.

Mr. ROSCOE CONKLING. I desire to know whether, by the statutes of the State of Ohio, these troops are not paid by the State up to the time when they were mustered into the service of the United States?

Mr. PENDLETON, of Ohio. They are not, sir; and therefore the necessity for proposing a bill of this sort, confining it to States which stand exactly in the same category as Ohio is. In some States there are laws providing for the payment of the militia or volunteers from the period of their responding to the call of the President up to the time of their being mustered into the service of the United States. In other States there is no such provision. Ohio is one of those States. It is necessary, then, that the volunteers from the States which are situated as Ohio is, shall have a bill of this kind passed for their relief. It was because no similar case was suggested to the committee, that the bill was confined in its operations. The committee will be happy to report a similar bill for other States standing in the same position, but I am unwilling that this bill should be delayed for several days longer by having it recommitted. I therefore again move the previous question.

Mr. COX. I ask the gentleman to withdraw his demand for the previous question.

Mr. PENDLETON, of Ohio. I will hear what the gentleman has to say.

Mr. COX. I want to submit an amendment which I think will meet the case. It will make the case general, and then I think the bill will be passed without any difficulty.

Mr. PENDLETON, of Ohio. Let it be read.

The amendment was read, as follows:

SEC. 2. *And be it further enacted*, That where the militia of other States are situated similarly with that of Ohio, the War Department pay them according to the provisions of the foregoing section.

Mr. PENDLETON, of Ohio. If that be satisfactory to the House, I have no objection to accepting it.

The SPEAKER. The gentleman cannot accept the amendment if he reports the bill from a committee.

Mr. BLAIR, of Missouri. I ask the gentleman from Ohio to yield to me for a moment. I desire to move to recommit this bill to the Committee on Military Affairs.

Mr. PENDLETON, of Ohio. I decline to yield for that purpose.

Mr. CURTIS. Will the gentleman allow me one word. I have great respect for the gentleman from Ohio, and know that he will investigate this matter if he has time. The system of enrolling volunteers does not assimilate in all the different States. After we had enrolled soldiers for the Mexican war there was a common law passed, which accommodated every State. A commission was appointed to go into the several States, and there audit the accounts in connection with the volunteers, and to pay all the volunteers who had not been properly paid, and whose accounts had not been adjusted. I hope the gentleman who reported this bill will cast his eye over the law, and will try to modify the bill by making it comprehend all the States. I am sure he is entirely competent to do it. He has served on the Military Committee in former sessions; and I know no man better capable of grasping the whole subject. I hope he will consider the subject in that view, and report a bill comprehending all the States.

Mr. PENDLETON, of Ohio. I insist upon my demand for the previous question.

Mr. BLAIR, of Missouri. I move to lay the bill on the table.

Mr. PENDLETON, of Ohio. On that I call for the yeas and nays.

The yeas and nays were not ordered.

The House refused to lay the bill on the table; there being, on a division—ayes 52, noes 54.

The previous question was seconded, and the main question ordered; and under its operation the amendment was agreed to, and the bill ordered to be engrossed and read a third time.

The bill being engrossed, was accordingly read the third time.

Mr. PENDLETON, of Ohio, moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under its operation the bill was passed.

Mr. PENDLETON, of Ohio. I move to amend the title of the bill, by adding after the word "Ohio," the word "and other;" so as to make it read: "for the relief of the Ohio and other volunteers."

The amendment was agreed to.

Mr. PENDLETON, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CHARGES AGAINST MR. MAY.

Mr. HICKMAN. I am directed by the Committee on the Judiciary to make the following report:

The Committee on the Judiciary, to whom was referred the resolution of the House, of July 15, 1861, directing them to inquire whether the Hon. HENRY MAY, a Representative in Congress from the fourth district of Maryland, has not been found holding criminal intercourse and correspondence with persons in armed rebellion against the Government of the United States, reports:

That the gentleman moving the resolution of inquiry was called before the committee, but declared himself ignorant of, and unable to produce any evidence tending to prove, any of the matters referred to in the resolution, but that they were grounded upon newspaper articles only. The committee having nothing before them to implicate Mr. MAY in holding criminal intercourse and correspondence with persons in armed rebellion against the Government, therefore recommend no action in the case as necessary on the part of the House.

The committee further report, that the investigation before them entirely relieves the President of the United States and Lieutenant General Scott of any suspicion of a correspondence or attempted correspondence through Mr. MAY.

Mr. HICKMAN. I move that the report be laid on the table, and ordered to be printed.

The motion was agreed to.

Mr. MAY. Mr. Speaker, I wish, as one of the Representatives of the people——

The SPEAKER. There being nothing before the House, the gentleman from Maryland asks unanimous consent to proceed with a personal explanation.

No objection was made.

Mr. MAY. I trust that, under the circumstances, this opportunity will be afforded me by those who share with me the privileges of a Representative under our system of government. I am not well, and shall trespass but a little while on the time of the House; and, in all probability, I may not have another opportunity again to be heard.

The SPEAKER. There is no objection to a personal explanation. The Chair put it to the House.

Mr. MAY. I am more than gratified, sir, that the Judiciary Committee have, in this decisive way, condemned an unparalleled outrage on the privileges of a Representative; and that, on an investigation, those who prompted it here, on being called before the committee to adduce their proofs, retired from the accusation, and have admitted that there was no grounds for it—not a shadow of evidence to sustain it.

What am I to say of a proceeding like this—based, as the report itself confesses it to have been, upon mere newspaper rumor? Upon the idle gossip of the hour, a Representative of the people is to be arraigned for a grave, nay, a heinous, offense, and the attempt made to strip him of his right to a seat upon this floor. I have no words to express my indignation and disgust at this proceeding.

Mr. Speaker, the report vindicates a principle, and one which I had not thought it possible, even in these evil days, successfully to assail—a principle which, however, seems now to have been forgotten by the dominant party here—that there was some presumption due to the character of a Representative; some respect for the people who elected him; some presumption in favor of the principle of representation. I had never supposed it could be imagined by even the most malignant spirit in the land, that mere newspaper gossip could give rise to so grave an allegation against a Representative. Happily, sir, this proceeding has now been condemned; the principle has been vindicated, and, I trust, finally.

For myself, let me say, that as it affected me personally, the issue was of the lightest consequence. At the time I received notice of this accusation, it was under my consideration whether I could with honor come here and enter upon the duties of a Representative upon this floor. The humiliation that I felt at the condition of my constituents, bound in chains; absolutely without the the rights of a free people in this land; every precious right belonging to them under the Constitution, prostrated and trampled in the dust; military arrests in the dead hour of the night; dragging the most honorable and virtuous citizens from their beds, and confining them in forts; searches and seizures the most rigorous and unwarrantable, without pretext of justification; that precious and priceless writ of *habeas corpus*, for which, from the beginning of free government, the greatest and best of men have lived and died—all these prostrated in the dust; and hopeless imprisonment inflicted without accusation, without inquiry or investigation, or the prospect of a trial. Sir, is there a Representative of the people of the United States here in this body, acknowledging the sympathy due to popular rights and constitutional liberty, who does not feel indignant at the perpetration of these outrages? If so, it will be the opportunity of this House promptly to redress them. The country will see whether that redress will be afforded; we shall see whether there is not yet a redeeming spirit in our Constitution, that amid the fierce conflict of arms will yet appear like an angel of peace in this Hall, dedicated to republican freedom, to vindicate the majesty of the violated laws.

Mr. HUTCHINS. I rise to a question of order. I understood the gentleman from Maryland to ask the indulgence of the House to make a personal explanation relating to the appointment of a committee to investigate his case.

The SPEAKER. The gentleman stated he desired to make a personal explanation, and the House gave him that permission.

Mr. HUTCHINS. And instead of making a personal explanation, he is bringing charges against the manner in which his constituents have been treated by the military authorities of the Government. I say that does not come within the purview of the personal explanation which the House gave its permission for him to make, and I therefore object.

The SPEAKER. The gentleman from Maryland rose and asked the House to permit him a personal explanation. The House gave him the permission he asked; and having been given, the Chair holds that it is for himself to judge as to what he considers to be a personal explanation.

[A message was here received from the Senate, by Mr. PATTON, one of their clerks, notifying the House that the Senate had elected SOLOMON FOOT as President *pro tempore*.]

Mr. MAY. Mr. Speaker, I have spoken of some considerations looking to my presence as a Representative in this Hall. I was about to say that, in view of my own dignity, if I had alone consulted it, my own sense of the privileges and the responsibilities of a Representative here, and of my own judgment upon the transactions of this body, and the circumstances of my situation as a Representative, I should have absolutely declined

to take the oath of office here, and resigned the empty honor of my seat. I would have preferred to wait to see whether the action of this body would have stricken off the chains from my constituents, and restored them fully to all their constitutional privileges. I am speaking now as one who, from the beginning, has as earnestly and resolutely, as any man in this land, resisted the heresy of secession. I am speaking in the spirit of a man who, according to the measure of his abilities, has stood faithfully by the Union of these States. But I am speaking also in the spirit of a citizen who owes obligations higher than these—that highest of duties which binds him to maintain the Constitution of his country. And speaking in this spirit, and under the shelter of its authority and majesty, neither by my silence nor consent shall one of its precious principles ever be stricken down, even in the person of the humblest of my constituents or my countrymen. I complain, Mr. Speaker, of these outrages and oppressions. I denounce them as unparalleled in the history of free government; and I call upon the Representatives of the people, if they have the manhood and spirit worthy of their country, to emancipate the down-trodden people of Baltimore from the military tyranny under which they are now groaning, and which has so utterly prostrated their constitutional liberties.

Mr. STEVENS. I move, as the sense of this House, that the gentleman is not in order. I believe it is the sense of this House that the gentleman is not in order.

The SPEAKER. The gentleman from Maryland is entitled to the floor.

Mr. STEVENS. I submit the motion, that it is the sense of this House that the gentleman is not in order; and I ask the Chair to put that motion to the House.

Mr. VALLANDIGHAM. I rise to a question of order. No such motion can be entertained while the gentleman is upon the floor.

The SPEAKER. The Chair cannot entertain the motion of the gentleman from Pennsylvania. The Chair has decided that he cannot determine for the gentleman from Maryland what is a personal explanation. If the gentleman is not satisfied with that decision he can take an appeal from the decision of the Chair.

Mr. STEVENS. I take an appeal from the decision of the Chair.

Mr. VALLANDIGHAM. I move to lay the appeal on the table; and call for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 82; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cobb, Conway, Corning, Cox, Cravens, Crittenden, Delano, Delaplaine, Dunlap, English, Fouke, Grider, Haight, Harding, Harrison, Holman, Horton, Jackson, Johnson, Law, Lazear, Leary, Mallory, Menzies, Morris, Nixon, Noble, Norton, Odell, George H. Pendleton, Perry, Robinson, Sheffield, Smith, John B. Steele, William G. Steele, Vallandigham, Vibbard, Wadsworth, Webster, Whaley, Chilton A. White, Wickliffe, Wood, Woodruff, and Wright—53.

NAYS—Messrs. Aldrich, Alley, Appleton, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Covode, Curtis, Davis, Dawes, Diven, Duell, Edgerton, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Hale, Hanchett, Hickman, Hutchins, Julian, Kelley, Francis W. Kellogg, Killinger, Loomis, McKean, McPherson, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Francis Thomas, Train, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Wheeler, Albert S. White, Windom, and Worcester—82.

So the appeal was not laid on the table.

During the vote,

Mr. FOUKE said: My colleagues, Mr. McCLERNAND and Mr. LOGAN, have been absent since yesterday, upon the other side of the river. They have gone to the war.

Mr. COVODE stated that his colleague, Mr. PATTON, was confined to his room by indisposition.

Mr. ELY made a similar statement in reference to Mr. THAYER.

Mr. RIDDLE made a similar statement in reference to Mr. TRIMBLE.

Mr. HOLMAN made a similar statement in reference to Mr. VOORHEES.

Mr. ALLEY stated that Mr. THOMAS, of Massachusetts, was called home by a telegraphic dispatch in reference to serious illness in his family.

The result was announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States announced that he had approved and signed the following bills:

An act (H. R. No. 18) making additional appropriations for the support of the Army for the fiscal year ending June 30, 1862, and appropriation of arrearages for the fiscal year ending June 30, 1861; and

An act (H. R. No. 14) to authorize a national loan, and for other purposes.

CHARGES AGAINST MR. MAY—AGAIN.

The question then recurred on sustaining the appeal.

Mr. VALLANDIGHAM. Believing the Chair is strictly right, I propose that the gentleman from Pennsylvania withdraw the appeal, and that the gentleman from Maryland decline to address the House further. That will prevent the necessity of reversing the appeal.

Mr. MAY. If my consent is one of the terms of that arrangement, I absolutely refuse to give it. I will not accept the right of free speech here under any limitation whatever.

Mr. DAWES. I hope the gentleman from Pennsylvania will now move that the gentleman from Maryland proceed in order.

Mr. STEVENS. In the first place, we have not yet disposed of the appeal; and in the next place, the Speaker has not decided whether the gentleman is in order or not.

The SPEAKER. The Chair stated to the gentleman from Pennsylvania, that he thought the gentleman from Maryland was abusing the privileges of the House, but that he had no control over the train of his remarks. It has so been held over and over again. The House consented that the gentleman might make a personal explanation, and after that the Speaker has no control over the line of his remark.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House?" and it was decided in the negative.

So the decision of the Chair was overruled.

Mr. DAWES. I now move that the gentleman from Maryland have leave to proceed in order.

Mr. STEVENS. The House has said that the Chair must decide whether he was in order. Has the Chair decided?

The SPEAKER. The Chair only decided that he could not control the remarks of the gentleman, and therefore he held his remarks to be in order, under the general permission to make a personal explanation.

The motion of Mr. DAWES was agreed to.

Mr. MAY. It will be extremely difficult for me to ascertain when I am, and when I am not in order, if the sentiment of members upon the other side of the House is to be the criterion. Sir, I had thought I occupied a situation here that claimed the most liberal indulgence upon the part of gentlemen upon the other side, to hear me make such explanations as are due to my constituents, and lead appropriately, as preliminary, to the immediate subject of privilege. But, sir, I must absolutely decline further to proceed if I am to be subject to this sort of interruption and restriction. I will go no further now, and must trust to the chances of an opportunity, and of being sufficiently restored to health, when the field of debate may be opened wide enough to allow me to speak my sentiments with the freedom that becomes me and the rights of my constituents. I shall proceed no further in my remarks, but content myself with the presentation of this memorial, with a request that it be referred to the Committee on the Judiciary and be printed. It is a memorial to the House of Representatives from the police commissioners of Baltimore, upon a subject most vital to the liberties of the people of the United States. It is couched in clear and candid language, and it presents both sides of the question. Full justice is done to the military authorities of the United States, who have inflicted what I consider a most unparalleled oppression. While the memorial is expressed in language respectful to the House, it is at the same time the language of independence, and comes to us in the spirit of citizens fully conscious of their constitutional rights, and resolved to claim them here.

Mr. COLFAX. I would ask the gentleman from Maryland if this is the long memorial from the police commissioners of Baltimore?

Mr. MAY. It is.

Mr. COLFAX. It has been presented to every member of this House, in a printed form, and doubtless has been read by them, and the gentleman has the same opportunity that every other member has, of presenting and referring his petition under the rules of the House.

Mr. MAY. The memorial refers to a matter of personal liberty; and it ought to be sent to that committee that it may be promptly acted on. I present with it a resolution of instruction to the committee.

Mr. COLFAX. I have no objection to the memorial being sent to the Judiciary Committee; but I desire to state one thing.

The SPEAKER. Is there any objection? The Chair hears no objection.

Mr. COLFAX. The gentleman from Maryland expressed some surprise in reference to the manner in which he has been treated by this side of the House. I desire to state now that I am always in favor of the largest liberty of speech. If the gentleman, at the opening of his remarks, had stated that he desired not only to vindicate himself, but to attack the military authorities at Baltimore and the Government of the United States, and the consequences which had grown out of their action, and the House had consented to hear him, I should have stood by him to the end. But he desired only so make a personal explanation; and having made that, he proceeded to use strong language against the action of the Government; and I thought the House had the right to refuse to hear him upon a matter in reference to which he had not asked the privilege of the floor. And I will state to the gentleman one of the reasons why I thought singularly of his remark. He seemed to be surprised that gentlemen did not welcome him as an ally. I supposed from that that he must have been grossly misrepresented by the papers of Richmond; for I read an extract in the Baltimore Sun, taken, I believe, from the Richmond papers, stating that he had expressed, to the so-called government at Richmond, the belief that there were thirty thousand men in Maryland who were chafing under their subjugation, and who therefore were ready to rise at the first opportunity. That statement must do him injustice, if what he states to-day is correct.

Mr. MAY. I desire to say further——

The SPEAKER. Does the gentleman object to the introduction of the memorial?

Mr. STEVENS. I object.

The SPEAKER. Does the gentleman object to the gentleman from Maryland proceeding with his remarks?

Mr. STEVENS. I do not object to the gentleman continuing, he confining his remarks in answer to the remarks of the gentleman from Indiana.

Mr. MAY. This is the first intimation which has reached me that any such statement has been the subject of publication. I have not seen it.

Mr. THOMAS, of Maryland. I have it here, [handing it to Mr. MAY.]

Mr. MAY. It is quoted as an extract from a letter written from Richmond on the 4th of July, and published in the Charleston Courier.

Mr. COLFAX. Perhaps I was mistaken as to its source.

Mr. MAY. This is the statement:

"The principal bubble upon the wave of Richmond life to-day, or rather yesterday, was the arrival of Hon. HENRY MAY, of Baltimore, the successful competitor in the recent contest for a member of Congress, against Henry Winter Davis, the Black Republican candidate. The object of his visit has not transpired, but it is loudly whispered that it looks towards certain events in Maryland, which may have an influence in determining the continuance of the war. The intelligence he brings from there is gloomy enough to make an American weep."

Is that the paragraph, sir?

Mr. COLFAX. I think there is more, if the gentleman will read on.

Mr. MAY. I will do so:

"According to his statements, Baltimore is as effectually under the heel of the tyrant as if the head of every man was in iron fetters. Federal troops are encamped in its squares and patrol its streets; citizens are arrested for even breathing secession; women are insulted with impunity; outrages are perpetrated that make humanity blush; and, in a word, a reign of terror has been inaugurated which, if not

as cruel in results, is as bad in principle as that of Robespierre, when he enshrined a harlot as a goddess of Liberty, and bade the people fall down and worship."

Is that the paragraph to which the gentleman refers?

Mr. COLFAX. I will say to the gentleman, that the paragraph to which I allude was in the language in which I expressed it; and my impression that it was a paragraph from the Richmond Enquirer is confirmed by the gentleman from Pennsylvania, [Mr. McPherson,] who has also read the article, and I have heard a number of other gentlemen speak of it.

Mr. MAY. Well then, sir, it may be sufficient for me to say, upon the assertions of these honorable gentlemen——

Mr. KELLOGG, of Michigan, and others. Read the whole of the paragraph.

Mr. THOMAS, of Maryland. I ask my colleague to let the Clerk read the residue of that newspaper article. [Cries of "That is right."]

Mr. MAY. Why, certainly. I supposed that was all that was desired——

Mr. BURNETT. I rise to a question of order. I ask the Speaker to direct the Doorkeeper to enforce the rules of the House. The House is filled with gentlemen who have not the privilege of the floor, and it has been the case since the commencement of the session. The House is filled all the time with gentlemen who have no right to be here; and I insist that the Doorkeeper shall discharge his duty.

The SPEAKER. The point of order is well taken. The Doorkeeper will enforce the rule of the House in relation to admissions to the floor.

Mr. MAY. I have read, Mr. Speaker, as much of this statement as seemed to ascribe to me the making of these allegations as to the condition of Baltimore. I have no objection to the reading of the residue of the article, if it is the wish of the House.

Several Members. Read the whole article.

The Clerk read the article, as follows:

Henry May's Mission into Dixie—What he is telling the confederates.

The following interesting and important account of affairs in Baltimore is from a letter written at Richmond on the 4th of July, and published in the Charleston Courier:

"The principal bubble upon the wave of Richmond life to-day, or rather yesterday, was the arrival of Hon. Henry May, of Baltimore, the successful competitor in the recent contest for a member of Congress there, against Henry Winter Davis, the Black Republican candidate. The object of his visit has not transpired, but it is loudly whispered that it looks towards certain events in Maryland, which may have an influence in determining the continuance of the war. The intelligence he brings from there is gloomy enough to make an American weep.

"According to his statements, Baltimore is as effectually under the heel of the tyrant, as if the head of every man was in iron fetters. Federal troops are encamped in its squares and patrol its streets; cannon are planted at corners; citizens are arrested for even breathing secession; women are insulted with impunity; outrages are perpetrated that make humanity blush; and, in a word, a reign of terror has been inaugurated which, if not as cruel in results, is as bad in principle as that of Robespierre, when he enshrined a harlot as a goddess of Liberty, and bade the people fall down and worship.

"While this is the sad side of the picture, there are other features about it which inspire the strongest hopes that the day of retaliation is not far distant. Thirty thousand men are said to be under arms, waiting concerted action. Silently and stealthily they have been preparing for the event, which they know must come. The mercenaries have sought to deprive them of their weapons, but where one has been made a prize, a hundred have taken its place. I learn this fact from a well-informed Baltimorean now in Richmond; and from another source *I have ascertained that not less than eight thousand muskets are at this moment concealed and vigilantly guarded night and day.*

I think I telegraphed to you that in the eighth ward—an Irish district, by the way—a confederate flag was flying over a house, in which loaded swivels were mounted at the windows, and that the inmates would die before they would allow the flag to be struck.

"My informant believes that a battle there is imminent. Affrays between the citizens and soldiers take place frequently. Already several on both sides have been killed and wounded. Should a fight result, we shall hear of scenes that only find a parallel in the bloody records of the French revolutions, when the people fought and conquered the trained soldiers of their king behind barricades. The blow may be precipitated in less than a week. *Everything depends upon the success and movements of General Johnston. If he has orders from the President to march into Maryland and towards Baltimore, the game commences at once.* Lincoln will find himself encompassed by forces in front and rear. Cut off from the North and West, Washington will be destroyed, and the footsteps of the retreating army, though tracked in blood across the soil of Maryland—as they assuredly will be in such an event—may possibly pave the way to an honorable peace.

"The movements of Johnston, within the last few hours, are watched with intense interest. It is known that Cadwalader is on the march towards Virginia, and that a small battle had taken place between his advance guard and the forces of Colonel Jackson; but beyond the arrival of forty cavalry, taken prisoners and brought to Winchester, the details of the affair have not transpired. Colonel Jackson retired to draw the enemy into our line of operations, and General Johnston, with the entire force under his command, advanced. Here the record stops, but I hope the telegraph to-day will bring such news of a great battle as will make the 4th of July doubly dear to every southern heart.

"The best of feeling—newspaper croaking to the contrary—prevails everywhere among our troops. They are anxious to be 'up and at 'em;' are in prime condition, physically and patriotically, and have only one paramount want in the world; and that is, an opportunity 'to clean the Yankees out and go home to their business.' I observe, extensively quoted and commented upon, in the northern papers, an extract from a letter published in some southern journal, purporting to come from a private gentleman at Manassas, and expressing the conviction that Beauregard is destined to be defeated.

"The result has been an evident encouragement to the people of the North, increased enlistment in the Army, a proportionate diminution of *vim* in the South—for even a shadow will sometimes cause a chill—and, worse than all, an order from Secretary Walker that we indefatigable newspaper correspondents shall not visit any of the great camps without pledging our honors that we will not divulge the secrets we may discover; all this train of effects proceeding from a few poorly-advised lines, written with an incautious pen, by one who must be neither a good soldier nor a good judge."

Mr. May resumed the floor.

Mr. WHEELER. I would ask if it is in order, in this connection, to have read the dispatch of General McDowell to the War Department. [Laughter.]

The SPEAKER. The gentleman from Maryland is entitled to the floor.

Mr. MAY. The first two paragraphs of that article I had seen. The rest of it I had not previously seen or heard of. The reading of it by the Clerk was the first intimation I had of its existence. I do not know, sir, who is the author. I am not able to conjecture, even, who wrote that article. It is absolutely untrue that I communicated any such information to any one; and it is equally untrue, in point of fact, that such a state of things exists. That there are thirty thousand men—ay, and more—who, unless the heel of oppression is lifted from them, will, if they can get the opportunity, vindicate their constitutional rights and liberties, is absolutely true. I proclaim it here to-day; and I will be one of the number of them, on grounds of constitutional right, and to resist tyranny and oppression, on grounds of American right—on grounds of consecrated and defined legal right. These are the grounds on which it stands. As for a conspiracy against the United States, having for its object any attempt against the Government, or the overthrow of the military authorities, the statement is absolutely preposterous. It does not now exist. It never did exist. I tell the gentleman from Indiana it never did exist. It rests upon the relation of spies and informers—those detestable miscreants who from the beginning of the world have been held in scorn and contempt by all honest men. Because of their imaginings and malicious falsehoods, founded upon the most malignant motives, a loyal people—a vast majority of whom are true to their duty to the Constitution of the country—are dominated over in this way, and placed under the heel of military power. I denounce the whole of it as rank, gross, unparalleled oppression. That is my answer to the gentleman from Indiana.

Now, a few words in reference to the residue of that article. I have nothing to reserve. What I may do and what I have done in this business of our unhappy national troubles is as open as the light of day. I invite the scrutiny of my countrymen upon every action of my life, and every thought in connection with our unhappy discord. Elected a Representative by the people who conferred upon me this honor by a large majority—elected upon the basis of peace, conciliation, and compromise, as the only means of saving this great, prosperous, and happy Government and country of ours, I stand committed to these measures; and, sir, with my life I intend to promote them, come what may come, springing from a love of peace and for the sake of my countrymen, with a heart alive to those fraternal interests that ought to be dearest to us all, in trying to assuage these horrible calamities now impending over us, and with the hope of bringing us together once more as a happy and united people. I will go anywhere, everywhere; I say, sir, I will lay down my life for this result cheerfully. Elected upon such a platform, to serve such high and holy objects—appealing to the heart, conscience, and every future accountability—I stand firm and unshaken in my convictions, and all the menaces, all the frowns, all the dominations of all the powers of the earth cannot move me from my love of peace and devotion through it to the safety of my country. Here is where I stand and here I mean through the future to stand. Governed by such motives and elected upon such a platform, I felt that I should fail to perform a part of my duty if I did not go where I would be recognized as a countryman and as a kinsman—if I did not go into that mother of States, which holds the ashes of those dear to me, and there offer myself in the character of a mediator. The Representative of a people closely allied to the South by the ties of blood, of feeling, and of interest, with a recollection of the friendly intercourse which I have enjoyed with public men there, I felt that I had authority—however faint the hope—to go and inquire into the disposition of the people of the South; to mingle freely with them as my countrymen; to find out their views and the views of the government established over them; and in any and every way that I could, in the sacred office of a pacificator, endeavor to avert, assuage, or terminate this awful civil strife now fearfully impending; or, if nothing can be at present done to heal it or mitigate its horrors, to watch the first moment of a contingency, which events may bring about, and be prepared to catch the first gleam of pacification and help its hallowed success. Sir, it was a private mission that I undertook; but it was a blessed one.

I wish, Mr. Speaker, to make one or two more observations, and then I shall have done, for I have neither strength nor disposition to continue, and I would not now proceed in my remarks if I did not fear that the disease from which I have not yet recovered may prevent my reappearance in this Hall during the present session.

Notwithstanding the motives which governed me, and which I may proclaim to be among the most honorable and patriotic of my life—ay, there is no action in all my life which I value with such sweet delight as this visit to Richmond—I did not feel at liberty to go across the Potomac without permission of the authorities of this Government. And so I felt it to be my duty to wait on the Chief Magistrate, and tell him, as I did most frankly and fully, the objects of my visit. I did not ask for his sanction; I did not desire it. I did not wish to embarrass the Chief Magistrate in such a way. I had no claim upon his confidence; I had no right to ask him for any commission or authority; but I felt it was my duty to state to him distinctly the objects which governed me, and obtain his permission to cross the Potomac. It was most distinctly understood, between the President and me, that I took no authority from him—none whatever; that I asked for none, and disclaimed asking for any; that I went on the most private mission on which an humble citizen could go. I asked his consent also to obtain from the military authorities a pass. Having jurisdiction on the other side of the Potomac, they were to be consulted and the necessary formalities observed. The President authorized me to say to General Scott that I had conversed with him, and that while he gave no sanction whatever to my visit to Richmond, he did not object to my going there on my own responsibility.

That is a fair account of my interview with the President; and I stand here bound in honor to vindicate him against those who have been willing to arraign him here and to charge him with tampering, through me, with his duties and with the government of the confederated States.

The General-in-Chief gave me a pass which I have exhibited to the committee; not, however, until the committee had informed me that there was not a particle of evidence suggested, or existing, or likely to be produced against me, in any way affecting my public conduct. That pass recognized distinctly on its face my visit to Richmond as a private affair, on my own responsibility; and neither I, nor any friend of mine, nor any one with my privity, consent, or knowledge, has ever mentioned a word implicating either the President or General Scott with any sanction to my visit. On the contrary, whenever I have spoken of it I have been careful to separate both those high functionaries from all responsibility for it.

Mr. Speaker, all the crime, all the treason of

this act, rests on me, and me alone; and I am content, in the sight of high Heaven, to take it and press it to my heart.

Mr. COLFAX. One single word in reply to the gentleman from Maryland. I shall not, of course, challenge what he says, when he declares that this letter was not written by his authority. But I ask him to notice, when he reads the Globe in the morning, the singular identity of thought between the first paragraph of the letter in reference to the condition of affairs in Baltimore, and the first part of the speech with which he has favored us to-day. He will see a striking coincidence in the manner and expression of thought. But as the gentleman declares that the latter part of the letter was not by his authority, I do not wish to make a point in reference to it.

I have this, however, to say to him: if he went to the headquarters of the rebel government, which he says are established at Richmond, but which, thank God, are not yet and never will be established at Richmond—no more established there than the rebel forces were established at Fairfax yesterday—if he went there in the capacity, as he tells us, of mediator, and if he used there the same language denunciatory of the course of the Government, and denunciatory of the conduct of his own military officers; if he there declared that he would hesitate even to take the oath of allegiance to the Constitution of the United States, which is the only oath required of a gentleman to entitle him to membership on this floor; and if he furthermore declared that he was one of thirty thousand who would rise up against what he denounced as an unconstitutional aggression on their rights, I should not be surprised if that rebel government should have regarded him more as a sympathizer than as a mediator.

Mr. MAY. I cannot help the conclusions which the honorable gentleman from Indiana draws.

The SPEAKER. The Chair will state to the gentlemen that this debate must be by permission of the House.

Mr. THOMAS, of Maryland. I ask the permission of the House for my colleague to proceed.

Consent was given.

Mr. MAY. I merely wish to reply to the honorable gentleman from Indiana. I do not recollect the exact observations which I made a while ago respecting Baltimore, nor how far those remarks may, either in thought or expression, assimilate to those employed in the newspaper letter. So far as they are based on facts, on undisputed facts, the coincidence may be established without any implication on me. It is absolutely true, sir, that the troops have been stationed in Baltimore, and that there has been all this excitement with reference to the presence of troops, the planting of cannon, and the domination of the military power there. These are facts of history, known as well to the writer of that letter as to me. I cannot challenge my memory as to what were the subjects of my conversation in Richmond. I wish to be very candid. I wish to admit that everywhere where I have gone I have spoken the language of denunciation of tyranny, and I mean to do it everywhere.

Sir, I have spoken with regard to the domination of the military power, on the ground of plain, notorious, undisputed facts; but with regard to the sentiments imputed to me, that paragraph is the first intimation I have received of it. I never heard of it before, except in those general whispers of suspicion and distrust that circulate in times like these.

Now, with reference to my communications to the rebel government, as the gentleman from Indiana is pleased to term it, I do not acknowledge the right of the honorable gentleman to inquire of me. I had supposed that in that confidence which ought to exist between Representatives here, and especially after that oath of allegiance which consecrated me to the duties of a Representative, and in the most impressive sense, he would have seen it to be preposterous that I should give any such pledge as is spoken of. If I had given the pledge which the gentleman mentioned, not to come here, I should not have come here. If I had made a declaration in Richmond, that I would not take an oath to support the Constitution of the United States; the honorable gentleman should not have seen the oath administered to me by the Speaker of this House.

Mr. COLFAX. I only referred to what the gentleman himself said—that he hesitated about coming here and taking the oath.

Mr. MAY. No, sir; about taking my seat. I never hesitated about taking the oath. I took the oath to support the Constitution, from the the city of New York to the city of New Orleans, and to the shores of the Pacific. I have taken it in twenty States of the Union.

Mr. COLFAX. The report will indicate which of us is right.

Mr. MAY. It will.

Mr. DIVEN. I rise to a question of privilege. I understood the gentleman from Maryland to say that thirty thousand men, and he among them, were ready to take up arms against the oppressive course of the Government, now being pursued against Maryland. I desire to know if I rightly understood the member.

Mr. MAY. The gentleman has entirely misapprehended me.

The SPEAKER. The Chair states that questions of privilege in relation to anything said by a member must be taken down at the time it was uttered.

Mr. DIVEN. I will say to the gentleman, that as soon as the words which I understood the gentleman to utter had escaped his lips, I sought the floor to call the attention of the House to them, and have been seeking it ever since. I am satisfied, however, with the gentleman's statement that I misapprehended him, and have, therefore, no question to make.

The SPEAKER. The Chair will inform the gentleman and the House, that when a gentleman arises to a question of privilege, unless he states that he so rises, he cannot complain if the Chair fails to recognize him out of order.

Mr. THOMAS, of Maryland. I beg the leave of the House—and I certainly will not abuse the privilege—of saying some few words in vindication of the opinions I entertain, and which I think others of my colleagues entertain, upon the issues now pending——

Mr. BURNETT. I want to understand the exact purpose of the gentleman before I give my consent to have him go on.

Mr. THOMAS, of Maryland. If the gentleman will allow me, I will explain in a moment. There is a state of affairs existing in Maryland painful to every citizen within its bounds, to which my colleague has thought proper to refer with that emphasis and commanding eloquence that distinguishes him on all occasions; and the people whom I represent, and who know me well, who know that I never entertained an opinion or had a purpose in public concerns touching men or measures that I was ashamed to avow or vindicate before any audience in Christendom, will be amazed to find me dumb as a sheep at shearing when a challenge to the arena is ringing in my ears.

Mr. JOHNSON. I object to the gentleman's proceeding.

Several MEMBERS. It is too late.

Mr. JOHNSON. It is not too late. I object to the gentleman's proceeding to make a stump speech to the House at this time.

Mr. THOMAS, of Maryland. I never make a stump speech.

Mr. JOHNSON. I waited to hear the gentleman open in order to know whether it was a personal explanation that he wished to make. I waited long enough to ascertain that it was to the general issues before the country that he proposed to speak. There are a dozen of us who wish to make speeches upon general subjects; and I therefore object to his making a speech now.

Mr. VALLANDIGHAM. I hope there will be no objection to the gentleman going on in the line of remark followed by his colleague up to the point where the House refused to hear him further; but that he will not be permitted to proceed to discuss questions upon which the House would not hear his colleague.

Mr. THOMAS, of Maryland. I certainly will not proceed beyond the line which the House may fix. Mr. Speaker, I have no ambition to take part in such a discussion. I had the fortune in early life, from 1831 to 1841, to represent my constituents upon the floor of the House of Representatives; and if any gentleman will take pains to search the record, he will find that few men were on the floor so seldom as myself. But, sir, there is a state of affairs in Maryland, to which my colleague has alluded, of a very painful nature, which may eventuate, if it be not checked, in a scene where he and I will both be prepared to perform our parts even unto the death. What is that Maryland of which the gentleman spoke? We do not mean, when we speak of Maryland in that sense, as a certain area of land within certain geographical boundaries; we mean a political community, containing a certain number of inhabitants. Now, sir, I undertake to stand here and aver—for I intend to be brief—that Maryland to-day, in her heart of hearts, speaking through the majority of her people, approves of all, or either, of the measures of the President of the United States in clothing the Lieutenant General of its armies with the power that has been exercised; and she approves, as I do in my heart of hearts, of the manner in which that power has been exercised by Major General Banks. [Continued applause on the floor and in the galleries.]

The SPEAKER. The Chair has, on several occasions, notified gentlemen upon the floor that unless they preserved decorum he could not preserve it on the part of the galleries; and he now gives notice that, if it be repeated, he will order the Sergeant-at-Arms to arrest any gentleman guilty of this disorder upon the floor of the House. And he takes this occasion to say to the galleries that, if any such demonstration is repeated—any manifestation of approval or disapproval—it is his imperative duty to order them to be cleared. The Chair, during the first few days of the session, considering the circumstances, was disposed to be a little lenient; but he gives notice now, that in the future he will, to the full extent of the power vested in him, preserve the decorum of the body.

Mr. THOMAS, of Maryland. I take this occasion to express the hope that at no time will any one, on the floor or in the galleries, who entertains the slightest respect for my feelings, mortify me so deeply—as I certainly will be mortified—by any demonstration such as that just now very properly arrested by the Presiding Officer of the House. I like it nowhere, even on the hustings; still less in a grave, deliberative, intelligent body like that before which I now appear.

I remark, Mr. Speaker, that Maryland, as a political community, has declared its will on these subjects with an emphasis that is not readily to be misapprehended or mistaken. Forty-four thousand of her votes at the recent election have been cast for my colleagues and myself on this floor, after it was known—and it is to be presumed they were acquainted with the events that had transpired in the city of Baltimore—that we were in favor of standing by this Administration and its military measures, although it must be acknowledged, to our mortification, they have placed a portion of our fellow-citizens in Maryland in a very unenviable attitude. Twenty-four thousand votes were cast against that opinion, a large number of which being cast for my distinguished and very able colleague in respect to his distinguished abilities, his high personal character, and his attainments, but declaring themselves at the time to be Union men. On the authority of that vote, then, I say that Maryland has solemnly declared that she is satisfied with her condition, and means to maintain it by her Representatives here, and, if necessary, on the battle-fields of the State or elsewhere. Why, sir, there is, after all, nothing so very astounding in the position in which Maryland is placed, or the acts to which my colleague has referred.

I know it is the habit of most gentlemen who take part in discussions of this character to look to the Constitution of the United States and to the laws of Congress on the statute-books as the only source from whence to ascertain the extent of the powers a commander-in-chief has in emergencies like those which surround General Banks at Baltimore. Can we ignore altogether what is known to be martial law? Because Congress has not declared that martial law shall not, under certain circumstances, be enforced; because the Constitution has not declared that under certain circumstances it shall not be enforced, shall we infer that it is forbidden altogether? The Constitution is silent upon that point. The Constitution provides for the organization of the Army; and incidentally it carries with it all those powers that are given to the Commander-in-Chief when in the field. As well might we say, because the Con-

stitution does not point out the mode and manner in which military forces shall be drafted and disciplined, that therefore the Commander-in-Chief of the Army is guilty of great usurpation in adopting some particular mode in preparing that Army for the field. Our fathers knew that such a law as martial law existed. They knew that such a law was exercised upon emergencies. They knew it had been exercised again and again in the country from whence we derived our prevailing language. And when they did not, upon the face of the Constitution, deny to the military commanders the right to declare martial law and avail themselves of all the advantages it conferred, it was equivalent to an enactment at large of every provision upon the subject of martial law now found in the works upon that subject in our libraries.

Assuming that to be the case, then the martial law carries with it the power, in the Commander-in-Chief, not only to suspend the writ of *habeas corpus*, and to arrest suspicious individuals, but it supersedes all civil power which stands in the way. Assuming that to be true, what is the condition of affairs in Baltimore, and, indeed, all over Maryland, to which my colleague so feelingly alludes? A minority, an acknowledged minority, in this great contest in reference to the supremacy of the laws of the United States, contemplates what? Not satisfied with the result of the ballot-box in the election of the Chief Magistrate of the Union; not content to abide by the determination of the ballot-box in the recent election in Maryland, in electing, by a large majority, to this Congress, supporters of the Constitution and the Union, thirty thousand out of one hundred thousand of the people of Maryland contemplate resistance unto death to the result in the city of Baltimore, unless released from its action in that city. It is in that connection that, with my heart of hearts, I thank the President for having clothed General Scott with the necessary powers for the crisis. I thank the general in the vicinage of Baltimore for having exercised the authority with which he was clothed. Need I harrow up the feelings of any one by recurring to that most monstrous outrage, that treasonable outrage, in Baltimore, by which our own people undertook to stone to death the armies of the United States, called here to vindicate the laws and maintain the Government of the country? If the commissioners who complain—and I shall hear their complaint with great patience, for I have great respect for those gentlemen—if they were not competent to prevent such an outbreak as that; if they were not competent to prevent the burning of the bridges beyond Baltimore, over which the troops for the defense of the capital must necessarily pass, were they fit for their situation; were they qualified for the emergency; and were the people safe under their domination?

Again: what a state of affairs is disclosed by the letter just read at the Clerk's table. I asked to have it read for a double purpose. I have not been in my seat since the unfortunate proceedings in reference to my colleague took place upon this floor, and I take this occasion to say that I would have remonstrated against such a proceeding, because I should have hoped that the acts of a gentleman who had been elected a member of the Congress of the United States, a gentleman possessing the confidence of a large and intelligent constituency, would not be called in question upon mere rumors, and only upon stubborn proof.

I desired to have the communication read, because, from the remarks made by some gentlemen upon this floor, I judged that my colleague was being held responsible for some things in that letter which in no way relate to him. The writer undertakes to give a communication made to him by a citizen of Baltimore, and in the same connection, is a disclosure made in another letter from Richmond, touching communications purporting to have been made by my distinguished colleague. But I never for a moment dreamed that my colleague would go to Richmond with such knowledge in his bosom as that disclosed in this letter, and conceal it. What is that knowledge? That a secret organization exists in Baltimore and in adjoining portions of Maryland, having in view an insurrectionary movement immediately upon the happening of the contingency—which I do not think is very likely to occur—of Johnson escaping Patterson and appearing before the people of Baltimore. What was to follow? I will not read it here to-day. Sufficient to say that men were enlisted, and women, too, ready to rise upon the soldiery, and to murder and massacre the inhabitants in the streets. I spurn the idea that my colleague had any such knowledge. I saw that there was confusion in the minds of members in reference to this communication, and that they supposed it was charged that my colleague made all these disclosures in detail. I felt confident that it was not so, and I placed the article in his hand that he might disclaim that charge, and brand the author of it as he deserves.

Mr. MAY. I am not responsible for one word of it.

Mr. THOMAS, of Maryland. I understand that. But here is an anomalous and strange condition of things—trying a military officer, General Banks, acting under the most painful circumstances, and who, from every word in every proclamation he has issued, if there be truth in the man, believes he is engaged in an honest and patriotic attempt to suppress insurrection; and if, with that intent, and with such a holy purpose in his heart, he has stepped over the rule of martial law, and trespassed a little upon the rights of individuals, still I say, go on in your good work, and receive the laudation and encomium of every man in Maryland, even including the minority, when they wake up from the delusion under which they are now acting. Though the state of affairs, as disclosed in that letter, may not exist in Baltimore, would any prudent military man, in a strange land, admonished to be on his guard by the outbreak by which Massachusetts soldiers were so inhumanly and cowardly murdered, fail to look to such a letter as I hold in my hand, as a warning to beware and take caution? A military leader is not to wait for that detailed, systematic, and demonstrated truth that a justice or jury would require.

Again, what more had General Banks before him? When the attempt was made in the streets of Baltimore to murder a portion of the Massachusetts regiment on their way to discharge their duty in supporting the laws of the land, what was the duty of those in authority? At that time Marshal Kane was chief of the police. Did he act as General Banks is now acting? Did he try to quiet the excitement? Did he make any effort to lead men back to their allegiance to the country? Did the police commissioners, whose case is brought here for trial by a sort of appeal from the decision of the military powers in Baltimore, make an effort to lead back the population of Baltimore to their allegiance, and to teach them that the laws of the United States are the supreme law of the land, and that when either a civilian or a soldier is obeying the order of the executive officers of the United States, he is entitled to the sympathy and protection of every orderly and loyal citizen?

Mr. MAY. I hope my colleague will allow me to interrupt him for a moment.

Mr. THOMAS, of Maryland. With great pleasure.

Mr. MAY. As my colleague handed me a paper to be read, I beg leave, at this point of his observations, to call attention to a report made by this very Marshal Kane to the authorities of the city upon the subject of that riot. That report of his has not been seen by the members of this House; and if my colleague will allow it to be read, with the proof that accompanies it, I undertake to say that there is not one gentleman here upon this floor who will not at once acknowledge that this marshal of police stands vindicated; that he did all that man could do to prevent that riot; and that he exposed his life over and over again in the protection of the Massachusetts and Pennsylvania troops. All I ask is that justice shall be done him.

Mr. THOMAS, of Maryland. That is all I ask.

Mr. MAY. He is now a prisoner; and I trust my colleague will do me the justice, as his Representative, to allow this paper to be read by the Clerk. It is his vindication; and it is a complete one.

Mr. THOMAS, of Maryland. Mr. Speaker, this discussion has been in a manner forced upon me. I came here at the commencement of this session with a perfect willingness to be a calm and quiet spectator of passing events. I desired very much, indeed, that we should engage in merely such conversation or conversational discussion as the bills indispensable for the preservation of the Government would necessarily elicit; but this subject having been opened up before the House, every gentleman, I am sure, will sympathize with me in the feeling that the people of Maryland would expect a response from one of their Representatives. I regret the necessity of dwelling upon these topics. They had better have been left in the arena where they have been heretofore discussed. And now, if my colleague will allow me, I will characterize and describe the paper which he desires to have read, and thus save the time of the House.

Mr. MAY. I prefer that it should be read.

Mr. THOMAS, of Maryland. Well, let the Clerk read it.

The Clerk read, as follows:

POLICE DEPARTMENT, OFFICE OF THE MARSHAL,
BALTIMORE, *May* 3, 1861.

SIR: The columns of the Baltimore American of this date contain an assault upon my official conduct as commanding officer of the police force of this city, in connection with the occurrences of the 19th of April last, which seem to require some notice, in order that the facts of the case may be duly registered on the journals of your office.

With that view, I have the honor to invite your attention to the fact that, on the forenoon of Thursday, the 18th of April, I was directed by the police board to furnish escort to two bodies of Federal troops, which were expected on that day by the Northern Central road at one o'clock, and by the Wilmington and Philadelphia road at four o'clock, respectively; and to see that they were passed safely through our city. Subsequently on the same day, information was communicated to me that the Philadelphia company, fearing that the passage of these troops would create excitement, were maturing arrangements to pass them across our harbor from Canton to Locust Point; thus avoiding the streets of our city. It will be seen, however, that this arrangement was not consummated.

At one o'clock, a. m., I was on the ground at the outer depot of the Northern Central road, and took command of the force which had been detailed to that point. I was accompanied to the depot by his Honor Mayor Brown, who seemed deeply anxious that our laws should be respected and enforced. The Mayor, however, was called away by message from the Governor to meet in consultation at the moment when the train arrived. It is enough to say, however, that the troops were safely escorted to Mount Clare depot and departed for Washington, having experienced no more annoyance than might have been expected, as doubtless the officers of the regular troops, who accompanied the detachment, will readily testify.

My force was kept under arms until a late hour, waiting the arrival of the detachment expected from Philadelphia; but it was finally ascertained from the railroad agent that the troops had not even started, nor did they know when they would start from Philadelphia, when the police force was dismissed, with orders to remain ready for instant call. I heard nothing more of these troops until twenty minutes past eight o'clock on the next (Friday) morning, at which time I was met on the street by one of my men with a dispatch from the southern police station, signed by Mr. Commissioner Davis, informing me that the troops from Philadelphia would arrive at the Camden street (Washington) depot within thirty minutes; that the cars containing them would not stop at the Philadelphia depot, but go directly to the Washington depot, *to which place I was requested, by the railroad authorities, to send a police force.*

I at once telegraphed to the several stations, and within the thirty minutes I was on the ground at the Camden station with an ample force, but was then told that the troops were just crossing the Susquehanna river, and would not arrive for some time.

With the view to keep down the excitement I sent the police force from the depot to a neighboring police station to await the trains coming, and also sent for his Honor the Mayor, who soon appeared, accompanied by the board of police.

The cars arrived, and very soon an immense throng of people were congregated, but by the firmness of the police the troops were all shifted from the Philadelphia to the Washington cars without any collision with our people having occurred, and the excitement partially subsided. After waiting some considerable time for the train to start, and not being made aware that any more Philadelphia cars were expected, I inquired of some of the railroad agents present the cause of the delay, and was informed that obstructions had been placed on the Washington track in advance of the train. I at once sent a detachment of police under determined and reliable officers to guard the track outside of the city, and to see that the trains were protected to the Relay House (a distance of nine miles) if necessary.

After waiting a long additional time, and having made repeated inquiries as to the cause of the continued delay in starting the train, I was for the first time informed that other troops were expected at that station; and at the same moment learned that a riot had commenced in Pratt street.

I promptly devolved the command at the Camden station upon Deputy Marshal Gifford and started for the scene of riot with a detachment of my men, and met the Massachusetts soldiery on Pratt street near Light street, (his Honor Mayor Brown being with them,) hastening towards the Washington depot, pursued by an enraged multitude. I opened my ranks, through which they passed, and closed in their rear; formed my men across the street; directed them to draw their revolvers and to shoot down any man who dared to break through their line. It is enough for me to say that these orders were faithfully executed; my men did their duty, and the Massachusetts troops were rescued.

From that time the missiles intended for the troops were encountered by your own police force. The tumult being

thus subdued, no attack being subsequently made upon the military, I marched my men back to the Camden station, saw the train safely depart for Washington, learned from the railroad officers that the troops had all departed, and that the services of my command were no longer required. I dismissed the detachment to their several stations, except those of the second district, which I ordered to be posted for the protection of parties on Baltimore street, against whom there seemed to be an intense excitement; the editors of the American and Clipper being regarded as particularly obnoxious and loudly threatened.

On the way to my office I learned from Mr. Richard Norris, jr., that there were other troops at the Philadelphia depot, and, accompanied by that gentleman, I hurried in a carriage to that place, and there found several car loads of troops, mostly, if not all, without uniforms. Some of these troops commenced jumping from the train just as I got there, and were immediately set upon by an infuriated populace. I fought hard for their protection, at first almost alone, but soon had the assistance of a part of my force, who hurried from the neighboring beats, and had the gratification of seeing all but those who took shelter in neighboring houses put on another train, and, under escort of police, accompanied by myself, sent safely out of the city on their return to Philadelphia. The earnest expressions of gratitude which I received from the persons thus rescued left on my mind the conviction that I had done my duty.

On this occasion I was ably assisted by Deputy Marshal Gifford and by some noble-hearted and fearless citizens, but feel bound to say that I did not recognize as thus engaged one single individual of those now actively employed in defaming the city and its authorities.

It may be proper to state, that up to this time I did not know anything of the origin of the rencounter, nor the extent of the killed and wounded; but only know that our whole city seemed filled with horror at the knowledge that peaceful and respected citizens had been shot on our public streets.

From this time till a late hour of the night my office was beset by those anxious to ascertain the truth of rumors that a renewal of the difficulties was likely to occur. Near midnight I received from William Prescott Smith, Esq., the master of transportation of the Washington and Baltimore and Ohio railroad, information that he had received a dispatch from President Thompson, of the Pennsylvania road, "that it was impossible to prevent these troops from going through Baltimore; the Union men must be aroused to resist the mob."

I felt it my duty to communicate this information to his Honor Mayor Brown; and went to his house for that purpose, and made the statement to him. He deemed it all important to confer with his Excellency Governor Hicks, and visited him in his chamber.

The Governor then sent for me; and in company with the Mayor, I went to his chamber; and the condition of the city, the dangers of a sanguinary conflict in the event of troops coming to it whilst the public mind was so highly inflamed, being fully discussed, the Governor deemed it proper, and agreed with Mayor Brown and myself, that the bridges on the roads by which troops would likely come should be destroyed, as the only means of impeding them and avoiding the threatened conflict; and the Mayor and board of police then issued the order to that effect.

It was in the midst of this excitement, while our entire community was laboring under the most intense apprehension; the volunteers, militia, and large numbers of the citizens being under arms, under the apprehention of a collision, and with the knowledge that the great mass of our citizens looked to myself as the immediate commanding officer (under the board) of armed police for the best protection which, under such circumstances, could be afforded, in reply to a dispatch from Bradley Johnson, Esq., (now or lately the State's attorney for Frederick county,) offering the services of a body of patriotic citizens of that gallant county, who, true to the instinct of every son of Maryland, were ready to come, as did their sires in 1814, to defend the homes of their friends in Baltimore, I used the language of the dispatch which is made the pretext for the disgraceful and libellous assault referred to.

What the condition of Baltimore city would be at this time had I failed to execute the order to destroy the bridges referred to, by which the troops were arrested at Cockeysville on the morning of Sunday, the 21st of April, instead of coming to the city, is too horrible to contemplate, and can better be imagined than described.

The strictures in regard to the action of the police in removing flags which were being raised, as it is well known, not from any patriotic motives, but for the sole purpose of exciting riot and disorder, are too absurd to require extended notice.

I have the conviction that I have faithfully discharged the duties of the office of marshal of police during the extraordinary excitement which has pervaded this community, probably beyond anything of the kind in its previous history, and that the force under my command has been successful in protecting the persons and property of people of the most intensely obnoxious character to another portion of our community from the slightest violence or injury. I feel that I can well afford to endure assault, coming from such sources.

It may be proper, in this connection, to refer to the insinuation so broadly conveyed of complicity, on the part of the police, in appropriating property of the Federal Government to improper uses. The charge is untrue. It was taken into the custody of the police solely for the purpose of preserving it, of which the proper notice was given to the authorities of the United States Government, in Washington and in this city.

Yours, very respectfully,

GEO. P. KANE, *Marshal.*

CHARLES HOWARD, Esq.,
President of the Board of Police.

Statement of Richard Norris, jr., Esq.

In reply to your inquiry, I beg leave to state that, on Friday, the 19th of April, I accompanied Colonel Kane, in a carriage, to the President street depot. When we arrived there, as well as I recollect, there were about fourteen cars filled with troops, intended to be passed through Baltimore. They were mostly unarmed, and were being attacked by large numbers of the people congregated there. Marshal Kane made every possible effort to protect the troops; caught hold of many of the assailants, drove them back, and prevented them from continuing their attacks; addressed others, declaring they were bringing disgrace on the city by assailing unarmed men. His whole conduct was perfectly fearless.

It is my sincere belief that, but for the manly and energetic course pursued by him, many lives would have been lost at the President street station. Words cannot convey my impression of the bravery he exhibited on that occasion, or of the security he afforded to the troops. When I arrived at the depot, I feared there would be a great loss of life; but, so far as I have heard, all escaped in safety.

R. NORRIS, jr.

To the Board of Police.

Mr. THOMAS, of Maryland. I am very well aware, Mr. Speaker, that apologetic letters have made their appearance from this marshal of police, and that a very apologetic memorial, of which I received a copy, has been forwarded to Congress from these commissioners of police—and I speak of them as gentlemen of the highest respectability, for I know them personally, and should be incapable of disparaging them by any remarks I could make. But when were these apologetic letters published? When the outbreak occurred? No. Was there any attempt then to assuage the excitement? No. Was there any effort made then to bring the people back to their allegiance to the Government, which in my heart is second only to my allegiance to my God? Was there any attempt to rekindle the old fire that used to burn in the heart of every loyal man? No. Marshal Kane, who is presumed to be the mouth-piece of these commissioners; whose promulgations are presumed to be their opinions—for if not, it was their bounden duty instantaneously to have dismissed him from his office—Marshal Kane, in the midst of that great excitement, telegraphed to an excited young man in the county of Frederick, who I know had some military aspirations, and who is now an officer in the revolutionary army in Virginia—telegraphs to him words of peace? No. Stirs to the very foundation every drop of evil blood in his veins, and raises a war-cry whose whoop should echo all over western Maryland. Mark the issue joined! The patriotic troops of Massachusetts and Pennsylvania on their way to vindicate the Government, to prevent this Federal city from being sacked, the public buildings burned down, and the Chief Magistrate and the heads of Departments perhaps murdered in their bed-chambers, are arrested in Baltimore by a mob; they are stoned to death and assailed, until they can bear it no longer, unarmed as some of them are, and in a position appealing to the forbearance of every gallant and brave man.

What is Marshal Kane's language in this celebrated dispatch to Bradley T. Johnson of the town of Frederick? I know the performers in this drama and understand them well. This is the dispatch.

"Thank you for your offer."

He had received, I suppose, some dispatch from Mr. Johnson offering military aid.

"Bring your men by the first train, and we will arrange with the railroad afterwards. Streets red with Maryland blood."

Made red by whom? By Marylanders? No. By traitors to their country and their God; murderous outlaws, who trampled under foot every moral obligation that appealed to them to vindicate the Government, then assailed by armed rebellion.

"Send expresses over the mountains of Maryland"—

Had they come into that country whose people I know, and amongst whom I live, they would have been elevated higher than Haman's gallows, if they came on any such mission as this. [Cries of "Good," and suppressed applause.]

"Send expresses over the mountains of Maryland and Virginia for the riflemen to come without delay. Fresh hordes will be down upon us to-morrow. We will fight them and whip them, or die. GEORGE P. KANE."

Now, that is the language of a peace officer of the city of Baltimore? That is the language indorsed by the peace commissioners of the city of Baltimore, appointed to protect the people in the peaceful pursuits and avocations which, thank God, by the strong arm of military power they are now enjoying. These were the sentiments of Marshal Kane. They were followed up by action. But, no; I will not go into details. We know that he was in the very front rank of bridge burners. We know that he urged the burning down of the bridges on the Northern Central railroad and on the Baltimore and Wilmington railroad. For what? To arrest the progress of the northern troops coming to the rescue of the seat of Government of the Union under the orders of the Chief Magistrate of the United States, elected according to the provisions of the Constitution. And now, sir, after military power has been brought to bear, and Maryland has been rescued from the whirlpool of hideous revolution, Marshal Kane may apologize till doomsday. It does not in the least change my estimate of him. It does not change my deliberate belief that he was unfit for the position he occupied. He could have stopped the mob. He could have saved the lives of those soldiers passing through the streets of Baltimore. But so far from making the effort, he was conjuring up every consideration that could cross his imagination that was calculated to excite the sharpshooters of the mountains to come down and aid him in this outrage.

Mr. MAY. I ought, Mr. Speaker, just at this part of the observations of my colleague, to state a fact within my personal knowledge. There is nobody in Baltimore who has condemned with more severity than myself that mob of the 19th of April; and if the authorities had taken as much pains as I did to prevent it, it never would have occurred. I had an apprehension, sir, that there was a state of feeling among certain classes in the city of Baltimore that might probably produce a riot against the troops marching through the city. There is not a braver, more honorable, or franker man in the land, nor one who discharged his duties more faithfully, than that very marshal of police, Colonel Kane. I found him on the night of the 18th of April, and told him that I was full of apprehension that a difficulty would take place. He told me he was aware that there was a feeling of that kind.

Mr. THOMAS, of Maryland. I think my colleague may leave Colonel Kane to me. He will not suffer injustice at my hands.

Mr. MAY. I repeat that, on the 18th of April, I informed Colonel Kane of my apprehensions. He gave me his assuranee then that, although he thought it was a measure of imprudence on the part of the Federal Government to bring troops through the city of Baltimore rather than around it, he would protect the troops at the risk of his life. I was speaking to him as a loyal citizen, and calling upon him to perform that duty and protect those troops if attacked. He gave me that pledge; and every honorable man in Baltimore, whether a Union man or a disunion man, will say that Marshal Kane did, on the day of that riot, at the risk of his life, over and over again, protect those troops and render every service. The telegraphic dispatch to Mr. Johnson I do not justify.

Mr. THOMAS, of Maryland. No one here will misconceive me as calling in question for one moment the honor or patriotism of Marshal Kane. Not at all. But then there are differences of opinion as to the manner in which public functionaries discharge their duties; and it is this difference of of opinion which led to Marshal Kane's arrest. That is all.

Now as to the police commissioners. They are undoubtedly men of the first character, socially, privately, and publicly. I admit all that has been said in praise of them. But I am speaking of them as police commissioners, and I think that the House cannot fail to see that they showed themselves unworthy of their position. Ascribe it, if you please, to error of judgment; ascribe it to excitement and passion; impute it to the holiest and loftiest patriotism; impute it to what you will; was he the person to be the depository of powers such as he wielded, involving the peace of a city like Baltimore; involving the question of domestic war all over the State of Maryland? That is the point. I say he was not; and there my colleague and I differ. Let General Banks be the umpire between us.

Mr. MAY. Let the courts and a jury of the land be the umpire.

Mr. THOMAS, of Maryland. Not in time of war. It will be observed, Mr. Speaker, without my dwelling on the subject, that the commissioners of police are implicated just as deeply as the chief of police himself. They retained him

in office, and are therefore presumed to have sanctioned all he had done—his crimes of omission as well as commission. They were, then, I say, equally unfit for the positions that they held; and I maintain that a military commander would be false to his country and to himself, and false to the security which he is bound to guaranty to the gallant and loyal men under his command, if he waited to satisfy himself, by mathematical certainty, that the public interests and public peace demanded the course which he pursued. To that consideration alone I ascribe the action of Major General Banks, and it is to that alone that I have addressed these remarks.

There were other local causes to which I might advert, going to show the indispensable necessity for interposition on the part of the military commander in Maryland. The apportionment of representatives in the Legislature was made in old colonial times. It has been modified; but, up to this day and hour, the majority of the people of Maryland have no voice in the choice of their Legislature. Under our new constitution, however, the majority, by a general ticket, elect a Governor; and at the last election they elected one responsive to the sentiment that beats warmly in the heart of the people of Maryland. But the Legislature of Maryland elected two years ago, not with a view to this issue, have been engaged in embarrassing the Governor in all his measures of policy. One of those measures, which Governor Hicks thought a very prudent measure under the existing state of things in Maryland, was to collect the arms held by private citizens, without distinction of party. This the Legislature prevented from being carried into execution, and passed a law which goes very far to secure arms in the hands of individuals. Why? If the citizens of Maryland are for warring against the Government, they should not be permitted to have arms. If they are for peace they do not need them, for the arm of the United States protects them, and the banner of the Confederacy floats over them. Why, then, have the Legislature interposed obstructions, by law, to the collection of arms? Do they think it prudent to leave them in the hands of private holders, to be concealed where they cannot be found? It could not be for the purpose of upholding the laws of the Union. It could not be to uphold the statutes of Maryland. The President of the United States is faithful to his duty; and the people of Maryland are faithful to theirs. Why then were these arms retained? We know not.

Mr. Speaker, I have responded only to such topics as my colleague brought forward. I cannot now, or on any other occasion, revert to other considerations influencing the action of the military authorities. I have said in the opening, that I thank General Banks most cordially for the measures he has taken. So far as I can understand them, they meet my approbation; not because I like to see my fellow-men tyrannized over—for my feelings are always with the oppressed and against the oppressor. But I thank General Banks, because, in my humble judgment, he is doing a great work of good to both sides in this controversy in the State, and in preventing that unfortunate civil war which exists in the Union being brought home to our own firesides by a struggle on the part of the minority with arms in their hands, to get the mastery over their fellow-citizens, who would oppose it to the death.

These are the reasons why, with perfect sincerity, I reiterate my thanks to the Chief Magistrate for having clothed General Scott with powers, in the event of his deeming it necessary, to suspend the writ of *habeas corpus* to carry that measure into effect; and I thank General Banks for the firmness and courtesy with which he has discharged that duty. In saying all this I am not vindicating the President or the Administration. I am vindicating the Commander-in-Chief of the Army of the United States, who was clothed by the President with executive powers; which powers he has exercised, in my judgment, wisely, patriotically, humanely, and for the best interests of the country.

NAVAL APPROPRIATION BILL.

Mr. STEVENS. I move to take from the Speaker's table the Senate amendments to the bill (H. R. No. 19) making additional appropriations for the naval service for the year ending June, 30, 1862, and appropriations for arrearages for the year ending June 30, 1861.

The motion was agreed to.

Mr. STEVENS. I move that the amendments of the Senate be severally concurred in.

The motion was agreed to; and the Senate amendments were concurred in.

INCREASE OF THE NAVY.

Mr. SEDGWICK. I desire the consent of the House to take from the Speaker's table Senate bill (No. 32) to provide for the temporary increase of the Navy, and refer it to the Committee on Naval Affairs.

No objection being made, the motion was agreed to.

TARIFF.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CAMPBELL in the chair,) and resumed the consideration of the bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes.

The CHAIRMAN stated the question to be on motion of Mr. FOUKE, to strike out the first section of the bill, it having been amended on motion of the gentleman from Illinois, [Mr. ARNOLD,] by reducing the duty on coffee from 5 cents per pound to fifteen per cent.

Mr. McKNIGHT. Is it in order to offer an amendment to the first section?

The CHAIRMAN. It is in order.

Mr. McKNIGHT. I move to amend by inserting in line twenty-seven, page 2, the words, "on all green teas 20 cents per pound, and on all black teas 15 cents per pound." I desire to say, in support of this amendment, that my worthy colleague, the chairman of the Committee of Ways and Means, stated yesterday that the difficulty or objection to such a provision would be, that all teas would be entered under the head of "black." Now, sir, I happened to fall in last night with an eminent importer of teas, from New York, who told me that it would be impossible to fail to make the discrimination; that the weight of the tea itself would determine the kind.

Mr. VALLANDIGHAM. I desire to know if debate is in order upon this section?

The CHAIRMAN. Debate is not in order, it having been closed yesterday, by order of the House, upon this section; and the Chair will so decide if the point is raised.

Mr. McKNIGHT. I had forgotten the order of the House closing debate. I hope, however, the committee will, by unanimous consent, allow me three or four minutes upon this amendment.

Mr. VALLANDIGHAM. I should be glad myself to see the debate go on upon this section of the bill; but as the rule has been adopted, I desire to see it applied impartially, and I shall therefore object.

Mr. McKNIGHT. I withdraw my amendment, then, if there be no objection.

Mr. VALLANDIGHAM. I move to amend in the twenty-seventh line of the first section, by striking out "5 cents per pound" and inserting "fifteen per cent.;" so that the clause will read, "on all teas fifteen per cent." My object in moving this amendment is to equalize the duties on tea and coffee. The committee having on yesterday voted that the duty on coffee shall be fifteen per cent., I propose to make the duty on tea the same.

The motion was disagreed to.

The question then recurred on striking out the first section of the bill; and being taken, the motion was disagreed to.

Mr. McKNIGHT. I now renew my amendment, making the duty on green tea 20 cents, and that on black tea 15 cents per pound. I desire merely to say in addition that I have the authority of a gentleman connected with the Treasury Department for saying that this change ought to be made.

The amendment was disagreed to.

Mr. LOOMIS. I move to amend the fourth section in the eighteenth and nineteenth lines by striking out the words "on ivory unmanufactured, ten per centum *ad valorem*."

Mr. Chairman, I will occupy but a minute or two in explanation of this amendment. Hitherto, unmanufactured ivory has been admitted free of duty. We have, in the State which I in part represent, several very large manufacturing establishments of ivory. These manufacturers are not less self-sacrificing than any others; but there may be a fact connected with this matter that the House does not understand. The manufacturers of ivory sell a large portion of their products in South America, in Mexico, in Cuba, the West Indies, and in Canada, where they are barely able to compete with the European manufacturers by selling at the lowest living prices; and with this duty of ten per cent. on unmanufactured ivory they would be unable to compete with the European manufacturers in those markets.

The result, then, of this proposed duty upon unmanufactured ivory would be this: it would break up our establishments for the manufacture of this article, thus greatly diminishing the importation of ivory, and also diminishing the revenue we should receive upon the articles imported in exchange for the manufactured articles sold in other countries, such as coffee, sugar, and various other articles which it is now proposed to make pay heavy duty to the Government; for of course these importations would be much diminished by destroying our manufacturing establishments and breaking up the export of the manufactured article. I say, therefore, that, taken simply as a matter of revenue, the levying of a duty of ten per cent. upon the raw material would, in this instance, have the effect of reducing the revenue instead of increasing it. In England and France the raw material is admitted free of duty. So that, I repeat, the effect of this provision would not only be to render it impossible for our manufacturers to compete with European manufacturers, but would diminish instead of increase the revenue.

Mr. STEVENS. The duty upon the article of unmanufactured ivory is very small as fixed by this bill; true, more than heretofore; but we are now taxing what have heretofore been free articles, for the purpose of raising a war revenue.

As to the effect the duty may have upon the exportation or the manufactured articles, that is provided for in another section—the sixth—in which a drawback is allowed upon all such material equal to the tariff originally paid, minus ten per cent. The gentleman's remark as to the effect it will have in preventing our manufacturers from competing with those of other nations in foreign markets, does not apply in this instance.

The amendment was not agreed to.

Mr. DAVIS. I move to amend by adding, at the end of the fourth section, "on oil of cloves, 75 cents per pound." I will merely state that, in a preceding section, there is a duty fixed on cloves at 8 cents per pound, but there is no duty placed upon manufactured cloves; and I have proposed this amendment, therefore, for the purpose of equalizing the duty upon the article, manufactured and unmanufactured. It requires about 8 or 9 pounds of cloves to make 1 pound of oil, so that the rate of 75 cents a pound for oil will about equalize the duty.

The amendment was agreed to.

Mr. PENDLETON, of Ohio. I move to add, at the end of the amendment just adopted, the following:

> On bar iron, rolled or hammered, comprising flats, not less than one inch nor more than seven inches wide, nor less than one quarter of an inch nor more than two inches thick; rounds not less than one half an inch nor more than four inches in diameter; and squares not less than one half an inch nor more than four inches square, $14 per ton.

When I offered this amendment yesterday, I was precluded, by the rule limiting debate to half a minute, from submitting one or two observations, which I now desire to present. So far as this amendment goes, it is the section contained in the bill sent to us with the report of the Secretary of the Treasury. I offered it yesterday as a substitute for the provision imposing a duty upon tea. I desire to bring the committee to a direct vote, as between the recommendation of the Secretary of the Treasury in connection with the duty upon iron, and the recommendation of the Committee of Ways and Means in relation to the duty on tea.

Mr. McKNIGHT. I call the gentlemen to order. His half minute has expired.

The CHAIRMAN. That applies to only the first section of the bill.

Mr. PENDLETON, of Ohio. The chairman of the committee of Ways and Means told us yesterday, that the duty imposed upon tea would bring into the Treasury $3,750,000. The Secretary of the Treasury, a gentleman for whom my constituents have great respect, in whose financial ability they have confidence, tells us that the Morrill tariff was in some respects a prohibitory tariff; that the duty upon iron is a prohibitory duty; and he tells us that if we reduce the duty upon iron, from a prohibitory to a revenue standard, it will yield to the Treasury $7,000,000; and I wanted the committee to choose, and I wanted the country to see how they choose, between the alternative of putting a duty upon tea, which would yield $3,750,000 of revenue, and a reduction of the duty upon iron which will produce $7,000,000. I, for one, do not intend, so long as this bill stands in that position, to vote for it. I will not vote for a duty upon tea and coffee, when we are told by high official authority, that the reduction of the duty upon iron and steel will yield double the amount which the chairman tells us we can get upon tea.

Mr. COX called for a division upon the amendment, but subsequently said, I will withdraw the call for a division if you will give us a vote upon it in the House.

Mr. STEVENS. It is all a humbug, and let the gentleman take his own way.

Mr. COX. It is a humbug, and it is a Pennsylvania humbug.

The amendment was not agreed to.

Mr. RIDDLE. I move to strike out the seventh section. I will explain the object of my motion. It is conceded in debate that these proposed duties advance, to a certain extent, the price of all the goods upon which they are laid. I would like to inquire what equity there is in putting that excess into the pockets of those who now hold their goods in bond in the warehouses, and of those who have already purchased them or have already shipped them to the country. I know it is said that they purchased them in the faith that the law would remain the same. However well that may sound, when it is practically applied there is no foundation in it. You may just as well say that any incipient transaction is commenced in the faith that the law will continue until the perfection of the transaction. The reply to the whole of that argument is, that these persons who hold their goods in bond, and those who are now importing, have no right to hold their goods under that provision of the law, and have no right to have these advances made. The law, in my judgment, should always take effect from the date of its passage, and there should be no exception. Therefore it is that I move that the seventh section be stricken out.

Mr. STEVENS. It is argued that this section ought to be stricken out, because those who have their goods in warehouses anticipated a rise. By all former laws merchants have been induced to enter their goods in warehouses at a given rate of duties. They imported the goods and entered them at the warehouses at the rate specified by the law. I should be glad if we could, in good faith, tax them with all other goods; but according to the view of the committee, they were so entered under a contract between the Government and the importers. The importers are allowed to use the warehouses for three years, and to take out their goods at any time within that period by paying the rate of duty at which they were entered. Now how can we, with any honesty, in making a new tariff, say that they cannot take out those goods upon the very terms upon which we allowed them to be placed in the warehouses? It appears to me that this would violate the pledge of the Government, and therefore I am opposed to the amendment.

The amendment was not agreed to.

Mr. WARD. I move to strike out from the seventh section the words, "at the date of the passage of this act;" and insert "the 1st day of September, 1861." I am induced to offer this amendment for the reason that this act provides that all goods in bonds at the public storehouses shall pay duties at the present rates, as well as those on shipboard. It is well known that, not anticipating this act, large orders have been sent out for goods, which, if not actually on shipboard, may be prepared for shipment. My object is that those who have sent these orders may have the brief period of a few weeks in order to have their goods arrive in this country. This seems to me but just to the merchants of New York, who have cordially, generously, and liberally contributed to sustain this Government in this crisis; and I do not believe it will be prejudicial to any considerable extent, to the revenues of this Government. I hope the amendment will be adopted.

The amendment was not agreed to.

Mr. SHELLABARGER. I offer the following as an additional section, to come in after section seven:

And be it further enacted, That there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On brandy, for first proof or less, $1 50 per gallon; on sprits manufactured or distilled from grain, for first proof or less, 60 cents per gallon; on spirits from other materials, for first proof or less, 60 cents per gallon; on cordials and liqueurs of all kind, 75 cents per gallon; on arrack, absynth, kirchenwasser, ratafia, and other similar spirituous beverages, not otherwise provided for, 75 cents per gallon; on bay rum, 50 cents per gallon: *Provided*, That the duty upon brandy, spirits, and all other spirituous beverages herein enumerated, shall be collected upon the basis of first proof, and so in proportion for any greater strength than the strength of first proof. On all white wines in casks, costing 25 cents or less per gallon, 10 cents per gallon; costing over 25 and not over 50 cents per gallon, 25 cents per gallon; costing over 50 cents and not over 80 cents per gallon, 50 cents per gallon; costing over 80 cents per gallon, 75 cents per gallon. On all white wines in bottles, costing 25 cents or less per gallon, 15 cents per gallon; costing over 25 and not over 50 cents per gallon, 30 cents per gallon; costing over 50 and not over 80 cents per gallon, 75 cents per gallon; costing over 80 cents per gallon, $1 per gallon. On all red wines in casks, costing 25 cents or less per gallon, 7 cents per gallon; costing over 25 and not over 50 cents per gallon, 15 cents per gallon; costing over 50 and not over 80 cents per gallon, 30 cents per gallon; costing over 80 cents per gallon, 75 cents per gallon. On all red wines in bottles, costing 25 cents or less per gallon, 10 cents per gallon; costing over 25 and not over 50 cents per gallon, 20 cents per gallon; costing over 50 and not over 80 cents per gallon, 45 cents per gallon; costing over 80 cents per gallon, $1 per gallon: *Provided*, That all imitations of brandy or spirits or any of said wines, and all wines imported by any names whatever, shall be subject to the duty provided for the genuine article which it is intended to represent: *Provided further*, That brandies, spirits, wines, and all other spirituous liquors shall be subject to duty only on the quantity imported, and without any allowance for leakage: *And provided further*, That brandies, cordials, wines, or other spirituous liquors, may be imported in bottles when the package shall contain not less than one dozen; and all bottles containing brandies, cordials, wines, or other spirituous liquors, shall pay a separate duty of thirty per centum *ad valorem*. On ale, porter, cider, beer, in bottles, 30 cents per gallon; otherwise than in bottles, 15 cents per gallon; on all spirituous liquors not enumerated, one hundred per centum *ad valorem*.

Mr. Chairman, the effect of the proposed amendment will be this, that upon all imported liquors it will increase the tariff about as one dollar is to a dollar and a half, or as forty cents is to sixty cents. Taking and comparing the first two items in the amendment, brandy of first proof, now taxed one dollar, would, under the proposed amendment, be taxed a dollar and a half; and the second class, now taxed at forty cents, under what is known as the "Morrill tariff," would be taxed sixty cents. So it is, wherever I have made the comparison, throughout the amendment, with perhaps some variations.

The amendment, of course, will be discovered to be that reported and recommended by the Secretary of the Treasury. I beg the attention of the committee for a single moment to the propriety of thus increasing the tariff upon these liquors, so that we may in that way, and upon that class of importations, increase the revenue of the country. I know it may be said, and probably will be said, if anything at all is said about this amendment, that it may operate as prohibition. I think not. It will be seen that almost the entire class of goods embraced in the amendment are of that character that they will not be affected by the proposed increase of duty. They are luxuries that are consumed mainly by those who would be able to supply themselves with them at almost any price; and I know of no place where it is more proper that we should make the increase than here. It is a large class of importations, too. Hence it will essentially affect the revenue of the country, and it will make this increase fall upon a class who are not only entirely able, but entirely willing, to pay this increased taxation. I know how important it is; and it is therefore with extreme reluctance that I offer my amendment; that we should get through with the measures that are brought before us, and that we should, as far as we can, adhere to the recommendations of the intelligent committee that has well considered this matter; but whilst that is true, Mr. Chairman, we have an authority perhaps equally respectable for this amendment, in the well-considered and elaborate report of the Secretary of the Treasury, who recommends this among other things. I shall be very much gratified indeed, if it shall be the judgment of the committee that this amendment ought to be adopted.

Mr. DIVEN. Mr. Chairman, I hope that this amendment will receive the favorable consideration of the committee.

The CHAIRMAN. The gentleman's remarks are not in order, unless he desires to speak in opposition to the amendment.

Mr. STEVENS. The Committee of Ways and Means, after full and mature deliberation, determined that it was not prudent to enter into a general revision of the tariff at this short session. They were aware of the difficulty of revising the duties on a great many articles, these among the rest—and they felt fully satisfied that any attempt to do it would defeat the whole bill, at least so far as this extraordinary session is concerned. They therefore determined to leave all these questions concerning articles on which taxes are now raised for deliberation at the next session of Congress, and these articles among the rest. We think that they are pretty well taxed now, if you consider that it is at the rate of first proof. But it was not so much that consideration, as the general principle which I have spoken of, which operated upon the minds of the committee. This question of levying taxes upon liquors is very much embarrassed by our treaties with foreign Governments. Although I have a private opinion upon that subject, that they ought not to be controlled by those treaties, yet the Senate last year thought differently, and the foreign ministers insist upon a different construction. That being the case, it is too large and perplexing a question for us to enter into it now when we need to raise a certain revenue as speedily as possible. The committee confined themselves mainly to those articles not before taxed, and I trust that the gentleman from Ohio will see the difficulty we may get into if we once break into this general arrangement, and undertake to revise the duties on articles from which we are already deriving revenue. If we do so, the probability is that this bill will fail to become a law, and we shall be entirely unable to borrow the money which we have authorized the Secretary of the Treasury to borrow.

The question was taken; and the amendment was agreed to—ayes sixty-eight, noes not counted.

Mr. BLAKE. I offer the following as an additional section to the bill:

SEC. —. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid, a tax of ten per cent. per year on the amount paid to each member of Congress, and all salaries paid to each and every person in the service of the United States; and it is hereby made the duty of the proper accounting officer of the Treasury to deduct the amount of said tax from the said salaries in all cases before paying the same.

Our object is to get revenue to carry on this war. We want something that will be sure and certain to bring a revenue. Now, sir, there is a large amount of salaries—I am not able to say how much—paid out of the Treasury of the United States, and it is a very proper subject, in my judgment, at this time, for taxation.

Mr. BURNETT. I rise to a question of order. I desire to inquire of the Chair whether he regards that amendment as germane to the bill?

The CHAIRMAN. The Chair does not regard it as germane, and rules it out of order.

The bill having now been read through by sections for amendment, the question recurred on the following substitute for the entire bill, offered yesterday by Mr. VALLANDIGHAM:

That from and after the 30th day of September, 1861, the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 1, 1861, except the first, second, third and fourth sections, be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That the act entitled "An act reducing the duties on imports, and for other purposes," approved March 3, 1857, be, and the same is hereby, revived and declared in full force and effect from and after the 30th day of September, 1851: *Provided, however*, That upon all articles included in schedule I, section three, of said act, commonly called the "free list," except upon coffee and tea, fire-arms and ordnance, and upon military stores imported in good faith for any of the States still loyal to the Union; wearing apparel in actual use, and other per-

sonal effects not merchandise, and goods, wares, and merchandise, the growth, product, or manufacture of the United States, exported to a foreign country and brought back to the United States in the same condition as when exported, upon which no drawback or bounty has been allowed, there shall be levied and collected a duty of ten per centum *ad valorem: Provided further, also*, That the duty on salt shall be reduced to the same rate, and no more.

Mr. MOORHEAD. Before the yeas and nays are taken on that amendment, I desire to say a few words in regard to it. This is a very extraordinary time, and we have to resort to extraordinary means to raise revenue.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. MOORHEAD. No, sir. Is not the amendment of the gentleman from Ohio [Mr. SHELLABARGER] before the committee?

The CHAIRMAN. The gentleman is under a misapprehension. That amendment has been adopted by the committee.

Mr. BURNETT. I offer the following as a substitute for the substitute of the gentleman from Ohio, [Mr. VALLANDIGHAM:]

That all acts and parts of acts levying duties on importations for revenue, passed since the act of 1846, be, and the same are hereby, repealed; and said act of 1846 is hereby reënacted, and declared to be in full force and effect.

The question was taken; and Mr. BURNETT's substitute was disagreed to.

The question recurred on Mr. VALLANDIGHAM's substitute.

Mr. MOORHEAD. I am opposed to that substitute, and in favor of the bill as reported by the Committee of Ways and Means; because it is an extraordinary time, and we have to resort to extraordinary measures to procure revenue to carry on the Government. We must have credit; and in order to give this Government credit to borrow the money that is necessary to raise the number of men required to put down this rebellion, we must resort to these means. I am opposed to some of the items in the original bill; but I think the present necessities of the case will justify us in taking the report of the committee just as it is.

Sir, in looking over the British tariff, I was struck by the remarkable fact that the very subjects of taxation to which our necessities have driven us are heavily taxed by the British Government. On looking over the revenue returns of the British Government for 1858—the last year that I have been able to find—I observe that the entire amount of revenue collected was £23,816,145. Of that amount, more than five sixths were levied upon four articles, and some of them the very articles that we are now proposing to tax. For instance, on sugar, one of the articles we propose to tax, they collected £5,787,129; on tea, another of the articles we now tax, £5,186,171; on tobacco, £5,454,216; and on spirits, £4,053,875; making a total of £20,481,391 on these four articles, out of the £23,000,000 that they collect.

Mr. BURNETT. How was it on iron?

Mr. MOORHEAD. They do not raise any revenue, I believe, on iron. We, I am happy to inform my friend from Kentucky, who represents an iron country—and if she had not so many slaves she would become a much greater iron country than she is—have a duty on iron which will raise a large revenue, and if my friend would protect the interests of his own State as I think I have feebly attempted to protect the interests of my State, and join me in this matter, we would have more labor for the laboring men of the country, and we would develop the resources of the country more fully than we have ever done. I have nothing further to say.

The question was taken on Mr. VALLANDIGHAM's substitute; and it was rejected.

Mr. DIVEN. Is it in order to offer an additional section to the bill?

The CHAIRMAN. It is in order.

Mr. DIVEN. I offer the following as an additional section:

The duty on bar, rolled, and boiler iron shall be made to conform to a common standard, which shall be the lowest rate now fixed on bar or rolled iron.

Mr. Chairman, I understood, as has been stated by the chairman of the Committee of Ways and Means, that it was the policy of that committee to confine the changes in the tariff to the free list, and not to disturb the tariff of 1861. Had the committee confined themselves to that rule of action, I should have done nothing to embarrass their recommendation; but it will be seen that they have materially varied the tariff of 1861. So far as relates to the imposition of duties on articles in the free list, I have been with the committee, and am with them now. I am willing to go home to my constituents after having voted, for the purpose of carrying on this war, a duty on tea, a duty on coffee, a duty on liquor, a duty on anything that is now free.

I know how tender footed men are with reference to things that come home to the pockets of their constituents. But I know my constituents, and I know that you could not collect in my district a tea party of old ladies who, if you put to them the question whether they would submit to have the price of their tea doubled for the purpose of carrying on this war, would not say "yes; treble it if necessary, and we will confirm it." I know that you could not gather around the punch bowl an assembly of jolly men, rich or poor, and put to them the question whether they would have the price of their liquor doubled for the sake of carrying on this war, who would not with one shout say "yes; double it or treble it." Hence, sir, I have no fears that I will not be sustained by my constituents in voting for an increase of duties on these things that are denominated the necessaries of life. But, sir, I desire at the same time, while we are framing a tariff for revenue, to have an eye to revenue alone. Some gentlemen here have been so long accustomed to prepare tariffs in reference solely to protection, that when they come to prepare a tariff for revenue, they have to tread mighty cautiously all the while, lest they infringe on the protective features of the existing tariff.

Now, in reference to the amendment which I have offered. By the existing tariff railroad iron, of some widths, pays a duty of $15 a ton, and railroad iron of other widths pays a duty of $20 per ton. I should like gentlemen to tell me why this discrimination? I know that the width which pays $20 duty is one that is in great demand. It is required for fastening the joints of the chairs in railroad cars. And I know that it is a great protection to the manufacturers of this kind of iron to have a high rate of duty fixed upon that extra width iron. But when we come to a question of revenue, let me say, that if you will only allow importations of iron of that width at the lower rate of duty, it will, if I mistake not, add to the revenues of the country a sum equal to that which we will obtain from the tax on coffee.

[Here the hammer fell.]

The question was taken on Mr. DIVEN's amendment; and it was rejected.

Mr. STEVENS. I move that the committee rise, and report the bill to the House.

The motion was agreed to.

So the committee rose; and Mr. CAMPBELL reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly House bill No. 54, to provide increased revenue from imports to pay interest on the public debt, and for other purposes, and had instructed him to report the bill to the House, with sundry amendments.

NAVAL APPROPRIATION BILL.

Mr. BLAIR, of Missouri. I rise to a privileged question. I desire to present a report from the committee of conference on the naval appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendments to the bill, except the eleventh and twelfth sections, and agree to the bill of the Senate, with the following amendments thereto, namely:

Page 1, strike out the preamble, and, in lieu thereof, insert, as follows: "Whereas certain of the forts, arsenals, custom-houses, navy-yards, and other property of the United States have been seized, and other violations of law have been committed and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the Government of the United States: Therefore."

Page 2, line nine of section one, after the word "property," strike out as follows: "The volunteers mustered into service under this act shall serve for the term of three years, unless sooner discharged by the President; but nothing in this section shall affect enlistments for a shorter period of volunteers already mustered into service," and in lieu thereof insert, "provided that the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months; and they shall be disbanded at the end of the war; and all provisions of law applicable to three-years volunteers shall apply to two-years volunteers, and to all volunteers who have been or may be accepted into the service of the United States for a period not less than six months, in the same manner as if such volunteers were specially named."

At the end of line twenty in said section one, insert as follows: "and to the exigencies of the service at the time."

Page 4, line eleven of section four, before the word "officers," strike out "subaltern."

Page 6, line seven of section five, after the word "clothing," insert, "when not furnished in kind."

Page 6, after line sixteen, strike out as follows: "each cavalry volunteer who shall not keep himself supplied with a serviceable horse shall serve on foot."

Page 7, line seven of section six, after the word "and," insert, "the widow, if there be one, and if not."

Page 7, line eight of section seven, after the word "the," where it occurs the second time, strike out "drum-majors or."

Page 8, line six of section eight, after the word "the," strike out "company," and in lieu thereof insert "regimental."

Page 9, line twenty-five of section ten, after the word "be," strike out "supplied," and in lieu thereof insert "filled."

Page 9, after the word "the," where it occurs the second time in said line twenty-five, strike out "officers above that rank," and in lieu thereof insert, "commissioned officers of the regiment."

Page 9, line twenty-seven, at the end thereof add as follows: "or by the President of the United States."

That the Senate recede from its disagreement to the eleventh and twelfth sections of the amendments of the House of Representatives, and agree thereto.

FRANCIS P. BLAIR,
A. B. OLIN,
HENDRICK B. WRIGHT,
Managers on part of the House.
HENRY WILSON,
JOHN C. TEN EYCK,
H. M. RICE,
Managers on part of the Senate.

Mr. BLAIR, of Missouri. I move the previous question on agreeing to the report of the committee of conference.

The previous question was seconded, and the main question ordered; and under its operation, the report of the committee of conference was agreed to.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THE TARIFF—AGAIN.

Mr. STEVENS. I move the bill which I send to the Clerk's desk, as a substitute for that which has just been reported to the House from the Committee of the Whole on the state of the Union. It is precisely the bill as originally reported from the Committee of Ways and Means, with the exception of the few verbal amendments added to it in Committee of the Whole. The amendment reducing the duty on coffee from 5 to 3 cents, and the amendment with reference to liquors, are left out. I want to try the naked question whether the Committee of Ways and Means can be sustained by the House, because it depends altogether on that whether we will deem it worth while to proceed any further in attempting to raise revenue. I move the previous question.

Mr. VALLANDIGHAM. It is hardly necessary to read that substitute. We all know what it is. The purpose is to get rid of the amendments adopted in committee to the original bill. I call for the yeas and nays upon the adoption of the substitute.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill making additional appropriations for the naval service for the fiscal year ending 30th June, 1862, and arrearages of appropriations for the fiscal year ending 30th June, 1861; when the Speaker signed the same.

TARIFF—AGAIN.

Mr. WRIGHT. With the permission of my colleague, the chairman of the Committee of Ways and Means, I desire to ask him, in offering his substitute, to reduce the duty on coffee from 5 cents to 3 cents per pound.

Mr. STEVENS. There is no use in making any changes. If the committee cannot be sustained in their action by the House, we may as well give the matter up.

Mr. ARNOLD. I ask the gentleman from Pennsylvania to withdraw the call for the previous question for a single moment.

Mr. STEVENS. I will, if the gentleman will renew it.

Mr. ARNOLD. I will.

Mr. COX. I rise to a question of order. The gentleman from Pennsylvania now, as I understand it, proposes to offer as a substitute, the original bill as it was reported to the House by the Committee of Ways and Means, free from all amendments. In other words, he wishes to get rid of the sense of the House, as expressed in Committee of the Whole, as to a portion of the bill, especially in reference to the amendments adopted reducing the duty upon coffee and tea. Now, sir, I claim that the House having had the substitute under consideration as an original bill, it is not in order in the shape in which the gentleman proposes it.

The SPEAKER. The Chair thinks the gentleman from Pennsylvania being entitled to the floor, has a right to offer the substitute, and therefore overrules the point of order of the gentleman from Ohio.

Mr. ARNOLD. I desire, in a single word, to state to the House the reason why I shall vote for the substitute. On yesterday I offered an amendment, in committee, reducing the duty on coffee from 5 to 3 cents. I did it in accordance with what seemed to me to be in accordance with what was just; but I am ready to yield my judgment to the superior judgment of the Committee of Ways and Means. They appeal to the House to sustain them in this bill, on the ground that the rates of duty proposed are necessary to constitute a war tax. For one, therefore, in the present emergency, I am willing to yield my own convictions as to what would be a sound policy, and especially what would be for the interests of my constituents, feeling a consciousness that whatever we shall determine, under all the circumstances, is best, in reference to our revenue policy. Although it may press hard upon some sections of the country, the loyal people of the district I represent will make any sacrifice for the purpose of carrying on the Government, and crushing out the treason that is now abroad in the land.

In regard to my own constituents, I have this to say: when I left the city of my residence, the wealthiest man in that city said to me, "take half my fortune if it is necessary to enforce the laws." That same sentiment pervades all classes in the section of country in which I live, from the rich down to the day laborer. They are willing to give money, life, everything, to sustain this Government, and enforce obedience to its laws. Therefore it is that I am willing to yield my own amendment, and vote for the substitute proposed by the chairman of the Committee of Ways and Means.

I now renew the call for the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. COX. I call for the yeas and nays upon the adoption of the substitute.

The SPEAKER. The question will first be taken upon the adoption of the substitute, unless some gentleman desires a separate vote upon the amendments adopted in committee.

Mr. VALLANDIGHAM. I want a separate vote upon one or two of those amendments.

The SPEAKER. The vote will then be taken upon the amendments adopted in the Committee of the Whole on the state of the Union, separately.

The amendments adopted in committee were then severally read and concurred in, except the one reducing the duty upon coffee; upon which

Mr. VALLANDIGHAM demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 63, nays 71; as follows:

YEAS—Messrs. Aldrich, Allen, Ancona, Ashley, Babbitt, Joseph Baily, Blake, George H. Browne, Buffinton, Burnett, Calvert, Cobb, Cooper, Corning, Cox, Cravens, Crittenden, Curtis, Dunlap, Edgerton, English, Fisher, Fouke, Goodwin, Grider, Harding, Harrison, Hickman, Holman, Johnson, Julian, Francis W. Kellogg, William Kellogg, Law, Lazear, Leary, Lehman, Mallory, Menzies, Morris, Noble, Norton, Nugen, Odell, George H. Pendleton, Porter, Robinson, Edward H. Rollins, James S. Rollins, Shellabarger, William G. Steele, Vallandigham, Vandever, Van Wyck, Wadsworth, Webster, Albert S. White, Chilton A. White, Wickliffe, Windom, Wood, Woodruff, and Wright—63.

NAYS—Messrs. Alley, Appleton, Arnold, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Campbell, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Delano, Diven, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Haight, Hale, Hanchett, Horton, Hutchins, Kelley, Killinger, Lansing, Loomis, McKean, McKnight, McPherson, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Pike, Pomeroy, Alexander H. Rice, John H. Rice, Riddle, Sedgwick, Sheffield, Sherman, Spaulding, Stevens, Stratton, Train, Trowbridge, Upton, Van Horn, Van Valkenburgh, Verree, Vibbard, Wallace, Charles W. Walton, E. P. Walton, Washburne, and Worcester—71.

So the amendment was not agreed to.

All the other amendments recommended by the Committee of the Whole on the state of the Union were concurred in.

The question then recurred on the substitute for the bill offered by the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. COX. I wish to make an inquiry of the Chair; and that is whether, if the substitute which is now offered, and which is substantially the original bill referred to the Committee of the Whole on the state of the Union, is voted down, the question will not then recur on the bill as amended in committee.

The SPEAKER. If the substitute be voted down, the question will recur upon the bill as amended by the House.

Mr. COX. I ask for the yeas and nays upon the adoption of the substitute.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 82, nays 48, as follows:

YEAS—Messrs. Alley, Appleton, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Campbell, Chamberlain, Clark, Cobb, Frederick A. Conkling, Roscoe Conkling, Corning, Covode, Cutler, Davis, Dawes, Delano, Diven, Duell, Edgerton, Eliot, Ely, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Gurley, Haight, Hale, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, Killinger, Lansing, Loomis, McKean, McKnight, McPherson, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Odell, Olin, Pike, Pomeroy, Potter, Alexander H. Rice, John H. Rice, Riddle, Sedgwick, Sheffield, Sherman, Spaulding, Stevens, Stratton, Train, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Verree, Vibbard, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Albert S. White, and Worcester—82.

NAYS—Messrs. Aldrich, Allen, Ancona, Joseph Baily, George H. Browne, Buffinton, Burnett, Calvert, Colfax, Cooper, Cox, Cravens, Dunlap, English, Fisher, Fouke, Grider, Harrison, Holman, Johnson, William Kellogg, Law, Lazear, Leary, Lehman, Mallory, Menzies, Morris, Noble, Norton, Nugen, George H. Pendleton, Porter, Robinson, Edward H. Rollins, James S. Rollins, Shellabarger, William G. Steele, Vallandigham, Van Wyck, Wadsworth, Webster, Whaley, Chilton A. White, Wickliffe, Windom, Wood, and Woodruff—48.

So the substitute was adopted.

During the vote,

Mr. BAILY, of Pennsylvania, announced that Mr. WRIGHT had left the Hall in consequence of sickness.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. JOHNSON called for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the bill to authorize the employment of volunteers to aid in enforcing the laws, and to protect public property.

INCREASE OF THE NAVY.

Mr. SEDGWICK. I ask the unanimous consent of the House to report back from the Committee on Naval Affairs an act (S. No. 32) to provide for a temporary increase of the Navy.

Mr. BURNETT. Does the bill make an appropriation?

Mr. SEDGWICK. It does.

Mr. BURNETT. You can report that to-morrow. I move that the House do now adjourn.

Mr. SEDGWICK. It will take but a moment to pass it. If necessary, I move to suspend the rules to go into the Committee of the Whole to take up this bill.

The SPEAKER. The bill is not in the Committee of the Whole.

PASSENGERS ON STEAM VESSELS.

Mr. McPHERSON. I ask the gentleman from Kentucky to withdraw his motion, that I may introduce a bill for reference.

Mr. BURNETT. I withdraw my motion for that purpose.

Mr. McPHERSON, by unanimous consent, introduced a bill supplementary to the act of August 13, 1852, to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes; which was read a first and second time, and referred to the Committee on Commerce.

INCREASE OF THE ARMY.

Mr. BLAIR, of Missouri. I ask the unanimous consent of the House to make a report from the Committee on Military Affairs.

No objection being made,

Mr. BLAIR said: I desire to report back from the Committee on Military Affairs, Senate bill No. 2, to increase the present military establishment of the United States, with an amendment. The Senate bill increases the standing Army by twenty-four thousand men, eleven new regiments. The committee have instructed me to report, as an amendment, a bill passed by the House the other day, converting these regiments from regulars into volunteers. I move to substitute for the Senate bill the bill of the House; and upon that I call the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the substitute was adopted.

Mr. BLAIR, of Missouri, moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INCREASE OF THE NAVY.

Mr. MORRILL, of Vermont, obtained the floor.

Mr. BURNETT. I rise to a privileged question. I move that the House do now adjourn.

Mr. MORRILL, of Vermont. I believe I have the floor. I wish simply to say that I presume, if the House understood the motion of the gentleman from New York, [Mr. SEDGWICK,] there is not a gentleman present that would object. The bill he desires to report is merely to authorize an increase of the Navy for the purpose of suppressing piracy.

Mr. BURNETT. I object; let it come up to-morrow.

Mr. JOHNSON. I ask the unanimous consent of the House to introduce a bill for reference.

Mr. BURNETT. I insist upon my motion to adjourn.

The motion was not agreed to.

EXTENSION OF BOUNTY LAND SYSTEM.

Mr. JOHNSON. I ask the unanimous consent of the House to introduce a joint resolution extending the benefits of the act of Congress entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," passed March 3, 1855, to the officers and soldiers engaged in quelling the present rebellion.

Mr. MORRILL, of Vermont. I move that the House do now adjourn.

The motion was agreed to.

The House accordingly (at four o'clock and forty minutes) adjourned.

IN SENATE.

FRIDAY, *July* 19, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The journal of yesterday was read and approved.

BILLS INTRODUCED.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. GRIMES, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. No. 37) to regulate the police force of the city of Washington; which was read twice by its title.

Mr. RICE, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 24) authorizing the Secretary of War to reimburse the New York seventy-first regiment of volunteers for expenses incurred in employing a regimental band, reported it with an amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a letter from the Commissioner of Indian Affairs, communicating papers in relation to the claim of Quindaro Nancy Guthrie, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

PRINTING OF OBITUARY ADDRESSES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution submitted by Mr. McDOUGALL on the 17th instant, to print five thousand copies of the proceedings of the Senate on the occasion of the announcement of the decease of Hon. Stephen A. Douglas, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That five thousand copies of the proceedings of the two Houses of Congress on the occasion of the announcement of the decease of Hon. Stephen A. Douglas, late a Senator of the United States, be printed and bound for the use of the Senate, in the same manner as the edition ordered by the House of Representatives.

EMPLOYMENT OF MESSENGERS.

Mr. DIXON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by Mr. HALE on the 12th instant, to repeal the resolution of the Senate of March 16, 1860, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Sergeant-at-Arms of the Senate be, and he hereby is, authorized to fill any vacancy in the office of messenger of the Senate, now existing or hereafter occurring by removal, resignation, or otherwise.

PAY OF SENATOR DOUGLAS.

Mr. CLARK. The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a joint resolution (S. No. 5) to pay to the widow of the late Stephen A. Douglas the amount due him as a Senator at the time of his death, have instructed me to report it back with an amendment. I ask its consideration at the present time.

The joint resolution was considered as in Committee of the Whole.

The amendment was, to strike out "$1,834," and insert "$750."

Mr. ANTHONY. What is the cause of the reduction? I hope it will be explained.

Mr. CLARK. I will state, that by the resolution of March 3, 1859, provision was made that upon the death of a Senator, his widow or heirs should have his proper compensation, without mileage, up to the time of his death, but not less than three months' pay. The resolution, as presented to the Senate and referred to the committee, provided for the payment of mileage, as well as salary. The committee have stricken out the mileage, to conform to the practice of the Senate heretofore.

The amendment was agreed to.

The joint resolution was reported to the Senate, and the amendment was concurred in. The joint resolution was read the third time, and passed.

GARRISON OF FORT SUMTER.

Mr. WILSON. The Committee on Military Affairs and the Militia have directed me to report back the bill (H. R. No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina, with a recommendation that it do pass. I ask for its consideration at this time.

There being no objection, the bill was considered as in Committee of the Whole. It provides for the payment of $1,150, to remunerate soldiers and members of the band stationed at Fort Sumter, in South Carolina, for losses of private property incurred in the removal from Fort Moultrie to Fort Sumter on the evening of the 26th of December, 1860. The sum is to be distributed as follows: to the band, $400; to company E, first artillery, $500; to company H, first artillery, $250; and to be divided according to the award of the commanding officers of the several commands.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SOLDIERS' LETTERS.

Mr. WILSON. The same committee, to whom was referred the bill (H. R. No. 56) in relation to forwarding soldiers' letters, have instructed me to report it back, with a recommendation that it do pass; and I ask for its consideration at this time.

There being no objection, the bill was considered by the Senate as in Committee of the Whole. It provides that all prepaid letters to soldiers in any regiment in the service of the United States, and directed to them at a point where they have been stationed, may be forwarded, whenever practicable, to any other point to which they may have been ordered, without further charge thereon.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PAY OF THREE-MONTHS VOLUNTEERS.

Mr. WILSON. The same committee, to whom was referred the bill (H. R. No. 57) for the relief of the Ohio and other volunteers, have directed me to report it back, with a recommendation that it do pass. I ask for its consideration at this time.

There being no objection, the bill (H. R. No. 57) for the relief of the Ohio and other volunteers was considered as in Committee of the Whole.

The bill is as follows:

Whereas the War Department has decided that the term of service of the ninety-days volunteers, called out under the act of 1795, commenced only on the day when they were actually sworn into the service of the United States; and whereas the troops now in the service of the United States from the State of Ohio were not sworn into said service until twelve days after their assembling at the place of rendezvous in said State appointed by the general order of said Department, and that for such period, under existing laws, no payment can be made: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper disbursing officer compute and pay to the said volunteers compensation from the day of their assembling at the place of rendezvous in the State of Ohio, as aforesaid, until the expiration of their term of service.

SEC. 2. *And be it further enacted*, That where the militia of other States are situated similarly with those of Ohio, the War Department pay them according to the provisions of the foregoing section.

Mr. LANE, of Kansas. I desire to state, that I had prepared an amendment to this bill, providing for including the "Frontier Guards" and "Clay Guards," who served in this city; but as it may embarrass the passage of the bill, I will not offer it.

Mr. HARRIS. I desire to inquire of the chairman of the Committee on Military Affairs whether the bill is confined to the volunteers from the State of Ohio, or whether it embraces other States? There are a large number of regiments from my State in the same situation.

Mr. WADE. It provides for all others similarly situated.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. WADE subsequently said: I desire to enter a motion to reconsider the bill (H. R. No. 57) for the relief of the Ohio and other volunteers, which passed this morning, and I ask that the motion to reconsider be acted on now. There is some mistake in the bill, and it will be necesary to add an amendment to it in order to effect its purpose.

It being ascertained that the bill was not in the possession of the Senate, the Secretary was directed to request the return of the bill from the House of Representatives, to which it had been transmitted. The bill was afterwards received from the House of Representatives, and the motion to reconsider was entered.

REINFORCEMENT OF FORT PICKENS.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate (if not incompatible with the public interest) the character of the *quasi* armistice to which he refers in his message of the 4th instant, by reason of which the commander of the frigate Sabine refused to transfer the United States troops into Fort Pickens, in obedience to his orders; by whom and when such armistice was entered into; and if any, what action has been taken, in view of the disobedience of the order of the President as aforesaid.

BONDS OF ARMY PAYMASTERS.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 7) in relation to the bonds of paymasters in the Army; which was read a first and second time by its title.

Mr. WILSON. I should like to have the joint resolution read in full for the information of the Senate, and, if possible, passed this morning.

The joint resolution was read at length. It provides that paymasters of the Army who have given bonds prior to their confirmation as such by the Senate, shall not be required to give new bonds, unless so directed by the President of the United States; and that the existing bonds of such paymasters shall be deemed valid and binding.

Mr. WILSON. I should like to have the resolution considered at this time, and I will state briefly the reasons why legislation is invoked. The resolution has been introduced at the earnest request of the Paymaster General. He says that he has about seventy thousand men to muster out of the service within the next ten or twelve days—the ninety-days men. Not by law, but by a court decision, when paymasters give bond, and they are afterwards confirmed, it is necessary to renew the bonds. The Paymaster General desires, if the thing can be done—and I am not a lawyer, and notable to say whether it can or not; I leave that matter to others—that we shall promptly legalize the bonds of the paymasters now in the service. If it be not done, it will throw everything into the greatest possible confusion; the times of regiments will expire, and he will not be able to pay them, and there will be a clamor of discontent and fault-finding throughout the country. It is important, if it can be done, that the bonds given—and given in good faith as they have been—by the paymasters that have recently been appointed, shall stand. I think it is safe enough to do it on the part of the Government. There is no law to the contrary; there is only a decision of the courts that new bonds shall be required when a paymaster who has been performing duty, and who has given bonds, shall be confirmed by the Senate. I therefore, at the request of the Paymaster General, have introduced this resolution, for he is very anxious that action be had upon it at once.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the joint resolution now.

Mr. FESSENDEN. I have no objection to its being considered at this time; but I wish that the attention of the lawyers—we are nearly all lawyers in the Senate—may be called to it. It is my decided impression that if we pass it, it will not better the case at all in any particular. We cannot declare a contract that we have entered into with another man valid, if it is invalid now, without his consent. The idea of one party (because the Government is one party to these bonds) saying that they shall be valid, is rather an absurd one in law. My friend is no lawyer—does not pretend to be; he says that there is no statute against it, only a decision of the court. The decision of the court is on an existing state of facts. We cannot by law change that state of facts at all, and make valid what would otherwise be invalid. Therefore, if the resolution passes, it will be good for nothing, and will only in fact authorize the Paymaster General to put the money into the hands of these men, and excuse him from any sort of liability for it. That is my opinion. I should like to hear the opinion of other lawyers on the subject. That would be my most decided opinion.

Mr. WILSON. The resolution comes from no committee; I have introduced it at the personal solicitation of the Paymaster General, who came to see me last evening; and I rise now for the purpose of moving that it be referred to the Committee on the Judiciary, and I hope that committee will at once attend to the matter, for if this can be remedied by legislation, it is important that it should be done immediately.

The motion was agreed to.

MILITARY HOSPITALS.

Mr. RICE. I have a resolution which I ask to have considered now, and I will state the reason of it. I had great difficulty in ascertaining whether there were any sick from the Minnesota regiment within the city, and after I learned that there were, I had the greatest difficulty in finding them. I think this resolution will be of service to the soldiers who are sick, and to their friends:

Resolved, That the Secretary of War be requested to

cause to be published weekly in each of the newspapers of the city of Washington, the name and location of each public hospital in the District of Columbia, and the number of sick or wounded of the various regiments in the several hospitals.

The resolution was considered, by unanimous consent, and agreed to.

NOTICE OF A BILL.

Mr. LANE, of Kansas. I desire to give notice of my intention to ask leave to introduce a bill for recognizing the services and paying the members of the Frontier or Clay Guards of this city.

APPROPRIATION BILLS.

Mr. FESSENDEN. I am directed, by the Committee on Finance, to report back House bill No. 25, and House bill No. 26, with sundry amendments. They are appropriation bills. The amendments are of no great extent. I think it will be unnecessary to print them; they can be understood by reading; and I should like to have them taken up and passed.

The PRESIDENT *pro tempore*. There being no objection, the bill (H. R. No. 25) is now before the Senate as in Committee of the Whole. The Chair is informed that the bill has not been read at length.

Mr. FESSENDEN. The bill has been very thoroughly considered by the committee; and, unless some gentleman requires that it shall be read at length, it need not be.

Mr. BRECKINRIDGE. What is the title of the bill?

The PRESIDENT *pro tempore*. An act making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861.

Mr. FESSENDEN. The Senator from New York [Mr. KING] desires that it shall be read. I shall make no objection.

The PRESIDENT *pro tempore*. The bill will be read at large.

The Secretary read the bill.

The Committee on Finance reported the bill, with several amendments. The first amendment of the committee was to strike out, from lines eight to thirty-two, inclusive, of section one, in the following words:

"*Contingent expenses of the House of Representatives.*—For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, $1,796 40.

"For laborers, $1,917.

"For folding documents, $10,000.

"For stationery, $4,600.

"For pages and temporary mail boys, $4,840.

"For reporting proceedings of the first (extra) session of the Thirty-Seventh Congress, $8,000.

"For twenty-four copies of the Congressional Globe and Appendix for each member and delegate of the first session of the Thirty-Seventh Congress, $17,424.

"For binding twenty-four copies of the Congressional Globe and Appendix for each member and Delegate of the first session of the Thirty-Seventh Congress, $6,969 60.

"For furniture and repairs, and boxes for members, $10,000.

"For newspapers, $9,200."

The amendment was agreed to.

The next amendment of the committee was, in section one, line thirty-seven, after the word "service," to insert the words "and additional compensation for extra labor of clerks in his office;" so that the clause will read:

Office of the Secretary of the Treasury:

For contingent expenses, including compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, and additional compensation for extra labor of clerks in his office, $25,090.

The amendment was agreed to.

The next amendment of the committee was, in section one, under the head of "Interior Department," to strike out lines forty-seven, forty-eight, forty-nine, and fifty, in the following words:

"For salaries of five clerks of class three, eleven clerks of class two, and four clerks of class one, per acts of April 22 and May 31, 1854, $28,200."

The amendment was agreed to.

The next amendment of the committee was, in section one, to strike out lines fifty-five and fifty-six, in the following words:

"For compensation of the surveyor general of Illinois and Missouri, $2,000."

Mr. POLK. I should like to ask the chairman of the committee if that amendment is based on the calculation that that office is to be closed? I know there was an effort made to close it some time ago.

Mr. FESSENDEN. Mr. President, this subject was considered at the last session, and it was decided by Congress that it was unnecessary to make any further appropriations for the continuance of that office, and there was no appropriation made for that purpose. At this session, however, an item is again sent in for the continuance of the office. It was passed in the House, but the committee of the Senate propose to strike it out, adhering to the original determination to have that office closed; and there is no way in the world in which we can do it, unless we take some decided step about it.

Mr. POLK. I do not know that I shall make any strenuous opposition to it. I believe the business of that office, so far as actual survey in the field is concerned, is about ended, if not entirely so. It is true there is very little duty to be done by the surveyor general there, but yet I believe the office ought not to be closed and left without anybody to take care of its papers, or to furnish copies of them. I think, owing to the immense litigation that is going on, growing out of the French and Spanish concessions, and the confirmations of those concessions by consecutive acts of Congress, commencing as far back as immediately after the acquisition of the territory, and coming down until a late date—indeed, we have passed a confirming act within the last four years since I have been a member of the Senate—and also the litigation growing out of locations, that there ought to be some provision by which the office may be kept open, so as to furnish all the papers necessary for that litigation. Still I suppose the committee have duly considered the subject, and I shall make no strenuous opposition to the amendment.

The amendment was agreed to.

The next amendment of the committee was, in section one, at the end of line sixty-eight, in the appropriations for contingent expenses of the War Department, to insert the following:

For the purpose of increasing temporarily the clerical force and messengers of the War Department and its bureaus, as follows, to wit: in the office of the Secretary of War, one clerk of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers at an annual salary of $850 each; in the office of the Quartermaster General, five clerks of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers at an annual salary of $850 each; in the office of the Commissary General, three clerks of the first class and two of the second; in the office of the Surgeon General, one clerk of the third class; in the office of the Paymaster General, three clerks of the second class and three of the third; in the bureau of Topographical Engineers, two clerks of the third class; in the Ordnance bureau, two clerks of the first class, $48,760. And the Adjutant General is authorized to employ in his office any numbers not exceeding ten, of non-commissioned officers, to be selected by him from the Army, in addition to his present clerical force.

The amendment was agreed to.

The next amendment of the committee was, at the end of line ninety-eight, in the appropriations for the Independent Treasury, to insert the words "being for additional clerks and compensation to clerks in said office;" so that the clause will read:

For increased establishment of office of Assistant Treasurer of the United States at New York, $7,200, being for additional clerks and compensation to clerks in said office.

The amendment was agreed to.

The next amendment of the committee was to strike out lines one hundred and thirty-five, one hundred and thirty-six, and one hundred and thirty-seven, of section one, in the following words:

"For rent of surveyor general's office in New Mexico, fuel, books, stationery, and other incidental expenses, $1,000."

The amendment was agreed to.

The next amendment of the committee was to strike out lines one hundred and thirty-eight, one hundred and thirty-nine, and one hundred and forty, of section one, in the following words:

"For salaries and commissions of registers of land offices and receivers of public moneys, $2,250."

The amendment was agreed to.

The next amendment of the committee was to strike out lines one hundred and forty-one and one hundred and forty-two, of section one, in the following words:

"For incidental expenses of the several land offices $2,000."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments reported by the committee have now been gone through with. The bill is still open to amendment.

Mr. GRIMES. I am instructed by the Committee on Naval Affairs to offer an amendment, to insert, at the end of the first section, the following:

For the pay of eight additional first-class clerks in the Navy Department, $9,600.

For the salary of the Assistant Secretary of the Navy, $4,200.

The amendment was agreed to.

Mr. PEARCE. I am directed by the Committee on the Library to offer an amendment, to insert, at the end of the first section, the following:

For the yearly compensation of two laborers employed in the Library of Congress, which is hereby fixed at $500 each, beginning July 1, 1861, $1,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, it is incumbent upon the Chair to call up the special order assigned for that hour; which is the Senate joint resolution No. 1, to approve and confirm certain acts of the President of the United States for the suppression of insurrection and rebellion; on which the Senator from Delaware [Mr. BAYARD] is entitled to the floor.

Mr. FESSENDEN. We are about to finish this bill; and, with the consent of the Senator from Delaware, I will move that that joint resolution be postponed for a short time, until we can get through with the bill now before us.

The PRESIDENT *pro tempore*. By common consent, the special order will be passed over informally, for the further consideration of the bill pending at the time the special order was called up. The Chair hears no objection; and the bill is still before the Senate.

Mr. BRECKINRIDGE. I will ask the chairman of the Committee on Finance to explain the two appropriations for the support and maintenance of the penitentiary in the District of Columbia—one for the year ending the 30th of June, 1861, and the other for the year ending the 30th of June, 1862. I desire to know whether the last appropriation bill did not cover that? What is the necessity for another appropriation now?

Mr. FESSENDEN. The Senator will observe that that amendment is founded on the report of the president of the board of inspectors, on page 46 of the estimates. Here it is:

"It becomes my duty to report a deficiency of $7,981 80, in the appropriation made for the support and maintenance of the penitentiary of the District of Columbia, for the fiscal year ending the 30th instant, and to request that the requisite means may be taken to supply the same at an early day.

"This deficiency has doubtless been occasioned by the unusually large number of convicts who could not be profitably employed; and as the same cause will, to some extent at least, produce a like result during the next fiscal year, I deem it proper also to ask that Congress be requested to add $5,000 to the appropriation already made for the service of that year.

"As regards the deficiency now existing, justice requires me to say that only a small portion of it, namely, $1,358 06, is chargeable to the present officers, the remainder having been created under the management of those who preceded us."

That is the report of Mr. Gideon, the president of the board of inspectors, to the Secretary of the Interior.

The bill was reported to the Senate as amended.

Mr. FESSENDEN. I have an amendment, which I am not authorized by the committee to offer, because it has not been submitted to them. My attention was called this morning, by a communication, to the fact that, in the appropriation of last year of a certain amount for the expenses of the office of the Auditor of the Treasury for the Post Office Department, there was an enumeration of four items, and the result is that the appropriation can only be used for those items, and an amendment is desired, not by way of increasing the amount, but simply to allow the officers to appropriate, as usual, to all the items of expense ordinarily occurring in the office. The amendment may be read. I presume it is correct.

The PRESIDENT *pro tempore*. The amendment will be in order after the vote is taken on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The bill is still open to amendment. The Senator from Maine

offers the following amendment, to insert as an additional section:

And be it further enacted, That the sum of $1,150, appropriated for the contingent expenses of the office of the Auditor of the Treasury for the Post Office Department, in the "Act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th day of June, 1862," approved February 20, 1861, shall be applied, so far as may be necessary, to pay for stationery, horse for the use of the office, lights, washing-towels, ice, and miscellaneous items, in addition to the items mentioned in said appropriation.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

CIVIL APPROPRIATION BILL.

Mr. FESSENDEN. Mr. President, there is another bill on your table which I reported this morning, and which, if the Senate please, the Senator from Delaware being willing to give way, I should like to have considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861.

The Committee on Finance reported the bill with several amendments. The first amendment of the committee was to strike out lines nine, ten, and eleven, of section one, in the following words:

"For lighting the Capitol and President's House, the public grounds around them, and around the executive offices, $8,000."

The amendment was agreed to.

The next amendment of the committee was, in section two, line three, to strike out "forty," and insert "twenty," so that it will read:

For contingent expenses of foreign intercourse, $20,000.

The amendment was agreed to.

The next amendment of the committee was to strike out lines seven, eight, and nine, of section two, in the following words:

"For expenses of the pamphlet edition of the laws of the first session of the Thirty-Seventh Congress, $4,125."

And to insert in lieu thereof:

For publication in pamphlet form, and in the newspapers of the States and Territories, the laws of the first session of the Thirty-Seventh Congress, $9,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment of the committee was to insert at the end of the bill, as an additional section, the following:

And be it further enacted, That the proper accounting officers of the Treasury are hereby directed to allow to Asbury Dickens, late Secretary of the Senate, in the settlement of his accounts, credit for a payment to Mrs. E. A. Richardson of $400, under a resolution of the Senate of the 2d of March, 1861.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HAY, his Secretary, announced that the President had approved and signed, on the 18th instant, an act (S. No. 9) to alter and regulate the Navy ration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, in which the concurrence of the Senate was requested.

HOUSE BILL REFERRED.

The bill (No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

APPROVAL OF PRESIDENTIAL ACTS.

The Senate resumed the consideration of the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, the question being on its passage.

Mr. BAYARD addressed the Senate for two hours upon the questions involved in the resolution. [His speech will be found in the Appendix.]

Mr. LATHAM. Mr. President——

Mr. WADE. I hope the Senator will give way to allow me to ask the unanimous consent of the Senate to take up House bill No. 57.

Mr. LATHAM. I will give way in a moment

Mr. WADE. This bill will not take a moment.

Mr. LATHAM. I will not take a moment either. I will state to the Senate that I wish to address the body on this joint resolution; and if no other Senator desires to go on this evening, I will move to postpone its further consideration until Monday next at one o'clock. In making the motion I wish to state that I do not design that anything I shall say shall come in the way of the public business of the country; but it is quite apparent that we are far in advance of the House of Representatives, and that we have worked with great diligence, certainly, on all the business which we have had before us. I will, therefore, with the consent of the Senate, move to postpone the further consideration of the joint resolution until Monday next, at one o'clock.

Mr. FESSENDEN. I ask the Senator whether it would not be equally agreeable to him to speak to-morrow?

Mr. LATHAM. Certainly. If the Senate should be in session to-morrow, I would prefer to speak then; but I have understood that the Senate, by general agreement, was to adjourn over.

Mr. FESSENDEN. I was not a party to any such agreement. My own opinion is that we had better conclude the session as soon as possible.

Mr. LATHAM. Then I will change my motion, so as to postpone it till to-morrow, at one o'clock.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The question is on the motion to postpone the further consideration of the joint resolution now before the Senate to, and make it the special order of the day for, to-morrow, at one o'clock.

The motion was agreed to.

PAY OF THREE-MONTHS VOLUNTEERS.

Mr. WADE. I now move to take up the bill (H. R. No. 57) for the relief of the Ohio and other volunteers.

The motion was agreed to.

Mr. WADE. I now offer an amendment, which I send to the Chair.

The PRESIDING OFFICER. It will be necessary first to reconsider the vote passing the bill.

The motion was made, and agreed to.

The PRESIDING OFFICER. The question now is on reconsidering the vote ordering the bill to be read a third time.

The motion was agreed to.

Mr. WADE. I now offer my amendment to strike out of the preamble the words "twelve days after their assembling at the place of rendezvous in said State appointed by the general order of said Department," and insert in lieu thereof, "some days after their organization and acceptance as companies by the Governor of said State;" and, in section one of the bill, to strike out the words "assembling at the place of rendezvous in," and insert in lieu thereof the words "organization and acceptance as companies by the Governor of;" so that the bill will read:

Whereas the War Department has decided that the term of service of the ninety-days volunteers, called out under the act of 1795, commenced only on the day when they were actually sworn into the service of the United States; and whereas the troops now in the service of the United States from the State of Ohio were not sworn into said service until some days after their organization and acceptance as companies by the Governor of said State, and that for such period, under existing laws, no payment can be made: Therefore,

Be it enacted, &c., That the proper disbursing officer compute and pay to the said volunteers compensation from the day of their organization and acceptance as companies by the Governor of the State of Ohio, as aforesaid, until the expiration of their term of service.

SEC. 2. *And be it further enacted*, That where the militia of other States are situated similarly with those of Ohio, the War Department pay them according to the provisions of the foregoing section.

The PRESIDING OFFICER. If there be no objection, these propositions will be considered as one amendment. The Chair hears none, and the question is on the amendment offered by the Senator from Ohio.

Mr. WADE. I will state very briefly the object of this amendment. It comprises really two propositions. As it passed the House, the preamble of the bill, and, I believe, the body of the bill, undertook to specify the exact time between the mustering of the volunteers and their taking the oath. It was found on inspection that that was wrong, and we have not now the means of exactly determining that. We therefore desire to leave it at large on that point. In the second place, the State of Ohio has paid her troops, and the Government, I suppose, is willing to repay her. They were mustered into the service in camps in different places; but they were organized and accepted by the Governor of the State for some considerable time before they were marched into the encampments, and drilled there. This is intended to cover the expense for that period, which, I suppose, should be paid for as well as the other. The amendment is all right, and I hope it will be adopted.

The amendment was agreed to, and ordered to be engrossed; and the bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills of the Senate:

A bill (No. 21) for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes; and

A bill (No. 32) to provide for the temporary increase of the Navy.

The message further announced that the House had passed the bill (S. No. 2) to increase the present military establishment of the United States, with an amendment, in which the concurrence of the Senate is requested.

The message further announced that the House had passed a joint resolution (No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey, in which the concurrence of the Senate was requested.

HOUSE RESOLUTION REFERRED.

The joint resolution (No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey, was read twice by its title, and referred to the Committee on Naval Affairs.

FISHERIES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

As the United States have, in common with Great Britain and France, a deep interest in the preservation and development of the fisheries adjacent to the northeastern coast and islands of this continent, it seems proper that we should concert with the Governments of those countries such measures as may be conducive to those important objects. With this view, I transmit to Congress a copy of a correspondence between the Secretary of State and the British minister here, in which the latter proposes, on behalf of his Government, the appointment of a joint commission to inquire into the matter, in order that such ulterior measures may be adopted as may be advisable for the objects proposed. Such legislation is recommended as may be necessary to enable the Executive to provide for a commissioner on behalf of the United States.

ABRAHAM LINCOLN.

WASHINGTON, *July* 19, 1861.

On motion of Mr. SUMNER, the message was referred to the Committee on Foreign Relations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. FESSENDEN. If there is no other business before us, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 19, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. TUESDAY, JULY 23, 1861. NEW SERIES...No. 14.

one of their clerks, announced that the President had approved and signed an act to provide for the appointment of assistant paymasters in the Navy.

Also, that the Senate had passed the following bills, in which he was directed to ask the concurrence of the House:

An act to provide for the better organization of the military establishment;

An act for the better organization of the Marine Corps; and

An act authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes.

The SPEAKER announced that the first business in order was the call of committees for reports of bills of a private character.

COMPLIMENT TO THE MASSACHUSETTS SIXTH.

Mr. TRAIN asked the unanimous consent of the House to introduce the following resolution:

Resolved, That the thanks of this House are due, and are hereby tendered, to the Massachusetts sixth regiment of volunteer militia, for the alacrity with which they responded to the call of the President, and the patriotism and bravery which they displayed on the 19th day of April last, in fighting their way through the city of Baltimore on their march for the defense of the Federal capital.

The SPEAKER. Is there any objection?

Mr. VALLANDIGHAM. None at all, if the gentleman will include the first and second Ohio volunteers, who responded with a little more alacrity, even.

The SPEAKER. Does the gentleman object?

Mr. VALLANDIGHAM. I do not; but I move to amend by adding another resolution extending the thanks of the House to the first and second Ohio volunteers. I want the thing made complete, leaving nothing behind. They slept the first night on the steps of the State House, in Columbus.

Mr. TRAIN. Believing that the design of the gentleman is to defeat the object I had in offering the resolution, I withdraw it.

Mr. VALLANDIGHAM. I object to the withdrawal of the resolution. The gentleman is entirely mistaken in his supposition as to my object.

The SPEAKER. The gentleman has a right to withdraw the resolution.

PRINTING OF A BILL.

Mr. ALLEN. I ask the unanimous consent of the House to offer the following from the Committee on Military Affairs:

Resolved, That twenty thousand extra copies of the Senate bill No. 1, entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting private property," as the same was agreed upon by the committee of conference, and passed by the Senate and House of Representatives, be printed for the use of the members of the House.

The SPEAKER. Under the rules, the resolution will go to the Committee on Printing.

Mr. ALLEN. I ask the unanimous consent of the House for leave to put the resolution on its passage.

The SPEAKER. It must go to the committee, under a law of Congress, and it cannot be considered now, even by unanimous consent.

EXCUSED FROM A COMMITTEE.

Mr. KELLOGG, of Illinois. I rise to a question of privilege. I ask the House to excuse me from serving on the Committee on Territories. I have already been appointed on one standing committee, and also upon a special committee of some importance. I trust that the House will excuse me from serving on the Committee on Territories.

There was no objection, and it was so ordered.

ADJOURNMENT OVER.

Mr. KELLOGG, of Illinois. I rise to a privileged question. I move that when the House adjourns to-day, it adjourn to meet on Monday next.

Mr. WASHBURNE. If there be any business to do, I am for remaining here and attending to it; but if there be none, then I think we had better adjourn over. I would like to put a question to the chairman of the Committee of Ways and Means, if there be no objection.

Mr. COX. There is no use of our adjourning over, except to let members go into Virginia and get in the way of our soldiers. [Laughter.]

The House divided; and there were—ayes 56, noes 40.

Mr. VAN WYCK demanded the yeas and nays.

Mr. McPHERSON demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. VAN WYCK and LEHMAN were appointed.

The yeas and nays were ordered, the tellers having reported ayes thirty-six—more than one fifth of a quorum.

The question was taken; and it was decided in the negative—yeas 43, nays 85; as follows:

YEAS—Messrs. Aldrich, Arnold, Goldsmith F. Bailey, Baxter, Beaman, Francis P. Blair, Samuel S. Blair, Blake, Burnett, Colfax, Curtis, Edgerton, Fenton, Franchot, Grider, Gurley, Haight, Hickman, Holman, Horton, Hutchins, William Kellogg, Lehman, McKean, Menzies, Justin S. Morrill, Morris, Olin, Porter, Reid, Edward H. Rollins, Sherman, Spaulding, Stevens, Vallandigham, Verree, Wall, Wallace, Washburne, Wheeler, Albert S. White, Windom, and Wood—43.

NAYS—Messrs. Allen, Alley, Ancona, Appleton, Joseph Baily, Baker, Bingham, William G. Brown, Buffinton, Calvert, Chamberlain, Clark, Cobb, Frederick A. Conkling, Roscoe Conkling, Conway, Cooper, Corning, Cox, Crisfield, Crittenden, Cutler, Dawes, Delano, Delaplaine, Diven, Duell, Dunlap, Eliot, Ely, English, Fessenden, Fisher, Frank, Gooch, Goodwin, Granger, Hale, Harding, Harrison, Jackson, Johnson, Kelley, Killinger, Lansing, Lazear, Loomis, McPherson, Mallory, Anson P. Morrill, Nixon, Noble, Norton, Nugen, Odell, George H. Pendleton, Perry, Pomeroy, Riddle, James S. Rollins, Sedgwick, Sheffield, Shellabarger, Sloan, Smith, John B. Steele, William G. Steele, Stratton, Francis Thomas, Train, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Vibbard, Wadsworth, Charles W. Walton, E. P. Walton, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Woodruff, Worcester, and Wright—85.

So the House refused to adjourn over until Monday.

During the call of the roll,

Mr. McPHERSON stated that his colleague, Mr. MCKNIGHT, was detained at his room by illness.

Mr. HALE stated that his colleague, Mr. PATTON, was confined to his room by illness.

Mr. MOORHEAD (not being within the bar when his name was called) asked leave to vote.

Mr. BLAIR, of Missouri, objected.

The vote was announced as above recorded.

CIVIL WAR.

Mr. CRITTENDEN. I ask the unanimous consent of the House for leave to present the resolution which I send to the Clerk's desk, and to have the privilege of making a few remarks on them before they are pressed to a vote. I desire that they may be considered to-morrow.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

Mr. STEVENS objected.

INDEMNITY.

The SPEAKER. The regular order of business is the call of committees for reports of private bills.

Mr. UPTON. I ask the unanimous consent of the House to introduce a joint resolution to indemnify loyal citizens of Fairfax, Virginia, for the destruction of property.

Mr. VALLANDIGHAM. Read the bill.

The bill was read *in extenso*. It provides that the Secretary of War shall appoint a commissioner whose duty it shall be to proceed in person to Fairfax Court-House and Germantown, in Fairfax county, to investigate the facts of the burning of any dwelling, barn, or outhouse by the troops of the United States, the property of a loyal citizen or citizens, and said commissioner shall be empowered to take testimony, under oath, and report the facts with his valuation; and also, that the sum of $10,000, or so much thereof as may be necessary, is appropriated out of any money in the Treasury, as indemnification for such injury.

Mr. BURNETT. I object. That bill would have to go to the Committee of the Whole on the state of the Union, even if it were now introduced.

CIVIL WAR—AGAIN.

Mr. WRIGHT. Is it in order to move the suspension of the rules for the purpose of getting before the House the resolutions presented by the gentleman from Kentucky, [Mr. CRITTENDEN?]

The SPEAKER. It is not in order to suspend the rules on any other day than Monday.

Mr. WICKLIFFE. I appeal to my colleague to withdraw his objection to the introduction of the resolution of our venerable colleague, [Mr. CRITTENDEN.]

Mr. BURNETT. My venerable colleague will wait until his junior colleague objects.

Mr. WICKLIFFE. I thought the objection came from my colleague.

Mr. BURNETT. No, sir; it came from the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. ASHLEY moved that the House adjourn.

The question was taken; and the motion was disagreed to.

JOHN C. M'CONNELL.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported a bill for the relief of John C. McConnell.

The bill was read a first and second time by its title.

Mr. BLAIR, of Missouri. I ask that the bill be put on its passage.

Mr. HOLMAN. I object.

The SPEAKER. The bill is excluded under the Holman resolution, which is now an order of the House. It must, under that rule, be referred, if objection be made.

The bill was then referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

BOOKS.

The SPEAKER laid before the House a communication from the superintendent of the House folding-room, in reply to a resolution of the House asking for a statement of the number of books, &c., on hand belonging to the members from States now unrepresented; which was laid upon the table, and ordered to be printed.

TEMPORARY INCREASE OF THE NAVY.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported back Senate bill No. 32, to provide for the temporary increase of the Navy, with the recommendation that it do pass.

The bill was read.

Mr. SEDGWICK demanded the previous question on its third reading.

The previous question was seconded, and the main question ordered; and under the operation thereof, the bill was ordered to be read a third time; and it was accordingly read the third time.

Mr. SEDGWICK moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof, the bill was passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed bill of the House (No. 59) for the relief of the Ohio and other volunteers.

STEVENS'S FLOATING BATTERY.

Mr. SEDGWICK, from the Committee on Military Affairs, reported a joint resolution authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey; which was read a first and second time by its title.

The joint resolution, which was then read through, authorizes the Secretary of the Navy to appoint a board of examiners to examine the iron steam battery now building at Hoboken, New Jersey, and ascertain what will be the cost of completing the same, how soon it can be completed, and the expediency thereof, and report thereon to Congress at its next session.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

NAVAL ACADEMY.

Mr. SEDGWICK, from the same committee, also reported a joint resolution appointing a commission to select a site for the Naval Academy, and for other purposes; which was read a first and second time by its title.

Mr. VALLANDIGHAM. I object to that. I raise the question of order that this is private bill day, and it requires a suspension of the rules to proceed with public business.

The SPEAKER. The committees have been called through for private business, and now the regular order of business is the call of committees for business of a general character. This joint resolution is reported under that call. The Chair overrules the point of order.

Mr. VALLANDIGHAM. I understand that the resolution contemplates the removal of the Naval Academy from Annapolis to some other point.

Mr. SEDGWICK. It does not necessarily do that.

Mr. VALLANDIGHAM. I desire to understand whether it is the purpose of the gentleman from New York to put the joint resolution upon its passage?

Mr. SEDGWICK. I propose to put it upon its passage; and I demand the previous question.

The joint resolution was read. It provides that the Secretary of the Navy, or some officer in his Department selected by him, the superintendent of the Naval Academy, the chairmen of the Committees on Naval Affairs of the Senate and House of Representatives, and three persons to be selected by the President of the United States, be authorized to examine and report a proper and suitable site for the location of the Naval Academy, and also a plan for the reorganization of said Academy, and report the same for the approval of Congress.

Mr. VALLANDIGHAM. I make the point of order that the joint resolution is excluded by the resolution of the gentleman from Indiana, [Mr. HOLMAN,] which is an order of the House. We have already expended $700,000 on the property at Annapolis; and I desire to debate the question when it comes up.

The SPEAKER. The Chair thinks that, under the standing order of the House offered by the gentleman from Indiana, whatever pertains to the naval or army operations is in order; and the Naval Academy is a part of the naval service.

Mr. VALLANDIGHAM. This resolution contemplates the removal of the Naval Academy from one point to another, which, I submit, has nothing to do with the prosecution of the war. I call for the reading of the latter part of the standing order.

The Clerk read, as follows:

"That the House, during the present extraordinary session, will only consider bills and resolutions concerning the military and naval operations of the Government, and the financial affairs therewith connected, and general questions of a judical character."

Mr. VALLANDIGHAM. The point I make is, that the resolution is not connected with the naval or military operations of the Government in connection with this war.

Mr. SEDGWICK. I desire to suggest that the operations of the war have driven the school from Maryland, and it is, therefore, directly within the terms of the resolution.

The SPEAKER. The Chair overrules the point of order.

Mr. VALLANDIGHAM. I hope the gentleman from New York will not insist upon cutting off all debate upon a question of this character.

The SPEAKER. Does the gentleman from New York insist on the demand for the previous question?

Mr. SEDGWICK. I do.

The House divided upon seconding the demand for the previous question; and there were—ayes 52, noes 41.

Mr. VALLANDIGHAM. There is no quorum voting.

The SPEAKER. Does the gentleman raise that point of order?

Mr. VALLANDIGHAM. I do, unless debate is allowed.

The SPEAKER. The Chair decides that the question is decided in the affirmative. The gentleman from Ohio raises the point of order that fifty-two is not a majority of the quorum necessary to do business. The Chair understands that to be the point.

Mr. VALLANDIGHAM. Yes, sir.

The SPEAKER. The Chair calls the attention of the House to the question, what constitutes a quorum. The Chair will have read the provision of the Constitution on the subject. It is in article one, section five:

The Clerk read, as follows:

Each House shall be the judge of the election returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

The SPEAKER. The Clerk will now read article one section two of the Constitution.

The Clerk read, as follows:

The House of Representatives shall be composed of members chosen every second year by the people of the several States.

The SPEAKER. There were chosen to this Congress one hundred and eighty-three members. The Chair decides under that clause of the Constitution, that ninety-two would be a majority of all the members chosen, and the majority of a quorum would be forty-seven. The Chair so decides.

Mr. VALLANDIGHAM. I concur in that decision. Then the Chair decides that the previous question is seconded.

The SPEAKER. The Chair so decides.

Mr. VALLANDIGHAM. I think the House consists only of the members sworn in.

The SPEAKER. The Chair has held in this case that those chosen constitute the House, as they have been returned to the Clerk.

Mr. VALLANDIGHAM. The Chair has no knowledge of any member unless he appears here. That question may become material by and by and I save the point.

The SPEAKER. So far as that point is concerned, the Chair withholds its decision as to whether the House consists of those sworn in, or of those known to have been elected; but the Chair is clear in his own mind that a majority of those chosen constitutes a quorum.

Mr. WEBSTER. I ask that the joint resolution be again read.

The joint resolution was read.

Mr. WEBSTER. I appeal to the gentleman from New York [Mr. SEDGWICK] not to press the joint resolution at present.

The SPEAKER. The Chair will state that no debate is in order, and that it is not in the power of the gentleman from New York to withdraw the resolution, the main question having been ordered.

Mr. WEBSTER. If there be no objection, I should like to make one or two remarks about the joint resolution.

Mr. SHEFFIELD. I object.

Mr. WEBSTER. Maryland has just decided by a majority of twenty thousand that she stands fast to the Union; and her Representatives here are supporting the Government. I trust, therefore, that no blow of this sort will be made at her at this time.

Mr. HOLMAN. I move that the joint resolution be laid on the table.

The motion was agreed to.

SLOOP-OF-WAR LEVANT.

Mr. SEDGWICK. I ask unanimous consent of the House to have Senate bill No. 21, for the relief of the widows and orphans of the officers, seamen, and marines, of the United States sloop-of-war Levant, and for other purposes, taken from the Speaker's table, and put upon its passage. I will say, that it is a bill similar to one which has already passed the House. The Senate acted at the same time on their own bill, and I now ask the House to take up and pass the Senate bill.

There being no objection, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. HAY, one of his Private Secretaries, informing the House that he had approved and signed an act making additional appropriations for the naval service for the fiscal year ending 30th June, 1862, and arrearages of appropriations for the fiscal year ending 30th June, 1861.

MARINE CORPS.

Mr. SEDGWICK. I ask that Senate bill No. 14, for the better organization of the Marine Corps, be taken from the Speaker's table, and referred to the Committee on Naval Affairs.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs.

MAIL-CLAD STEAMERS.

Mr. WASHBURNE. I have here a letter from a distinguished citizen of Massachusetts in reference to mail-clad steamers—a subject which he has thoroughly examined; and I desire that by the consent of the House, the letter be referred to the Committee on Naval Affairs.

There being no objection, the letter, which is as follows, was so referred:

BOSTON, MASSACHUSETTS, *July* 16, 1861.

DEAR SIR: Allow me to express a strong hope that Congress will not adjourn without making some provision for mail-clad steamers, either by a direct appropriation or by giving a discretionary power to the President or Secretary of the Navy. I have studied this subject elaborately, and have obtained valuable information through Donald McKay, the eminent builder of clipper ships, who recently inspected the mail-clad ships of France and England, and am convinced that an absolute necessity exists for the acquisition of some of these ships by our Government, and that neglect of this opportunity will expose us to serious losses, obloquy, and disgrace.

The evidence, down to the last discussion, June 13, 1861, in the British Parliament, is conclusive that ships with plates of four and a half inches are impervious to all round-shot and shells from common cannon, and even from rifled cannon, at the distance of a quarter of a mile only; and the best Armstrong and Whitworth cannon (100-pounders) seem to have failed in their efforts to penetrate these plates, although they have, stated June 11, in the House of Lords, broken heavy iron bars dovetailed together.

The English Government have ordered no ships-of-war of wood larger than gun-boats, sloops, and light dispatch frigates, for two or three years past, and now think of cutting down and plating their three-deckers; and England and France will, by the close of this year, have twenty to thirty iron-clad steam ships, each of which could pass into Boston or New York with impunity, and possibly *destroy* either city.

Unless we have means to meet them, France and England may be able to dictate terms as to the southern blockade. With such steamers we can, with little or no loss, recover Charleston, Savannah, Pensacola, Galveston, Mobile, and New Orleans.

Allow me to refer you to an elaborate article on this subject, forthcoming this week in the Atlantic, for August. I am so deeply impressed with this subject that I have written my friend, Commander Paulding, the Secretary of the Navy, and several members of Congress, and trust you will grasp a weapon so essential to our country at this moment.

I have the honor to be, very respectfully, yours,

E. H. DERBY.

Hon. E. B. WASHBURNE,
House of Representatives of the United States.

MR. CRITTENDEN'S RESOLUTION.

Mr. MALLORY. I ask the consent of the House that the resolution offered this morning by my colleague [Mr. CRITTENDEN] be ordered to be printed.

It was so ordered.

ADJOURNMENT OVER.

Mr. STEVENS. Mr. Speaker, the Committee of Ways and Means have no business further this week, and we are far in advance of the Sen-

ate. In these exciting times, therefore, I move that when the House adjourns to-day, it adjourn to meet on Monday next.

Mr. VAN WYCK. If we adjourn now, to meet on Monday, is it not likely that the Senate will follow our example?

Mr. STEVENS. No. I never knew the Senate to follow a good example. [Laughter.]

The motion was agreed to.

ARMORY AT ELMIRA, NEW YORK.

Mr. DIVEN. I ask leave to offer the following resolution:

Resolved, That the select committee on armories be instructed to inquire into and report on the propriety of establishing an armory at Elmira, New York.

Objection was made.

PRINTING VOLUNTEER BILL.

Mr. WALTON, of Vermont. I am instructed by the Committee on Printing to offer the following resolution:

Resolved, That twenty thousand copies of the Senate bill (No. 1) entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property," as the same was agreed upon by the committee of conference and passed by the Senate and House of Representatives, be printed in pamphlet form for the use of members of the House.

Mr. COX. I move to amend the resolution by striking out twenty thousand and inserting ten thousand.

Mr. WALTON, of Vermont. Twenty thousand will give each member one hundred copies.

Mr. COX. That is just fifty more than we need.

Mr. VALLANDIGHAM. I beg leave to suggest to the chairman of the Committee on Printing, that it would be better to delay this thing for a few days. I move to refer the resolution back to the Committee on Printing.

The question was taken on Mr. VALLANDIGHAM's motion, and it was not agreed to.

The question was next taken on Mr. Cox's amendment, and it was agreed to.

The resolution, as amended, was agreed to.

PETITIONS.

Mr. STEELE, of New Jersey, asked unanimous consent to present certain petitions and to have them printed.

Objection was made.

UNITED STATES STATISTICS.

Mr. WOOD asked leave to offer the following resolution:

Whereas it is meet and proper that we should exhibit to our citizens, as well as to foreigners, the resources of our country,

Be it therefore resolved, That the Secretary of the Interior be requested to furnish to this House, at the earliest moment practicable, classified by States and Territories, from the statistics of the census of 1860: 1. The value of the real and personal estate; 2. Agricultural products, &c., including—

Indian corn, bushels of.
Wheat, bushels of.
Cotton, bales of 400 pounds.
Hay, tons of.
Butter, pounds of.
Potatoes, Irish, bushels of.
Potatoes, sweet, bushels of.
Wool, pounds of.
Tobacco, pounds of.
Cane sugar, hogsheads of 1,000 pounds.
Maple sugar, pounds of.
Molasses, gallons of.
Beeswax and honey, pounds of.
Rye, bushels of.
Oats, bushels of.
Buckwheat, bushels of.
Peas and beans, bushels of.
Barley, pounds of.
Cheese, pounds of.
Hemp, dew rotted, tons of.
Hemp, water rotted, tons of.
Rice, pounds of, distinguishing whether clean or rough.
Clover-seed, bushels of.
Flax-seed, bushels of.
Other grass seeds, bushels of.
Hops, pounds of.
Wine, gallons of.
Horses, asses, and mules—number of, and estimated value.
Milch cows, number of, and estimated value.
Working oxen, number of, and estimated value.
Other cattle, number of, and estimated value.
Sheep, number of, and estimated value.
Swine, number of, and estimated value.
Live stock over one year old—number, and estimated annual product.

Mr. BURNETT. All that information will be got in the published statistics. I object to the introduction of the resolution.

JUDICIAL DISTRICTS IN MISSOURI.

Mr. BLAIR, of Missouri, by unanimous consent, introduced a bill to repeal parts of the act entitled "An act to divide the State of Missouri into judicial districts, and for other purposes;" which was read a first and second time, and referred to the Committee on the Judiciary.

JOHN WILSON.

Mr. KELLOGG, of Illinois, by unanimous consent, offered the following resolution; which was read, considered, and referred to the Committee of Claims:

Resolved, That the Clerk of the House pay to John Wilson, out of the contingent fund of the House, for his services in superintending and directing the preparation of the maps of the land States, for the use of the Committee on Public Lands, ordered by resolution of the House of May 4, 1848, at the rate of $1,800 per annum, from May 4, 1848, to July 14, 1852, during which time he was engaged in that service.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, requesting the House to return to the Senate the bill for the relief of the Ohio and other volunteers.

It was so ordered.

UNITED STATES COURTS.

Mr. ALDRICH, by unanimous consent, introduced a bill to restrain disloyal citizens of the United States from suing in the judicial courts of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. HAY, one of his Private Secretaries.

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, to consider House bill No. 37, for the better organization of the military establishment. And I also move that general debate on said bill be closed in ten minutes after the committee shall have proceeded to its consideration.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BURNETT in the chair,) and proceeded to the consideration of the bill (H. R. No. 37) for the better organization of the military establishment.

The bill was read through.

The reading of the bill was then commenced by paragraphs for amendment.

Mr. HUTCHINS. I move to strike out "$4,000," in the seventh line of the first section, and insert "$3,000." The section would then read:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer in the War Department, to be called the Assistant Secretary of War, who shall be a man of military education and experience, whose salary shall be $3,000 per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall by prescribed by the Secretary of War, or as may be required by law.

I believe, Mr. Chairman, that $3,000 a year is as large a salary as any of the Assistant Secretaries now receive. I think that salary is sufficient. I suppose it is probable that this Congress, at its next session, may be called upon to reduce the salaries of all the officers of the Government below their present salaries. At all events, I think $3,000 is a sufficient salary for an Assistant Secretary. If we fix this salary at $4,000, we shall be called on by the other assistants to raise their salaries to the same standard. To save us the necessity, therefore, of going through this leveling up process, I have offered this amendment, and hope it will be adopted.

Mr. BLAIR, of Missouri. I oppose the amendment of the gentleman from Ohio, upon the ground that an Assistant Secretary of War, such as is provided for by this section, should be a man of such military education and experience as will make him necessarily occupy a very different position from that occupied by the assistants of the other Secretaries who have, for the most part, acted rather as private secretaries than in any higher capacity.

For this reason, among others, the Committee on Military Affairs have deemed it necessary, in order to procure the services of men of such military education and experience as is required for the position, to fix the salary as high as $4,000. Especially at this particular time, the position ought to be filled by the employment of the highest capacity. I therefore hope the amendment will not be agreed to.

The amendment was agreed to.

Mr. ALLEN. I move to amend, by adding at the end of the section, as follows:

Provided, That the said office shall only continue while the volunteer force is in service for the suppression of the present rebellion.

I am aware that at the present time the additional duties devolved upon the Secretary of War are such as to make assistance necessary. But I am opposed to creating, on account of the present emergency, such a permanent office, and for that reason I submit this amendment.

The amendment was agreed to.

The following section being under consideration:

SEC. 5. *And be it further enacted*, That there shall be added to the corps of engineers one brigadier general, who shall command both the military and topographical engineers, and one colonel, two lieutenant colonels, and two majors. The superintendent of the Military Academy shall be selected from the engineer corps, and distinguished for his scientific attainments. He shall have the local rank, pay, and allowances of a colonel of engineers, and be appointed by the President, by and with the advice and consent of the Senate.

Mr. BLAIR, of Missouri. I move to strike out the first clause relating to military and topographical engineers, and to insert as follows:

And be it further enacted, That the corps of engineers and topographical engineers shall hereafter be known as the first and second engineers, and that there shall be added to the corps, thus united, one brigadier, who shall command both; and one lieutenant colonel to the first and one to the second engineers; and to both the first and second engineers two majors; the field officers to be appointed by selection from their respective corps. And to both corps there shall be added three first and three second lieutenants: *Provided*, That the first and second lieutenants to be added to the corps shall be taken from the graduates of the Military Academy recommended for promotion in said corps by the academic board of said institution.

The object of this amendment which the Committee on Military Affairs have instructed me to offer, is to combine these two engineer corps. Heretofore there have been two corps of engineers. One of engineers proper, and the other of topographical engineers. The duties of the two corps are very nearly the same; in fact, so very much alike that it is very difficult for any one of either to point out the difference. We have thought it best, therefore, to unite the two corps.

Under the present organization, there has been much jealousy between the two corps, and it is in part to remedy that difficulty that we have proposed the union under one head. I think the amendment should be adopted.

Mr. EDGERTON. I do not know that I understood, from the reading of the amendment, whether it provides a lieutenant colonel for the second engineers only, or one for each.

Mr. BLAIR, of Missouri. One for each.

Mr. EGERTON. I move to amend, then, by striking out one for the first engineers; leaving one for the second.

My reason for moving this amendment is this: as stated by the chairman of the Committee on Military Affairs, there has always been a rivalry and jealousy existing between these two corps, from their organization until the present time. Under the present organization the first engineers have one lieutenant colonel more than the second. The chairman of the Committee on Military Affairs states that he desires to place both corps on an equality. In doing that it will be necessary to give the second engineers one lieutenant colonel and not give the first engineers any. That would place them on an equality. To accomplish that object I have offered this amendment, which I hope the committee will adopt.

Mr. BLAIR, of Missouri. I did not state that I desired to see the two corps placed upon an entire equality, but simply to continue them under one head, for the reason that their duties are precisely the same, or, at least, very similar. I do not, however, see any necessity for keeping up this balance between the two corps. Because there is a lieutenant colonel for one corps I do not see that it must necessarily follow that there must or must not be a lieutenant colonel for the other corps.

Mr. EDGERTON. I wish to say just one word further in relation to this matter. If the object is to break up this rivalry, it seems to me it is essential that you should place them on an equality; and if there is to be an equality between them, then, if you give a lieutenant colonel to the second, you must not give one to the first corps. The amendment is proper, however, for the reason that the first class are employed upon perma-

nent works, which the second are not during the present war. The duties of the two classes, therefore, for the present, are not precisely the same.

Mr. BLAIR, of Missouri. It will be necessary to erect fortifications during this war. I do not see, therefore, anything in the latter suggestion of the gentleman in reference to this amendment. The corps which has permanent works specially in charge has as much need of a lieutenant colonel as the corps which has the matter of making reconnoissances as its special charge.

The amendment to the amendment was agreed to.

The amendment, as amended, was then adopted.

Mr. BLAIR, of Missouri. I move to strike out, on page 6, in line nineteen, these words:

"And that there shall be added to the corps of topographical engineers, by regular promotion of its officers, one lieutenant colonel and two majors."

The necessity for this provision is obviated by the amendment which has been adopted, uniting the two corps of engineers.

The amendment was agreed to.

The Clerk read the following section:

SEC. 11. *And be it further enacted*, That any existing vacancies at the United States Military Academy from congressional districts, for which no nominations are made by Representatives in Congress, shall be apportioned among Representatives from the loyal slaveholding States; and that there shall be added to the number of cadets, as now authorized to be appointed from congressional districts, one from each district, to be nominated by the Representative from the district and from "at large," two cadets from each State, to be appointed by nominations of Senators: *Provided*, That each of the additional cadets shall be an actual resident of the State from which nominated, and shall have the same qualifications for admission to the United States Military Academy as are now required for those appointed from congressional districts and from "at large."

Mr. BLAIR, of Missouri. I am instructed by the Committee on Military Affairs to move the following amendment:

Add:

Provided, further, That all cadets now in the service, or hereafter entering the Military Academy at West Point, shall be called on to take and subscribe to the following oath: "I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the national Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States." And any cadet or candidate for admission, who shall refuse to take this oath, shall be dismissed from the service.

The amendment was agreed to.

Mr. STEELE, of New Jersey. I move to amend the section by striking out the word "slaveholding," so that it will read, "shall be apportioned among the Representatives of the loyal States," &c.

Mr. ALLEN. I move to amend by striking out not only the words "slaveholding States," but all that precedes it.

Mr. Chairman, it has been, as I think, truthfully stated on this floor, that there are, in nearly all the rebellious States, men who are devoted to the Union—men who are opposed to the entire disunion programme; but who are for the present intimidated and overpowered by the dominant party in those States. These persons, on the first opportunity, will be found ready and willing to aid in vindicating the supremacy of the Constitution and the laws. At present they can do nothing but abide the issue of events. But it seems to me it would be unjust, while these men are thus overpowered, while their hands are, as it were, tied, to take from them that patronage to which they will be justly entitled if peace be restored. If this provision becomes a law, this much of the patronage to which they are entitled is taken from them and transferred to other hands for a period of five years at least. The people and their Representatives in the loyal slaveholding States certainly demand no premium for their loyalty. Their loyalty is certainly of a more permanent character than to require any other inducement than that which addresses itself to their love of their country and its long-cherished institutions. While by transferring from the disloyal to the loyal States Government patronage, some slight reward is tendered the loyal States for their loyalty; yet in the same degree the inducements for a return of the revolting States are diminished, and the efforts of Union men in these States paralyzed. I hope this provision will not be adopted.

Mr. ROSCOE CONKLING. I am opposed to the amendment to the amendment, and in favor of the amendment of the gentleman from New Jersey, [Mr. STEELE,] as I am also in favor of the residue of the section as it will then stand. I think there ought to be not only a filling of the vacancies which have occurred at the Military Academy, but there ought to be an increase of the force. In 1812 this Military Academy was reorganized quite thoroughly and the number of cadets fixed, and that number has remained since unchanged, substantially. It was fixed at two hundred and fifty, or thereabouts, although the possible maximum was two hundred and seventy-three. Between that time and now our population has quadrupled, or more than that, and our territorial extent has doubled; but the capacity of this Military Academy has stood unenlarged. Therefore I am for this section, as it will stand as amended by the gentleman from New Jersey. I am opposed to the amendment to the amendment for this reason: the design of this bill, as I understand it, is to enable the places which have been vacated to be supplied from the districts remaining loyal to this Government.

With the word "slaveholding," standing before "States," I will give to the committee the effect in figures. There are, as I understand, of rebel districts unrepresented, sixty—I believe about that; my friend says sixty-six. There are of slaveholding districts represented, twenty-nine exactly. The subsequent portion of this section adds to the whole number of cadets one from each congressional district; so that the result will be to give to every loyal district in a slaveholding State four cadets and a fraction of one, and that for five entire years, commencing with the operation of this bill; for the cadet always enters the fifth class, and, under the statute as it now is, remains in the Academy for five years. So, then, while my district will have two cadets in the Military Academy, the district of my friend across the river [Mr. UPTON]—and I do not see him in his seat—will have four certainly, and perhaps five. I have no doubt the design of this was to divest this bill of everything sectional, and certainly it should be divested of everything sectional; and therefore I agree with the gentleman from New Jersey in thinking that the word "slaveholding should be expunged, to the end that every loyal district, whatever that district may be, shall stand upon precise equality with every other district, not only as to the number of cadets to which it is entitled, but as to the chances of the fractional number which still remains.

Mr. ALLEN's amendment to the amendment was rejected.

Mr. CALVERT. I move to amend so that these cadets shall be taken from the loyal men remaining in the rebellious States. All I want, sir, is that the same representation shall be had in the Military Academy that at present exists. I think that the object of the Committee on Military Affairs had that purpose in view when it reported this bill. It intended, I am sure, that the South, of which Maryland is a part, should have the same representation at West Point which it has now. The section was drawn up in its present phraseology, that the southern States now loyal to the Union should have the appointments of the cadets in order that there might still continue to be the equality of past years. It must be apparent to every gentleman that this is nothing more than just. Now, when we seek to make the rebellious States loyal, is not the time to cut them off from their portion of the patronage of the Government. There are, sir, many loyal men in the States, who have been driven from their homes and who ought to have these appointments. The appointments may be made, and always have been made, by the President or some one else, from the loyal States and loyal men in the rebellious States. I have no doubt that that was the intention of the committee; and we of the southern States remaining loyal, do not ask that you shall give us that number, but we do ask and hope that you will grant us equality in the Union.

Mr. ROSCOE CONKLING. I am opposed to the amendment to the amendment, offered by the gentleman from Maryland, and upon this ground: every congressional district, as every other political community, is known to our organism only in a certain way. It appears by its majority, manifesting itself in that mode recognized by the Constitution of the United States. Now, sir, if a political community, either because the loyal men in it are outnumbered, or because, constituting a majority, they suffer themselves to be outnumbered or circumvented, is unrepresented for the time being, with regard to a particular right or prerogative, it would not do to say that the machinery of the Government, or any arm of the service, whatever it may be, affected by it, shall stop or remain impaired until that community shall again enjoy a restoration of order in its political affairs. Every congressional district had the right, as it was the duty of every district, to be represented here. One franchise of each district, and of its representation, was the nomination of a cadet to this military school. Some districts, for some reason, have failed to appear here; they are in default. They choose not to come and assert, in the only way allowed them, their political existence, equality, and right of representation. Their cadets, following the example set them by their superiors and seniors, have resigned, and are in contempt in regard to the Government, if not traitors against it.

Now, sir, I think it will hardly do to attempt to adopt that process, unknown to our system, that would be necessary to ascertain, and would succeed in ascertaining, who is and who is not loyal in these silent, unrepresented, rebel districts. I think it follows, as a matter of necessity, as a matter of course, resulting from our form of government, that those who are here constituting this Congress, this quorum, take up this business of Government, laid down in part by disloyal absentees, and carry it on; and those who step off the train of order and advancement cannot expect it to wait for them. It will move on, without regard to whether one district more or one less is engaged in this insurrection and rebellion.

Mr. CALVERT's amendment was rejected.

Mr. MORRILL, of Vermont. I move to amend the amendment by striking out from the word "State," in the fifth line, all down to and including the word "district," in the ninth line, as follows:

"And that there shall be added to the number of cadets, as now authorized to be appointed from congressional districts, one from each district, to be nominated by the Representative from the district."

I am rather inclined to be opposed to the whole of this section. I believe it goes upon the idea that this Union is not to be preserved. Now, I have full faith that all the States which are now in a state of rebellion will soon be back, and again become loyal and true. I am not, therefore, in favor of taking away any of the appointments which belong to them, by grabbing at them at this moment for our own interest, and with indecent haste.

I am, Mr. Chairman, also opposed to inceasing the number of the cadets in the Military Academy. I believe the complaint has been for years that we have manufactured more officers than we have use for. And I believe it to be the experience of every gentleman upon this floor that he wants no more patronage, no more appointments of this sort. If there are vacancies there, I am willing that they shall be filled; and, so far as this section provides that the vacancies shall be filled, I am in favor of it, leaving that to the discretion of the President of the United States and the Senators; and I have no doubt that they will be filled by loyal men. But I hope that this portion of the section, doubling the number that may be schooled there, may be stricken out. Why, sir, we have not accommodations for that increased number. The school was made to accommodate only about two hundred and fifty; but this bill will increase the number to five hundred. If, then, we increase the number to that extent, it becomes a question whether we shall enlarge that school, or establish another; and, at all events, makes a heavy charge upon the Treasury. I am utterly opposed to increasing the number of officers to be manufactured, or to enlarging our expenses unnecessarily at this time. If we needed them for the present emergency, they cannot be had; for, obviously, we cannot get them under five years. There is no reason, then, why we should act upon this matter as any remedy for the present emergency—the want of educated officers.

Mr. WRIGHT. If the gentleman from Vermont waits for these vacancies to be filled from the seceding States, he may have to wait a long

time. Now, as these vacancies have been made by voluntary default, I see no reason why the vacancies ought not to be supplied. It is not to me so much a matter where the candidates shall come from, as it is that the vacancies shall be filled.

There is one feature of this bill that most certainly should be amended, because, as it stands now, a Representative from a loyal southern State is authorized to fill a vacancy that may occur in my district, or any other district. If gentlemen will turn their attention to the bill, they will see that what are called the border States, the loyal slaveholding States, are permitted to fill any vacancies. There must be incorporated into the bill an amendment which shall confine the vacancies to the slaveholding States; and whenever I shall have the opportunity, I will offer such an amendment. But my present object was simply to oppose the amendment to the amendment, offered by the gentleman from Vermont. If the gentleman from Vermont, or any other authority, can give me a guarantee that these vacancies will be filled in a reasonable time, from those States which have seceded, I would have no objection; but that gentleman has no power to give such a guarantee, and therefore we incur a risk in leaving the Academy with not more than one half or two thirds the usual number of cadets, in anticipation of a state of things which may never arise. Hence these vacancies, in my opinion, ought to be filled.

Mr. MORRILL's amendment was not agreed to.

Mr. NOBLE. I think I have an amendment which will satisfy my friend from Pennsylvania. I move to amend by striking out from lines four and five the words "shall be apportioned among the Representatives from the loyal slaveholding States," and inserting in lieu thereof "shall remain vacant until such districts shall manifest loyalty to the Government of the United States, and the Representatives thereof in Congress shall make nominations of cadets to said Military Academy."

Mr. Chairman, I am not one of those who believe that the southern States that have seceded will remain out of the Union; and if I did believe it, I would be unprepared to vote for the proposition of this bill, by which it is sought to give to the slaveholding States a larger number of cadets than is given to the loyal northern States. Recognizing the proposition that the seceding States will some time return to their loyalty, which I believe will be the case, I propose this amendment in order that they shall stand on exact terms of equality with the balance of the loyal States of the Union. Any other proposition would be unequal in its terms, and ought not to be adopted. I offer this amendment, then, for the purpose of placing all the seceding States who may return to their loyalty, upon exact equality with those who remain loyal to the Union.

Mr. KELLEY. Mr. Chairman, I am opposed to the proposition made by the gentleman from Ohio. I am in favor, when the rebellious States shall have undertaken the performance of their loyal duties, of giving them the full and free enjoyment of all the benefits of the Constitution and laws of the country; but I am not in favor, while they are warring upon that Constitution and those laws, and the loyal men that are in arms for their support, of keeping any blessings in waiting for them. It is not our fault that the rebellious States have not cadets at West Point; that there are vacancies there; but it is our policy to see that the school is full, and that the money we are paying for its support shall be well expended. Nor am I in favor of giving to the loyal slaveholding States permission to fill these vacancies. The loyal slaveholding States have not won that privilege. They did not hasten to put troops in the field to sustain the Government. It was in the streets of a city in what is called a loyal slaveholding State, that the blood of our loyal soldiers was shed when hastening to the defense of this capital. I am for filling these vacancies, but for filling them with men who will not resign their commissions in the face of the enemy, or turn their hands against the parent that has maintained and educated them. I therefore propose an amendment to the amendment.

The CHAIRMAN. The Chair would suggest to the gentleman that no further amendment is now in order.

Mr. KELLEY. Then I will content myself with expressing my hostility to the pending amendment, and will offer mine at another time.

Mr. NOBLE's amendment was rejected.

Mr. WICKLIFFE. Mr. Chairman, I have listened to the discussion as to how these cadets should be appointed, and I have prepared an amendment, which I desire to have read.

The Clerk read the amendment, as follows:

Strike out the section, and insert the following:

That after each district represented in this House shall have the number of cadets allotted by law, the President shall have power to fill up the vacancies which may exist.

Mr. WICKLIFFE. Mr. Chairman, I am in favor of filling up this Academy; and as we cannot agree how it shall be done by members of Congress, and as I do not claim, but rather repudiate, the idea of having assigned to me or to my State more cadets than she is entitled to, I want to leave the vacancies to be filled up by the Executive, and he may take them from any part of the United States where he can find loyal boys who have loyal fathers.

Mr. BLAIR, of Missouri. I think the amendment offered by the gentleman from Kentucky is unnecessary and unwise. If you leave these vacancies to be filled by the President, he will probably act upon the recommendation of the Representatives, and we may as well leave it to be done directly by the Representatives. I shall be content with the amendment of the gentleman from New Jersey, [Mr. STEELE,] striking out the word "slaveholding," and leaving this patronage to be disposed of by the Representatives of the loyal States.

Mr. WICKLIFFE's amendment was rejected.

Mr. VALLANDIGHAM. It seems to me that all difficulty can be removed and differences of opinion reconciled, by striking out, as I now move to strike out, all after the word "that," in the first line, down to the end of the fifth line, as follows:

"Any existing vacancies at the United States Military Academy from congressional districts for which no nominations are made by Representatives in Congress, shall be apportioned among the Representatives from the loyal slaveholding States, and that"—

And insert, after the word "cadets," in the sixth line, the words "at the United States Military Academy;" so that the section will read:

SEC. 11. *And be it further enacted*, That there shall be added to the number of cadets at the United States Military Academy, as now authorized to be appointed from congressional districts, one from each district, to be nominated by the Representative from the district, and from "at large" two cadets from each State, to be appointed by nominations of Senators: *Provided*, That each of the additional cadets shall be an actual resident of the State from which nominated, and shall have the same qualifications for admission to the United States Military Academy as are now required from those appointed from congressional districts and from "at large."

That will leave everything just as it is. If the States which have seceded are restored to the Union, this provision of the bill would operate with great inequality for five years at least. If they are not restored to the Union, we shall have to make entirely new arrangements. Under my amendment, one cadet would be appointed by each Representative and two for the State at large by the Senators of each State, and none would be appointed except from districts actually represented upon this floor. I make the motion, then, for the consideration of the committee, and not as a mere matter of form; and I beg of gentlemen, before the question is put, to consider whether it will not, as I have said, absolutely reconcile the differences of opinion among us.

Mr. KELLEY. Mr. Chairman, I am opposed to the amendment of the gentleman from Ohio, because it has just been reported that the capacity of the school as it exists is sufficient to accommodate and educate double the number of pupils now there. I think, therefore, that these vacancies should be filled, and that there should be an additional appointment from each congressional district. I will welcome to the school loyal men from every one of the thirty-four States. I shall propose to the House, if it be in order, that the vacancies shall be filled by appointments from the districts in which vacancies will next occur, and that the order for appointments shall proceed therefrom, as heretofore, so that the school shall be full, and there shall be no vacancies existing when the traitors now in arms shall have bitten the dust, to reward them for their misconduct.

Mr. VALLANDIGHAM's amendment was agreed to—ayes 56, noes 33.

Mr. BLAIR, of Missouri. I move that the committee rise for the purpose of making a motion in the House to limit the debate on this section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the Chair, Mr. BURNETT reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 37) providing for the better organization of the military establishment, and had come to no resolution thereon.

Mr. BLAIR, of Missouri. I move that all debate on the section under consideration be closed in one minute after the committee shall have resumed its consideration.

Mr. DIVEN. I hope debate will not be limited. I think there ought to be some rights for the modest men of the House.

The motion was agreed to.

Mr. BLAIR, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the State of the Union, (Mr. BURNETT in the chair,) and resumed the consideration of the bill (H. R. No. 37) providing for the better organization of the military establishment.

Mr. McKEAN. I move to amend by inserting a comma after the word "district," and striking out the comma after the words "at large."

The amendment was agreed to.

Mr. FISHER. Is it in order to offer a substitute for the whole section?

The CHAIRMAN. It is.

Mr. FISHER. I move as a substitute for the section, the following:

That any existing vacancies at the United States Military Academy from congressional districts in slaveholding States for which no nominations are made, may be filled by the President, by appointments from the slaveholding States; and that there shall be added to the number of cadets as now authorized to be appointed from congressional districts, one from each district to be nominated by the Representative from the district, and from "at large" two cadets from each State, to be appointed by the President from the list of persons recommended by the Senators or Representatives: *Provided*, That each of said additional cadets shall be an actual resident of the State from which he may be appointed, and shall have the same qualifications for admission to the United States Military Academy as are now required for those appointed from congressional districts and from "at large."

Mr. COX. I raise the point of order that that amendment is not in order, as the subject has been already acted upon.

Mr. FISHER. I propose it as an amendment to the entire eleventh section of the bill.

The CHAIRMAN. The Chair overrules the point of order.

The amendment was rejected.

Mr. BAKER offered the following amendment:

That the President shall be empowered to fill, from the country at large, all vacancies now existing in the United States Military Academy.

The amendment was rejected.

Mr. HOLMAN. I move to amend by inserting after the word "State," in the twelfth line, the words "or district."

The amendment was rejected.

Mr. F. A. CONKLING. I move to amend by striking out the following words: "and from 'at large' two cadets from each State, to be appointed by nominations of Senators."

The amendment was agreed to.

Mr. HOLMAN. It is very manifest now that the word "State" in the proviso ought to be stricken out, and the word "district" inserted in its place; so that it will read:

Provided, That each of the additional cadets shall be an actual resident of the district from which nominated, and shall have the same qualifications for admission to the United States Military Academy as are now required for those appointed from congressional districts and from "at large."

The CHAIRMAN. That amendment has just been passed upon by the committee.

Mr. HOLMAN. No, sir; the amendment passed upon was to insert after the word "State" the words "or district." My amendment now

is to strike out the word "State," and insert in lieu of it the word "district."

The amendment was agreed to.

Mr. MORRILL, of Vermont. I move to amend by striking out all after the word "enacted," and inserting in lieu thereof the following:

That any existing vacancies at the United States Military Academy from congressional districts, for which no nominations shall have been made by Representatives in Congress, shall be apportioned and filled at large by appointment by the President of the United States; and there shall be added to the number of cadets now authorized "at large," two cadets from each State, to be appointed by nominations of Senators.

The amendment was rejected.

Mr. HARRISON. I move to amend by adding, at the end of section eleven, the following as a new section:

SEC. 12. *And be it further enacted*, That whenever any cadet who may graduate at said Academy shall resign, his resignation shall be upon the express condition that the cadet so resigning shall be liable, whenever required to do so by the President of the United States, to enter the actual military service of the United States in such capacity and for such length of time as the President may designate.

The amendment was rejected.

Mr. ROSCOE CONKLING. I move to strike out the fourteenth section, as follows:

SEC. 14. *And be it further enacted*, That the fifth section of the act approved September 28, 1850, requiring the Secretary of War to discharge from the Army all minors, be, and the same is hereby, repealed.

The effect of the section, Mr. Chairman, is simply this: to repeal a section of the act of 1850, which provides that it shall be the duty of the Secretary of War to order the discharge of any soldier in the Army of the United States who, at the time of his enlistment, was under twenty-one years of age, upon evidence being brought that such enlistment was without the knowledge of his parent or guardian. This section, so far as I know, is the only statute in existence clothing anybody with the power to discharge from the Army a minor who, without the consent of his parent, or the person standing *in loco parentis*, has enlisted in the Army of the United States. The section which I move to strike out repeals this one single provision.

Now, I do not know what object there can be, at this time, when men of full age are flocking to the standard of the country in such numbers that it is impossible to accept them all, in detaining in the service minors who, under the section of the act of 1850, might be discharged. We all know that the enthusiasm that has existed in the country may have caused a great many boys (I know of some instances myself) to enlist. In some instances they enlisted under assumed names, because in that way only could they elude the vigilance of their parents. Now, I think that at no time, and least of all at this time, should we repeal the clause of the act of 1850, which is the only clause that provides for the discharge of minors thus situated. I therefore move to strike it out.

The amendment was agreed to.

Mr. BLAKE. I move to amend the seventeenth section by inserting, after the word "authorized," the words "to introduce butter and cheese;" so that it will read:

SEC. 17. *And be it further enacted*, That the Commissary General of Subsistence be, and he is hereby, authorized to introduce butter and cheese, under such regulations as the Secretary of War may prescribe, and to vary the articles of subsistence whenever circumstances may render it advisable: *Provided*, That the cost of the ration shall not be increased by such substitution.

Mr. BLAIR, of Missouri. I trust that that amendment will not be agreed to.

Mr. DIVEN. I call the gentleman from Missouri to order.

The CHAIRMAN. The gentleman from Missouri is not out of order. The debate is not limited on this section. It was only limited on the section then under consideration—the eleventh section.

Mr. BLAIR, of Missouri. I simply put it to the committee that it is improper to fix, in this way, what rations shall be provided for soldiers. I believe such a thing has never been done. Soldiers' rations are fixed by regulations of the War Department, except as to the amount. The idea of having the articles of soldiers' rations specifically named is a thing unheard of. It is a matter which must be trusted to the Commissary General and the Secretary of War. It will increase enormously the expenses of the rations to add butter and cheese. And more than this: if we put these articles into the law, every other gentleman will want to put in the particular article which his country produces, until the soldiers will be provided with luxuries to an extent which citizens cannot afford for themselves.

Mr. MORRILL, of Vermont. I move to amend by adding, after "butter and cheese," the word "ice." Gentlemen will see that it is perfectly useless to provide butter at this season of the year, in some parts of the country, unless we also provide ice. [Laughter.]

Mr. BLAKE. I oppose the amendment of the gentleman from Vermont, for the purpose of saying, in reply to the gentleman from Missouri, [Mr. BLAIR,] that every article of the ration of the soldier is specifically provided for by law; and the prescription that butter and cheese may constitute a portion of the ration is therefore only following out the general rule. It is an act of Congress which prescribes what the soldier shall have; and I propose to make this act prescribe that he shall have butter and cheese. I offer the amendment for the purpose of assisting the soldier; for the purpose of giving aid and comfort to him while fighting the battles of his country, and at the same time to furnish a great market for those articles to those who produce them.

Mr. ALDRICH. I desire, by the consent of the committee, to say a word in reply to my friend from Vermont. I know that the debate has been exhausted upon the amendment. [Cries of "No objection."]

I merely desire to suggest to the gentleman from Vermont, that while providing ice for the soldiers, he should, coming from the region he does, not have forgotten to add a small quantity of whisky. [Laughter.] Every gentleman who is posted, knows that soldiers in this warm climate, especially those coming from the cool regions of New England and Minnesota, where they are accustomed to that kind of drink, must have a little of it in their rations to preserve their health. I desire, therefore, if it be in order, to amend the amendment of the gentleman from Vermont, by adding a gill of whisky to each ration.

Mr. MORRILL, of Vermont. I will accept the amendment of the gentleman from Minnesota with great pleasure; and I will also, at the suggestion of the gentleman who sits behind me, for the benefit of my friend from Ohio, add that all the butter and cheese be purchased in the Western Reserve. [Laughter.]

Mr. COX. I oppose that, unless they furnish some soldiers for the war first.

The CHAIRMAN. No further debate is in order.

The amendment to the amendment was disagreed to.

The amendment was then rejected.

Mr. DIVEN. Is it in order to move to strike out the enacting clause of the bill?

The CHAIRMAN. That motion would be in order.

Mr. DIVEN. I make that motion; and I desire to state my reasons to the committee for making it. I wish to say that, from my perusal of this bill, I find that it is a bill for increasing the number of officers, and providing for their payment, at a time when we have already more officers of the Army than we are employing; to increase the number of cadets in the Military Academy at a time when there are men educated in that school, who have distinguished themselves in the service, waiting for employment; and so on from the beginning to the end of the bill.

Sir, I say, with all due respect for the gentleman who is at the head of the Military Committee, that he has been crowding bill upon bill of this character upon the House so rapidly that I have been absolutely unable to follow him. I can see no design or effect in presenting or voting for this bill, except simply to multiply officers. Now, in Heaven's name, have not we got officers enough? And do we not pay our officers enough for what they are doing? It strikes me, with all due respect to the Military Committee, that we do.

Mr. JOHNSON. I agree with the gentleman in the general statement that he has made, that we have too many officers already.

Mr. ALLEN. I rise to a question of order. The gentleman can only speak in opposition to the motion of the gentleman from New York. He is not opposing it.

The CHAIRMAN. The gentleman had not proceeded sufficiently far with his remarks for the Chair to decide that question.

Mr. JOHNSON. The difficulty, however, is not in the Military Academy. I believe that too many of the blunders that have occurred during this war have occurred in consequence of the fact that political appointments have been made by the Department to the high offices in the Army.

Mr. ALLEN. I now insist upon my point of order, that the gentleman is not opposing the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON. Well, sir, I believe I have said about all I intended to, anyhow.

Mr. BLAIR, of Missouri. I have something to say in opposition to the motion of the gentleman from New York. The gentleman characterizes this bill as a bill to make offices, and stigmatizes it as unnecessary at the present crisis. I desire to say to the House that the bill does increase the staff corps of the Army, and that there never was a time in the history of the country when it was so necessary to increase these staff corps as the present. We know that the Quartermaster's department, for instance, is called upon to spend millions upon millions beyond the ordinary expenses of that department; that it is called upon to employ thousands of persons not employed by it in ordinary times. So with the Commissary's department; so with the Adjutant General's department; and so with every single corps of the Army. They want more men in the staff corps—in every single staff corps of the Army; and it is absolutely necessary that they should have more. The amount of business pressing upon all of them is perfectly unparalleled, and I say it is uncalled for upon the part of the gentleman to stigmatize this bill in the way in which he has done. It has been the object of the Military Committee not to create an office where it was not absolutely essential for the efficiency of the service. I appeal to the sense of justice of the House to bear me witness that I have reported against all propositions for augmenting the number of officers unnecessarily.

Mr. DIVEN. Does the gentleman regard that the exigencies of the times demand that the number of cadets at the West Point Military Academy should be doubled?

Mr. BLAIR, of Missouri. I do.

Mr. DIVEN. Let me ask another question, with the gentleman's permission. Does he expect that any of the cadets to be appointed to that Academy will be employed in this service?

Mr. BLAIR, of Missouri. I do not suppose they will. It is possible, however, they may be. But the gentleman makes objection to this single section, and makes his objection to it the ground of objection to the whole bill. It has been reported by those who have charge of the Academy that the buildings are sufficient to accommodate double the number of cadets they have now, and it was deemed advisable by the committee to insert the provision which they have done. If the House see proper, however, to strike out that section, I have no sort of objection; but I submit that it does not become the gentleman to characterize a bill increasing the staff corps of the Army, to the extent only of the absolute requirements of the service, in the manner he has done. I think it is very unkind on his part, and that his allegations are not borne out by the facts of the case.

Mr. DIVEN's amendment was rejected.

Mr. BLAIR, of Missouri, moved that the committee rise, and report the bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BURNETT reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 37, providing for the better organization of the military establishment, and had directed him to report the same back to the House, with sundry amendments.

Mr. BLAIR, of Missouri, demanded the previous question on the amendments, and on the engrossment and third reading of the bill.

The previous question was seconded, and the main question ordered.

The amendments of the Committee of the Whole on the state of the Union were concurred in, except the following, upon which separate votes were asked:

Second amendment:

Add to the first section, which provides for the appointment of an Assistant Secretary of War, as follows:

Provided, That said office shall only continue while a volunteer force is in service for the suppression of the present rebellion.

Mr. ALLEN demanded the yeas and nays.

The yeas and nays were not ordered.

The amendment was concurred in.

Fifth amendment:

Strike out "any existing vacancies at the United States Military Academy from congressional districts, for which no nominations are made by Representatives in Congress, shall be apportioned among the Representatives from the loyal slaveholding States, and that;" so that the section will read:

There shall be added to the number of cadets of the United States Military Academy, as now authorized to be appointed from congressional districts, one from each district, to be nominated by the Representative from the district, &c.

The amendment was concurred in.

The bill, as amended, was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BLAIR, of Missouri, demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. BURNETT demanded the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NAVAL ACADEMY.

Mr. VALLANDIGHAM moved to reconsider the vote by which the joint resolution for the removal of the Naval Academy was laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SURVEYOR GENERAL AT ST. LOUIS.

Mr. BLAIR, of Missouri, by unanimous consent, introduced a bill concerning the closing of the office of surveyor general at St. Louis, and for other purposes; which was read a first and second time, and referred to the Committee on Private Land Claims.

CAPTAIN CHARLES FIERER.

Mr. DUELL, by unanimous consent, introduced a bill for the relief of the legal representatives of Captain Charles Fierer, deceased; which was read a first and second time by its title, and referred to the Committee on Revolutionary Claims.

MARITIME RIGHTS.

Mr. COX. I ask leave to introduce the following resolution:

Resolved, That the President of the United States, if compatible with the public interest, communicate to this House all, or such portions as he may deem advisable, of the correspondence on file in the Department of State between the Government and all foreign Powers, from 1853 to the present time, with reference to maritime rights.

Mr. OLIN. I object.

FISHERIES.

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

As the United States have, in common with Great Britain and France, a deep interest in the preservation and development of the fisheries adjacent to the northeastern coast and islands of this continent, it seems proper that we should concert with the Governments of those countries such measures as may be conducive to those important objects. With this view, I transmit to Congress a copy of a correspondence between the Secretary of State and the British minister here, in which the latter proposes, on behalf of his Government, the appointment of a joint commission to inquire into the matter, in order that such ulterior measures may be adopted as may be advisable for the objects proposed. Such legislation is recommended as may be necessary to enable the Executive to provide for a Commissioner on behalf of the United States.

ABRAHAM LINCOLN.

WASHINGTON, *July* 19, 1861.

The message was referred to the Committee on Commerce, and ordered to be printed.

And then, on motion of Mr. WRIGHT, the House (at twenty-five minutes after three o'clock, p.m.) adjourned till Monday, at twelve o'clock, m.

IN SENATE.

SATURDAY, *July* 20, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

NAVAL MEDICAL CORPS.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the bill (S. No. 31) to increase the medical corps of the Navy, have instructed me to report the same back to the Senate with an amendment; and I am further instructed to ask for its consideration at this time.

There being no objection, the bill (S. No. 31) to increase the medical corps of the Navy was considered as in Committee of the Whole. It provides that the corps shall consist of eighty surgeons and one hundred and twenty assistant surgeons.

The amendment of the Committee on Naval Affairs was, after the words "one hundred and twenty," to insert "passed and other;" so that the clause will read: "and one hundred and twenty passed and other assistant surgeons."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

Mr. GRIMES. I move to amend the title. It includes more than one subject, I believe. The amendment is a distinct subject.

Mr. HALE. The title is well enough.

Mr. ANTHONY. What is the other subject?

The PRESIDENT *pro tempore*. There is no other subject.

Mr. HALE. I had an amendment in my hand which the Naval Committee instructed me to report. I thought of offering it to another bill; but as it is suggested by the Senator from Iowa that it may be put on this, I move to reconsider the vote passing the bill.

The motion was agreed to.

Mr. HALE. I move to reconsider the vote ordering the bill to a third reading.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now open to amendment.

Mr. HALE. The Committee on Naval Affairs propose to add the following section as an amendment to the bill:

And be it further enacted, That for the purpose of meeting the present exigencies of the naval service, there shall be appointed one pupil at the United States Naval School by the President of the United States, before the 1st day of September next, upon the recommendation of the member of Congress representing the district in which the applicant actually resides, one pupil on the recommendation of each Senator of the United States, and ten pupils by the President at large.

Mr. ANTHONY. I hope the bill will be laid over until the Senate is fuller. I was not aware that this proposition was coming up to-day. It is not at all germane to the original bill. I should have objected to the consideration of the bill this morning if I had known that any such proposition as this was to be put in it. I supposed it was merely a bill to increase the medical corps of the Navy, but it seems to be a bill to reorganize the Naval Academy.

Mr. GRIMES. We may as well determine at this time as at any other what is the sense of the Senate in relation to filling up the Naval Academy. If they choose not to adopt this amendment, to strike at the Academy and put it out of existence, let us know it, and the Naval Committee will be able to act understandingly. There is now only one class at the Naval Academy. The exigencies of the service require that it should be filled up as speedily as possible. The committee have recommended that to each Representative in Congress there shall be allowed the privilege of appointing one pupil. If we allow them two pupils, it will fill the Academy beyond its capacity to accommodate them, but one pupil to each member will not be enough for the necessities of the day; it would not fill the Academy up to its capacity; and therefore it is proposed to allow each Senator the privilege of appointing one, and to give to the President of the United States what he has never yet enjoyed in regard to the Naval Academy, though he has enjoyed it in regard to the Military Academy—the privilege of appointing ten pupils at large. Usually, I believe the President selects the sons of persons connected with one or the other of the military branches of the public service.

If it is the object of the Senator from Rhode Island to prevent the Academy from being filled, let us know it. If he thinks that we are not appointing enough, and should appoint two from each congressional district, then I tell him that we cannot do that, for the reason that the capacity of the Academy is not sufficient to accommodate that number. We have regulated it according to what we suppose to be the ability of the Academy to teach young men; that is all.

Mr. ANTHONY. The understanding was, yesterday, that no business was to be transacted to-day, and many Senators have gone off. I wish to have this bill postponed until Monday, when the Senate shall be full. I do not know but that the plan which has been proposed by the Committee on Naval Affairs is the best that can be adopted; but I do not wish to have it adopted in a thin Senate, when it was understood that no business was to be transacted to-day; and this certainly is business of a very important character.

Mr. GRIMES. I am not cognizant of any such understanding; but if there is such, of course I do not ask for any action on any bill.

Mr. HALE. I will let it lie over until Monday.

The PRESIDENT *pro tempore*. By common consent, this bill will be passed over.

MEMORIAL, ETC.

Mr. COWAN presented a memorial of citizens of Pennsylvania, praying for the establishment of a national armory at the falls of Big Beaver river, in Beaver county, Pennsylvania; which was referred to the Committee on Naval Affairs.

Mr. KING presented resolutions of the Legislature of New York in relation to the treaty between the United States and Great Britain, commonly known as the reciprocity treaty; which were referred to the Committee on Foreign Relations, and ordered to be printed.

REPORTS OF A COMMITTEE.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, reported it without amendment, with a recommendation that it do pass.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey, reported it without amendment.

Mr. HALE. I shall not ask that these bills be considered now.

BILLS INTRODUCED.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 8) in relation to the world's fair to be held in London in the spring of 1862; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 39) to provide for holding the district and circuit courts in judicial districts during the temporary vacancy in the judgeship; which was read twice by its title, and referred to the Committee on the Judiciary.

INCREASE OF THE ARMY.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. No. 2) to increase the present military establishment of the United States, which had been returned from the House of Representatives with an amendment to strike out all after the enacting clause and insert a substitute.

Mr. TRUMBULL. I inquire if it is proposed to consider that in the absence of the chairman of the Committee on Military Affairs. It seems to be a new bill entirely.

Mr. KING. There are some differences of opinion in the committee on this subject; and I believe this new bill has not been referred to the Committee on Military Affairs in the Senate. I move its reference to that committee; and that it be printed.

The motion was agreed to; and the amendment of the House was ordered to be printed.

BONDS OF ARMY PAYMASTERS.

Mr. TRUMBULL. I am instructed by the Committee on the Judiciary, to whom was referred a joint resolution (S. No. 7) in regard to the bonds of paymasters, to report it back to the Senate, with a recommendation that it do not pass. I will state to the Senate that, in the opinion of the committee, if the bonds already given by the paymasters who have been appointed in the recess, are good, it needs the passage of no joint resolution. If they are not good to hold the securities on a new appointment made and confirmed by the Senate, no action of Congress can make them valid. It was the opinion of the committee that Congress had no power to enlarge or increase the liability of the securities; and that if the bonds, as already given, would not hold the sureties, no action of ours would help the matter; and if they are valid, no action is needed.

REMISSION OF FINES AND PENALTIES.

Mr. FESSENDEN. The Committee on Finance, to whom was referred the bill (H. R. No. 17) authorizing the Secretary of the Treasury to remit fines and penalties in certain cases, report it without amendment. It is very simple in its provisions, and I think it may as well be acted on now.

There being no objection, the bill (H. R. No. 17) authorizing the Secretary of the Treasury to remit fines and penalties in certain cases was considered as in Committee of the Whole. It is proposed to authorize the Secretary of the Treasury to pay to the person or persons entitled to receive the same, the amount of such fines or penalties as have been incurred and paid by the owners or masters of vessels since the 1st day of December, 1860, in consequence of their failure to produce to the collectors of the customs the clearances or other papers prescribed and required by the laws of the United States regulating the issue of marine papers, and the foreign and coasting trades. The Secretary of the Treasury is to be satisfied in each case that there was no willful negligence or any intention of fraud on the part of the person or persons incurring the fines or penalties, and that they were unable to obtain the requisite papers by reason of there being no officer of the customs at the port of departure authorized to issue marine papers or to grant clearances under the laws of the United States.

The Secretary of the Treasury is also to be authorized to pay to the person or persons entitled to receive the same the sum of $500, that being the amount of a fine improperly exacted by the collector of the customs at the port of Norfolk, Virginia, in the month of November, 1860, of the master of the India, a Russian vessel.

He is also to be authorized to remit, in whole or in part, on such conditions and under such regulations, not inconsistent with law, as he may prescribe, the additional duty secured by the bond given for the transportation of merchandise from a port in one collection district to a port in another collection district, prescribed by the sixth section of the act entitled "An act to extend the warehousing system by establishing private bonded warehouses and for other purposes," approved the 28th day of March, 1854; but it must be proved to the satisfaction of the Secretary of the Treasury that the failure to transport and deliver the merchandise according to the conditions of the bond occurred without willful negligence or fraudulent intent on the part of the obligors.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMS TO LOYAL CITIZENS.

Mr. JOHNSON, of Tennessee. I rise for the purpose of asking the unanimous consent of the Senate to introduce a bill of which no previous notice has been given.

Leave was granted; and the bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States now in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion, was read twice by its title.

Mr. JOHNSON, of Tennessee. My intention is, to make a motion to refer the bill to the Committee on Military Affairs and the Militia. I will simply state, in this connection, that the object of the bill is, substantially, to call upon the Government to protect the loyal citizens of the rebellious States in their constitutional rights. The loyal citizens of those States feel that this Government is bound to protect them in the enjoyment of a republican form of government. They feel that this Government is bound to protect them against rebellion, against invasion, against insurrection, and against domestic violence. The object is simply to call upon the Government to protect them in the enjoyment of their constitutional rights, or to place them in such condition that they will be enabled to enforce them. I move that the bill be referred to the Committee on Military Affairs and the Militia, and be printed.

The motion was agreed to.

POLICE FORCE IN WASHINGTON.

The PRESIDENT *pro tempore*. The first business on the Calendar is the bill (S. No. 37) to regulate the police force in the city of Washington.

The bill was considered as in Committee of the Whole. It provides that from and after its passage the auxiliary watch or guard, and all policemen within the city of Washington authorized by any act of Congress, and paid by the Government of the United States, shall be appointed by the President of the Senate, and, in his absence, by the President of the Senate *pro tempore*, and the Speaker of the House of Representatives; and that all provisions of law vesting such appointments in the Mayor of the city of Washington be repealed. The appointment of captain and members of the guard, watch, or police, heretofore made, is to remain in full force until the appointments are removed or superseded, as provided in the first section of this act.

Mr. HALE. I want to inquire, for information, if there is not a bill of similar import, or touching the same matter, that has passed the House of Representatives, and been sent to the Senate?

Mr. GRIMES. There has been a bill of a somewhat similar import passed by the House of Representatives and sent to the Senate; and this was submitted by the Committee on the District of Columbia as a substitute for that. The change is this: the House bill provided that the power to appoint the police should be vested in the Secretary of the Interior; the Committee on the District of Columbia thought that it was hardly proper to make the head of one of the Government Departments a chief of police in the metropolis of the country, and they proposed to confer the power, as it was a congressional police that was to be created, on the President of the Senate and Speaker of the House of Representatives.

Mr. HALE. I inquire of the Senator whether there is any provision made for an appointment in case of a vacancy occurring when Congress is not in session?

Mr. GRIMES. Yes, sir.

Mr. HALE. What is that?

Mr. GRIMES. In case of the absence of the Vice President, the President *pro tempore* of the Senate is to act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FOOT, it was

Ordered, That the papers in the case of Nicholas Underhill, on the files of the Senate, be referred to the Committee on Pensions.

DESTRUCTION OF NAVY-YARDS.

Mr. HALE submitted the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the circumstances attending the surrender of the navy-yard at Pensacola, and the destruction of the property of the United States at the navy-yard at Norfolk, and the abandonment of the same by the forces of the United States, and to inquire especially if there was any default in either case on the part of any officer of the United States; and that said committee be empowered to send for persons and papers, and that they be authorized to sit during the recess of Congress; and further, that they be allowed to devolve all or a portion of these inquiries on a sub-committee of their own members, if they shall deem it expedient.

This is an important resolution; and as I desire that it should have the opinion of the Committee on Naval Affairs, I move that it be referred to them.

The PRESIDENT *pro tempore*. That reference is ordered; no objection being made.

REGIMENTAL BANDS.

The next bill on the Calendar was the bill (S. No. 24) authorizing the Secretary of War to reimburse the New York seventy-first regiment of volunteers for expenses incurred in employing a regimental band; which the Senate, as in Committee of the Whole, proceeded to consider. The bill, as originally introduced, authorized the Secretary of War to pay to the officers, non-commissioned officers, and privates, of the New York seventy-first regiment of volunteers, the amounts advanced by each towards defraying the expenses incurred by them in employing regimental bands, the sum not to exceed $4,000.

The Committee on Military Affairs reported it with an amendment, to strike out all of the bill after the enacting clause, and to insert the following in lieu thereof:

That the Secretary of War be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the volunteers called out by the President's proclamation of the 15th April, 1861, such sums of money as may have been expended by the said volunteers in the employment of regimental or company bands during the period of their service under said proclamation: *Provided*, The amount to be allowed shall not exceed that to be paid to volunteer bands regularly mustered into the service under the President's proclamation of May 3, 1861.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. GRIMES, the title was amended, so as to read: "A bill authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands."

CONFISCATION OF PROPERTY.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (S. No. 25) to confiscate property used for insurrectionary purposes, have directed me to report it back to the Senate, with an amendment to the second section. I will ask to have it considered now.

The PRESIDING OFFICER. If no objection be made, the bill will be considered at the present time.

Mr. FESSENDEN. That is a very important bill, and I think it had better be postponed.

Mr. TRUMBULL. I will not ask for the consideration of the bill. I ask merely to have the amendment considered so as to have that with the bill. The bill itself is printed, and laid on the tables of Senators.

The PRESIDING OFFICER. If there be no objection, the amendment of the committee will be considered at the present time. The Chair hears no objection.

The committee reported the bill with an amendment, to add at the end of section two the following words:

In any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

So that the section will read:

SEC. 2. *And be it further enacted*, That such prizes and captures shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

The amendment was agreed to.

Mr. FESSENDEN. If this bill has been thoroughly considered—as I suppose it has been by the Committee on the Judiciary—I will interpose no objection to its being acted on now. I should like to hear it read through, however, for I have not had an opportunity to read it.

The PRESIDENT *pro tempore*. If no objection be interposed, the bill will be read at large for information, with a view to its consideration at this time.

Mr. POWELL. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bill cannot be considered to-day.

Mr. TRUMBULL. I do not care to have the bill considered at this time; but I should like to offer an amendment to the bill, which is not reported from the committee; but an amendment I

design offering with a view to have it before the Senate.

Mr. POWELL. I withdraw my objection for that purpose.

The PRESIDENT *pro tempore*. Objection being withdrawn, the amendment can be received.

Mr. TRUMBULL. I do not desire the consideration of the amendment at this time, but I propose the following as an additional section:

And be it further enacted, That whenever any person claiming to be entitled to the service or labor of any other person, under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit or suffer him to be so employed, he shall forfeit all right to such service or labor, and the person whose labor or service is thus claimed shall be henceforth discharged therefrom; any law to the contrary notwithstanding.

Mr. TEN EYCK. I do not understand the chairman of the Committee on the Judiciary to offer this amendment as coming from that committee.

Mr. TRUMBULL. I stated distinctly, that I offered that amendment myself, not from the committee.

The PRESIDING OFFICER. The bill will lie over under the objection to its present consideration.

ARMORED SHIPS.

Mr. GRIMES. Since the Senator from Rhode Island interposed his objection to the consideration of any business to-day we have been passing several bills. There is one on the table of a great deal of importance, relative to the construction of iron vessels of war, reported from the Committee on Naval Affairs; and if there be no objection, I will move that that bill be taken up and considered now.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes. It directs the Secretary of the Navy to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction of iron-clad steamships or steam batteries; and on their report, should it be favorable, the Secretary of the Navy is to cause one or more armored or iron-clad steamships or floating steam batteries to be built; and the bill appropriates for that purpose the sum of $1,500,000. It further enacts that in case of a vacancy in the office of engineer-in-chief of the Navy, the appointment thereto shall be made from the list of chief engineers.

Mr. COLLAMER. I will inquire whether this is not a bill that the chairman of the Naval Committee reported this morning, and which he then said was not to be taken up to-day?

Mr. GRIMES. Do you mean the one objected to by the Senator from Rhode Island?

Mr. COLLAMER. No, sir. I ask if this is not the bill reported by the chairman this morning, which was not to be considered, but which was to lie over. I think this is the very one. I do not know why it should be called up again and now attempted to be put on its passage. The chairman of the committee did not expect it to be.

Mr. HALE. I wish to have no misunderstanding about this matter. I was instructed to ask for the consideration of the bill this morning; but when the Senator from Rhode Island objected that it was understood that no business of an important character should be transacted this morning, though I was not aware of it, I then said I had these two other bills to report; but under that suggestion of the Senator from Rhode Island, I would not press their consideration.

Mr. COLLAMER. The Senator from Rhode Island is out of his seat now. He is not here.

Mr. HALE. Yes he is. He is in the Chamber.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill at this time?

Mr. COLLAMER. Yes, sir. I object to it.

The bill was laid over.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore*. The hour for the consideration of the special order being near, if there be no other business of the morning hour, and if it be agreeable to the Senator entitled to the floor upon the special order, the Chair will call it up for consideration. The joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, is now before the Senate. The question is upon the passage of the resolution; and on that question the Senator from California [Mr. LATHAM] is entitled to the floor.

Mr. LATHAM addressed the Senate for an hour and a half. [His speech will be found in the Appendix.]

Mr. RICE. Occupying the same position politically that my honorable friend from California does, I rise for the purpose of saying that I indorse, to the fullest extent, all that has this day so ably and eloquently fallen from his lips.

Mr. JOHNSON, of Tennessee. If it meets the pleasure of the Senate, I will move that this joint resolution go over until Monday, and be made the special order for one o'clock on that day.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. WADE. I move that the Senate adjourn.

Mr. FESSENDEN. I hope not. Let us finish our executive business.

Mr. WADE. Very well; I withdraw the motion.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the Senate adjourned.

IN SENATE.

MONDAY, *July* 22, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

THE TARIFF BILL.

Mr. SIMMONS. I present a bill as a substitute for the tariff bill of the House of Representatives. I ask that it be printed for the use of the Senate, and referred to the Committee on Finance.

The bill (S. No. 40) to modify and increase the duties on imports and for other purposes, was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

NAVAL MEDICAL CORPS.

The PRESIDENT *pro tempore*. If there be no motions, petitions, or reports from committees, the Chair will call up the business on the Calendar. The first business is the bill (S. No. 31) to increase the medical corps of the Navy, to which an amendment is pending, which was offered by the Senator from New Hampshire, [Mr. HALE.]

The amendment was read, as follows:

Add as a new section:

And be it further enacted, That for the purpose of meeting the present exigencies of the naval service, there shall be appointed one pupil at the United States Naval School by the President of the United States before the 1st day of September next, upon the recommendation of the member of Congress representing the district in which the applicant actually resides; one pupil upon the recommendation of each Senator of the United States; and ten pupils by the President at large.

Mr. ANTHONY. I think there is some difference of opinion upon that provision, and that it had better lie over until the Senate is fuller. I shall, however, interpose no objection, except to call the attention of the Senate to the fact.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. COLLAMER. We desire to understand what this question is. Perhaps the Senator from Iowa can inform us what the true character of it is.

Mr. GRIMES. The first section of the bill provides for increasing the surgical naval force from one hundred and fifty to two hundred. I suppose there can be no controversy as to the necessity of that increase. It will hardly supply one surgeon to each vessel of war that will be in the employment of the Government after the construction of the gun-boats and sloops-of-war that are now in process of construction, and the supply vessels that have already been purchased by the Department. The present number of surgeons, passed assistant surgeons, and assistant surgeons, is one hundred and fifty. This authorizes their increase to two hundred.

The amendment proposed by the Committee on Naval Affairs authorizes, as now, the appointment to the Naval School of one pupil by the President, upon the recommendation of each member of Congress, and also one pupil upon the recommendation of each Senator in Congress, and ten pupils by the President, at large. Hitherto the President has been authorized by law to appoint ten pupils in the Military Academy, at large. Generally they have been selected from the sons of officers of the two services—the naval and military; but this privilege or power has never been conferred upon the President of the United States in regard to the Naval Academy.

Mr. COLLAMER. You mean, by pupils, midshipmen?

Mr. GRIMES. Acting midshipmen. They do not become midshipmen until they have been in the school four years. They are acting midshipmen. He has never had the power hitherto to appoint any at large. By this amendment that power will be conferred on him in regard to the Naval Academy, as well as in regard to the Military Academy. The reason that induced the committee to recommend that each Senator shall have the power to appoint—and, by the way, this provision only applies to the present year, and not to any succeeding year—was this: if we authorized each member of the House of Representatives to appoint two pupils, we should then fill the Academy so full that there would be no accommodations for the number; yet the necessities of the service require that there should be a greater number than one for each member of the House of Representatives. The committee have therefore allowed to each Senator the privilege of appointing one for this year, and no longer.

Mr. COLLAMER. I do not understand that at present, without the passage of this bill, each member of the House of Representatives is enabled to appoint one. The number, as I understand it, of the acting midshipmen, is fixed by law, and then it is apportioned among the States according to their representative population; but it is not true that there is one there for each member at the same time. The school is not so large as that, I understand. This is to make it permanently so large as to have one member in it for each district in the Union. Would not that very much increase it?

Mr. GRIMES. I think the Senator from Vermont is mistaken in supposing that each representative district is not now entitled to one pupil at the Naval Academy. As I understand it, each Representative of a congressional district is entitled to one pupil.

Mr. KING. How many do they have there?

Mr. GRIMES. We have regularly four classes at the Academy. At this time all the classes have been sent away and are now performing valuable service to the country, except the younger class. We are obliged to keep up just the same corps of professors; they are in our employment; and, except by the passage of some law, we have no power to discharge them. It is essential, as the committee think, that the Academy should be filled up with these younger and more active and more efficient officers for the service.

Mr. HARRIS. I think the Senator from Iowa is in a little error as to the existing law in reference to this school. If I understand it, under the present law each congressional district is entitled to a little more than one cadet at the school—about one and one third. That is to say, each district may have one cadet there all the time, and about one third of the time may have two cadets there under the present law. But at the present time the school is reduced to the small number of sixty-six pupils. There is one class now in the school of sixty-six. Such have been the exigencies of the service, that three classes have been taken out of the school, and are now actually in the naval service, acting as midshipmen; and I am aware of the fact, that so great is the demand for service of this kind in the Navy, that it is contemplated to take a portion of the present class, those who have made the greatest proficiency this autumn, and put them into the Navy. It seems to me that there is a great demand on Congress to fill up the school. As has been said, we have a large corps of professors there, supported by the Government. We have all the appliances necessary for the education of two or three hundred midshipmen. Now the school is actually reduced to sixty-six, and it is proposed to reduce it still more; but, in my judgment, there is a defect in the proposition of the Senator from Iowa.

Mr. GRIMES. It is the committee's proposition.

Mr. HARRIS. In the proposition of the committee. The amendment that is proposed, if I comprehend the terms of the amendment, will authorize every member of Congress in both Houses now to nominate a pupil for the school, and the President, in addition, to appoint ten. In other words, the new pupils to be appointed between this and the 1st of September, for the purpose of filling up the school, will be equal to the aggregate number of both Houses of Congress, with the addition of ten. That is rather too many.

Mr. GRIMES. That is not as many as were appointed in 1841.

Mr. HARRIS. That would make about——

Mr. GRIMES. Upwards of two hundred.

Mr. HARRIS. I shall not object to that. It is not quite as many as I had contemplated. The school ought to be filled up; I have no doubt about that; and it seems to me every member of Congress must feel that the school ought not to remain in its present condition, in view of the exigencies of the Government.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. GRIMES, the title was amended so as to read as follows: "A bill to increase the medical corps of the Navy, and for other purposes."

ARMORED SHIPS.

The PRESIDENT *pro tempore*. The bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, is the next bill in order on the Calendar.

The Senate proceeded, as in Committee of the Whole, to consider the bill. It proposes to direct the Secretary of the Navy to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction of iron-clad steamships or steam batteries, and on their report, should it be favorable, the Secretary is to cause one or more armored or iron-clad steamships or floating steam batteries to be built, for which purpose the sum of $1,500,000 is to be appropriated. It also provides that in case of a vacancy in the office of engineer-in-chief of the Navy, the appointment is to be made from the list of chief engineers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BONDS OF ARMY PAYMASTERS.

The PRESIDENT *pro tempore*. The joint resolution (S. No. 7) in relation to the bonds of paymasters in the Army is the next business in order upon the Calendar, which has been reported from the Committee on the Judiciary adversely.

The joint resolution was read.

The PRESIDENT *pro tempore*. The usual motion upon an adverse report of a bill is, that it be indefinitely postponed. If there be no objection, the Chair will put the question on that motion. "Shall this joint resolution be indefinitely postponed?"

The motion was agreed to.

STEVENS'S FLOATING BATTERY.

The PRESIDENT *pro tempore*. The House joint resolution (No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey, is next in order.

The joint resolution was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Navy to appoint a board of examiners to examine the iron steam battery now building at Hoboken, New Jersey, and ascertain what will be the cost of completing the same, how soon it can be completed, and the expediency thereof, and report for the next meeting of Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFISCATION OF PROPERTY.

The bill (S. No. 25) to confiscate property used for insurrectionary purposes was announced to be next in order; and it was considered as in Committee of the Whole. It proposes that if, during the present or any future insurrection against the Government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give, any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is to be declared to be lawful subject of prize and capture wherever found; and it is to be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned. Such prizes and capture are to be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty. And the Attorney General, or any district attorney of the United States in which the property may at the time be, may institute the proceedings of condemnation, and in such case they are to be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings are to be for the use of such informer and the United States in equal parts.

The amendment reported by the Committee on the Judiciary was to add to section two the words:

"In any district in which the same may be seized or into which they may be taken and proceedings first instituted."

So that the section will read:

SEC. 2. *And be it further enacted*, That such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty, in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

Mr. TRUMBULL. That amendment was concurred in when the bill was reported. It is mere detail.

The PRESIDENT *pro tempore*. The Chair was informed that objection was interposed to the consideration of the bill at that time.

Mr. TRUMBULL. That amendment was reported and concurred in, and I, as an individual, subsequently offered an amendment to the bill. That is the fact about it. I do not know how the Journal appears. The question pending is an amendment offered by me as an individual, and not from the committee.

The PRESIDENT *pro tempore*. The question before the Senate is on this amendment; that appears from the record. The Chair has some recollection of the fact as stated by the Senator from Illinois.

Mr. TRUMBULL. The record has been made up wrongly, and that would cut out an amendment which has been proposed.

The PRESIDENT *pro tempore*. The bill is treated as not having been considered at all, objection to its consideration having been interposed.

Mr. TRUMBULL. I do not know that it is very material; but it would be proper to correct the Journal if it is that way, for it produces confusion. There was another amendment offered when the Senate last met, which is pending; and which could not be offered and be pending if this was undisposed of. An additional section was offered as an amendment to the bill by me, and unless the correction can be made, perhaps the wisest way to get it right is to pass on it again. I suppose there will be no objection to it.

Mr. COLLAMER. I think the Senator is a little mistaken about it. This amendment was offered and some motion was made about its being adopted; but objection was made to the consideration of the bill at that time, and therefore that inchoate business was passed over, it being unfinished matter.

Mr. TRUMBULL. The Senator from Vermont is mistaken. Objection was made by the Senator from Kentucky—he will remember it—to the consideration of the bill. I asked him if he had any objection to considering this amendment and having it put on the bill? He said he had not, and it was adopted. I then offered another amendment for the purpose of getting it before the Senate, and stated that the bill would be postponed. The Senator from Vermont has probably got the two things mixed together. That was the fact about it.

Mr. COLLAMER. I understand this to be the case: an amendment cannot be made to a bill on the day it is reported if objection be made to its consideration, even though the Senator who makes the objection consents to the amendment. The moment the objection is made the bill goes over, even if he does agree to the amendment.

Mr. TRUMBULL. I take it that a Senator has a right to withdraw his objection, and in this case the Senator from Kentucky did withdraw it and the Senator from Vermont did not renew it.

Mr. COLLAMER. No; I did not renew it.

Mr. TRUMBULL. It was withdrawn for the purpose of allowing the amendment to be made. If the Senator from Vermont wishes a dispute with me about the fact, I tell him the objection was withdrawn by the Senator from Kentucky and the amendment was agreed to to my personal knowledge, and then I proposed an amendment with the understanding that it was to lie over. The Senator from Kentucky will recollect it.

Mr. COLLAMER. I have no doubt the Senator has perfect confidence in the truth of his statement; but the difficulty arises in this way: the record is that the bill passed over upon objection being made; that is the way it stands; the bill was not considered, it being objected to. As I understand the process of business at the Clerk's desk, if a bill passes over in any way upon objection being made, although the Senator objecting may be willing to agree to the amendment proposed, it is not regarded as agreed to. If he withdraws his objection to the amendment, the bill goes on; but if the objection is persisted in, and the bill goes over on account of the objection, the amendments are not considered as adopted. That, I take it, is the manner of doing business at the desk.

Mr. POWELL. I think the statement made by the Senator from Illinois is correct. When the bill was reported, an amendment from the committee was read, and the Senator himself wished to offer an amendment as an individual. I objected to the consideration of the bill, but at the instance of the Senator from Illinois I withdrew the objection for the purpose of having the committee's amendment considered. That was considered, and then the bill passed over under the objection. I, in the committee, was opposed to the amendment and to the bill, as the Senator is aware. He has stated the facts correctly.

Mr. COLLAMER. I am sorry to be misapprehended. I understand that, from the mode of business at the desk, such a thing cannot take place. I have no doubt both those gentlemen understand it just as they say; but if the bill goes over under the objection, the amendments cannot be recorded, and are not considered as being the act of the body.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment offered by the Senator from Illinois, which will be read.

Mr. TRUMBULL's amendment was read, as follows:

And be it further enacted, That whenever any person claiming to be entitled to the service or labor of any other person, under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit or suffer him to be so employed, he shall forfeit all right to such service or labor, and the person whose service or labor is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding.

Mr. BRECKINRIDGE. There are some provisions of the bill which I think are subject to just criticism, and this amendment strikes me as very objectionable. I do not propose to argue it, for I am aware it will probably command a decided majority in the Senate; but I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BRIGHT. I should like to hear the amendment read again.

The Secretary again read it.

Mr. TRUMBULL. As the yeas and nays are called for, I will state simply what it is, and all there is of it. The amendment provides that if any person held to service or labor in any State,

under the laws thereof, (by which, of course, is meant a slave in any of these States,) if employed in aid of this rebellion, in digging ditches or intrenchments, or in any other way, or if used for carrying guns, or if used to destroy this Government, by the consent of his master, his master shall forfeit all right to him, and he shall be forever discharged; and I am glad the yeas and nays are called to let us see who is willing to vote that the traitorous owner of a negro shall employ him to shoot down the Union men of the country, and yet insist upon restoring him to the traitor that owns him. I understand that negroes were in the fight which has recently occurred. I take it that negroes who are used to destroy the Union, and to shoot down the Union men by the consent of traitorous masters, ought not to be restored to them. If the Senator from Kentucky is in favor of restoring them, let him vote against the amendment.

Mr. BRECKINRIDGE. The line of remarks made by the Senator appears to me to be altogether uncalled for. I expect to do my duty here as a Senator, upon my own conscience and upon my own judgment, according to the Constitution. I shall enter into no argument in reply. I showed my willingness to vote by asking for the yeas and nays. In my opinion, the amendment will be one of a series which will amount, before we are done with it—if, unhappily, we have no settlement or adjustment soon—to a general confiscation of all property, and a loosing of all bonds. The inferences the Senator draws are not deducible from my motives and purpose in calling for the yeas and nays on this amendment, and the vote I shall give.

Mr. WILSON. I shall vote with more heart than I vote for ordinary measures, for this proposition. I hope the Senate and the House of Representatives will sustain it, and that this Government will carry it out with an inflexibility that knows no change. The idea that men who are in arms destroying their country shall be permitted to use others for that purpose, and that we shall stand by and issue orders to our commanders, that we should disgrace our cause and our country, by returning such men to their traitorous masters, ought not longer to be entertained. The time has come for that to cease; and, by the blessing of God, as far as I am concerned, I mean it shall cease. If there is anybody in this Chamber that chooses to take the other path, let him do it; let him know what our purpose is. Our purpose is to save this Government and save this country, and to put down treason; and if traitors use bondmen to destroy this country, my doctrine is that the Government shall at once convert those bondmen into men that cannot be used to destroy our country.

I have no apologies to make for this position. I take it proudly. I think the time has come when this Government, and the men who are in arms under the Government, should cease to return to traitors their fugitive slaves, whom they are using to erect batteries to murder brave men who are fighting under the flag of their country. The time has come when we should deal with the men who are organizing negro companies, and teaching them to shoot down loyal men for the only offense of upholding the flag of their country. I hope further, sir, that there is a public sentiment in this country that will blast men who will rise in the Senate or out of it to make apologies for treason, or to defend or to maintain the doctrine that this Government is bound to protect traitors in converting their slaves into tools for the destruction of the Republic.

Mr. BRECKINRIDGE. One single word, sir. The Senator from Massachusetts is a Senator from that Commonwealth, and, I presume, discharges what he believes to be his duty. I am a Senator from Kentucky, and I do the same thing; and when the Senator attempts to deter me from doing my duty in my place by intimating to me that the public sentiment, here or elsewhere, will blast any man who votes as he believes in his conscience to be right, I tell him that he speaks to the wind. I will utter no unparliamentary language, but I give that Senator notice now, that it is perfectly idle to attempt to influence the conduct of Senators in the discharge of their public duties by any such course of remark.

Mr. McDOUGALL. I understand this amendment to be in the nature of a confiscation for treason. I am in favor of it; but I ask the Senator from Illinois to make one modification in it. As it now reads, it makes the confiscation where the masters "permit or suffer" the employment of these parties. "Suffer" may be something he is compelled to do, and therefore I object to that term.

Mr. TRUMBULL. I have no objection to a verbal alteration. Would the words "willingly suffer" accomplish the Senator's object?

Mr. McDOUGALL. I think the word "permit" is sufficient. Let the words "or suffer" be stricken out. I regard this as a confiscation for treason, and I am for the proposition.

Mr. TRUMBULL. I agree to that amendment.

The PRESIDENT *pro tempore*. That modification will be made by common consent. The Chair hears no objection.

Mr. TRUMBULL. Let the amendment with that verbal alteration be read, so that we may all understand it.

The Secretary read it, as follows:

And be it further enacted, That whenever any person claiming to be entitled to the service or labor of any other person under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit him to be so employed, he shall forfeit all right to such service or labor, and the person whose labor or service is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding.

Mr. TEN EYCK. Mr. President, no longer ago than Saturday last I voted in the Judiciary Committee against this amendment, for two reasons: first, I did not believe that persons in rebellion against this Government would make use of such means as the employment of persons held to labor or service in their armies; secondly, because I did not know what was to become of these poor wretches if they were discharged. God knows we do not want them in our section of the Union. But, sir, having learned and believing that these persons have been employed with arms in their hands to shed the blood of the Union-loving men of this country, I shall now vote in favor of that amendment with less regard to what may become of these people than I had on Saturday. I will merely instance that there is a precedent for this. If I recollect history aright, General Jackson, in the Seminole war, declared that every slave who was taken in arms against the United States should be set free.

Mr. PEARCE. Mr. President, the first section of the bill is general enough in its phraseology to cover this particular species of property and render it liable to confiscation. To that I make no objection; but it will not be surprising to the Senate if those who come from the section of the country in which I reside should be a little sensitive at anything which proposes, as this amendment does, an act of emancipation, however limited and qualified. That is my objection to it. Besides, I think it will be *brutum fulmen*. It is a simple declaration that the persons thus employed shall be no longer liable to service or labor, but shall be discharged therefrom. What provisions have you for enforcing that; and how do you think you could enforce it within the States in which alone this sort of labor is employed in the Army, if indeed it is so employed at all? You have made no provision for the ascertainment of the facts by the courts, and the declaration of a legal sentence by any tribunal. You rest upon the general provision of the section that they shall be discharged from service and labor. Now, sir, where and by what court would you have that sentence declared, and by what authority enforced? In the States where this institution prevails, even if they should return to the Union, your law would be considered unconstitutional. The State courts would undoubtedly set it at defiance. If you could cause the individual to be discharged in such a State, it is most probable that the State laws would immediately be put in operation against him, and that he would be subjected to a procedure by which he would be again remanded to the condition of servitude. I think it better to let it alone, and let it stand on the first section, which declares that all property so employed shall be liable to confiscation.

I admit there might be a question as to what you will do with this property if you make it only subject to confiscation; but surely as the bill now stands, it is nothing but *brutum fulmen*. Nothing will come of it but more of that irritation of which it is my earnest prayer there shall be as little as possible. I think it is the part of statesmen, in managing the concerns of the country at this dreadful crisis, to observe all possible toleration, all conciliation, all liberality, not looking merely at the events of the day, but at the great events that may crowd upon us for years, and upon which the fate of the country, for weal or for woe, may depend for a century. I am not insensible to the magnitude of this occasion. I look at all its aspects and at all the consequences which may result from that which is now in progress. No man deplores it more deeply than I do. No man sought more earnestly to shun it. I only ask now that this measure, which cannot be of any very active force, may not be adopted; because it will only add one more to the irritations which are already exasperating the country to far too great an extent. It will inflame suspicions which have had much to do with producing our present evils; will disturb those who are now calm and quiet; inflame those who are restless; irritate numbers who would not be exasperated by anything else; and will, in all probability, produce no other real effect than these. Being, then, useless, unnecessary, and irritating, it is, in my opinion, unwise.

The question being taken by yeas and nays, resulted—yeas 33, nays 6; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Kansas, McDougall, Morrill, Nesmith, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—33.

NAYS—Messrs. Breckinridge, Johnson of Missouri, Kennedy, Pearce, Polk, and Powell—6.

So the amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 37) providing for the better organization of the military establishment, in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; which thereupon received the signature of the President *pro tempore*.

THE NATIONAL LOAN.

Mr. FESSENDEN. I am instructed by the Committee on Finance to report a bill which it is necessary should be passed promptly. I suppose there will be no objection to it. I wish to have it passed at once.

The bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," was, by unanimous consent, read twice, and considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to issue bonds, not less than $500 each, bearing six per cent. interest, payable at the pleasure of the United States, after twenty years from date, which may be exchanged for Treasury notes bearing seven and three tenths per cent. interest, issued under the act "to authorize a national loan and for other purposes," approved July 17, 1861.

The bill was reported to the Senate without amendment, and ordered to be engrosed for a third reading. It was read the third time, and passed.

INCREASE OF THE ARMY.

Mr. McDOUGALL. I desire to offer a resolution, for the purpose of having it referred:

Resolved, That it is the policy of the Government to organize an army of not less than one hundred and fifty thousand men, on the basis of the regular Army of the United States, the commissioned officers of which shall be appointed by the President, by and with the advice and consent of the Senate.

I will simply say, that this resolution is expressive of an opinion which I have before partially expressed in the Senate, and the soundness of which has been recently confirmed. I move

that the resolution be referred to the Committee on Military Affairs, with a request that they report by bill or otherwise.

The motion was agreed to.

Mr. KING. Let the resolution be printed.

The resolution was ordered to be printed.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore*. The hour has arrived for the consideration of the special order of the day, being the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion.

Mr. JOHNSON, of Tennessee. On account of indisposition, I cannot proceed to-day; and if it be the pleasure of the Senate, I prefer that the resolution should go over until Wednesday at one o'clock.

The PRESIDENT *pro tempore*. Does the Senator make that motion?

Mr. JOHNSON, of Tennessee. Yes, sir.

The motion was agreed to.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Chair will remind the Senate that there is now no business of a legislative character on the table.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened.

HOUSE BILL REFERRED.

The bill (No. 37) providing for the better organization of the military establishment was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

THE NATIONAL LOAN.

Mr. FESSENDEN. I move that the vote by which we passed this morning the bill (S. No. 41) supplementary to the act entitled "An act to authorize a national loan and for other purposes," be reconsidered. I do it with a view to add a section which seems to be necessary.

The motion was agreed to.

The PRESIDENT *pro tempore*. The next question is, "Will the Senate reconsider the vote ordering the bill to be engrossed and read a third time?"

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now open to amendment.

Mr. FESSENDEN. I move to add the following as a new section:

And be it further enacted, That the Treasury notes issued under the provisions of the said act may be signed by the Treasurer of the United States, or by any of the officers named in the second section thereof, or by any officer of the Treasury Department designated by the Secretary of the Treasury for said purpose.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the joint resolution of the Senate (No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death, with an amendment, in which the concurrence of the Senate was requested.

The message further announced that the House had passed a bill (No. 64) to refund duties on arms imported by States; in which the concurrence of the Senate was requested.

The message further announced that the House had concurred in the amendments of the Senate to the bill of the House (No. 57) for the relief of Ohio and other volunteers.

HOUSE BILLS REFERRED.

The bill (No. 64) to refund duties on arms imported by States was read twice by its title, and referred to the Committee on Finance.

INCREASE OF THE ARMY.

Mr. WILSON. The Senate passed the other day a bill to increase the Army. That bill went to the House of Representatives, and the House amended the bill by striking out all after the enacting clause, and inserting a substitute providing for the more effectual organization of a volunteer force. The bill came back with this amendment, and was referred on Saturday, as I learn, to the Committee on Military Affairs and the Militia. I think that it is a very plain and simple question, and it is important that we should act on it to-day. I move that the committee be instructed to report the bill back to the Senate forthwith.

The PRESIDENT *pro tempore*. The Chair would suggest that the more appropriate motion would be, that the committee be discharged from its further consideration. If that motion carries, it brings the bill before the Senate.

Mr. WILSON. I make that motion.

The PRESIDENT *pro tempore*. The motion of the Senator from Massachusetts is, that the Committee on Military Affairs be discharged from the further consideration of the bill (S. No. 2) to increase the present military establishment of the United States, with the amendment of the House of Representatives thereto.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now in the possession of the Senate, and the question is on concurring in the amendment of the House of Representatives.

Mr. WILSON. I do not wish to occupy the time of the Senate, although that time is not now very precious. We passed the other day a bill for the organization of eleven regiments to be added to the regular Army. The House of Representatives have changed it altogether, and the amendment which they have adopted in reality provides for a volunteer force. Their amendment provides that the officers of the Army who accept commissions in these regiments shall, at the end of the war, go back to their old regiments with their former rank. It so happens that, in organizing these new regiments, the Government adopted the plan of taking one half of the field officers, and of the captains and first lieutenants, from the Army; the object being to make this force a good army force in the shortest possible time, and to bring into these regiments, which are to be very large regiments, a large class of trained and experienced officers. These appointments have been made, and many officers have accepted their new appointments. Of the eleven regiments, nine, I think, are officered as colonels by men from the Army. A large share of the lieutenant colonels, majors, captains, and first lieutenants are officers of the Army, and have accepted these commissions, and the President has sent to the Senate a number of appointments to fill their places, which are now before the Committee on Military Affairs.

I hold that this amendment of the House of Representatives effectually destroys the bill; and if it is supported by the Senate, I think the whole matter should be at once abandoned by the Government as an unnecessary undertaking. As the bill passed the Senate, it contained a provision inserted on the motion of the Senator from New York, [Mr. KING,] modified by an amendment made to it by the Senator from Wisconsin, [Mr. HOWE,] declaring that this force was created to meet present exigencies, and that at the end of the war, or one year after peace was restored and the authority of the Government everywhere recognized, Congress might reduce the Army to such limits as in their judgment they saw fit, leaving the whole matter to be then settled by Congress, expressing the will of the people. I had no particular objection to that, although I did not vote for it.

I hope, sir, that this amendment of the House of Representatives will not be sustained by the Senate, and that the Senate will stand by the bill as they originally passed it.

Mr. KING. The principal difference between the amendment as it comes from the House of Representatives and the bill as it was passed by the Senate, is in the name by which these troops are called. In the House amendment they are called volunteers; in the Senate bill they are called regulars. The manner in which the troops are to be officered is the same in both. In the House bill their term of service expires by the act which raises them, when these difficulties are over; by the Senate bill the declaration is made that they are for the present emergency, and that Congress may, at the expiration of the period named in the bill, reduce the Army to its previous standard. In that respect, it will be perceived that the difference is, that in order to reduce the Army by the bill as it passed the Senate, the action of Congress must take place; whereas by the bill as it now comes from the House of Representatives, the reduction will take place unless Congress shall intervene, though of course Congress will then have the power to continue what force they please.

I had this amendment referred to the Committee on Military Affairs on Saturday, in the absence of the chairman, and would have preferred that it had been considered in the committee, that we might there have talked over the subject, and have learned, as we are able to do in the committee, the opinions and the reasonings of the members of the committee.

I understand that the majority of the committee prefer the bill as it passed the Senate, though a minority do not. The chairman consulted with me this morning about his motion to discharge the committee, and although I preferred that the bill should be considered in committee, I did not resist that motion, because on these questions the earliest action we can have is the best, so that it can be had on a clear understanding of the proposition.

The volunteers raised by the States are officered according to the provisions made by the States, the officers being generally chosen by the men. This bill provides, both as passed by the Senate and as amended by the House, that the appointments shall be made by the President, and hence enables Army officers to go into them.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

Mr. COLLAMER. Has this amendment, which is a substitute for the bill, ever been read in the Senate?

The PRESIDENT *pro tempore*. It has not been read at length.

Mr. COLLAMER. I think we had better have it read.

The Secretary read the amendment; which is to strike out all of the bill after the enacting clause, and insert the following:

That there shall be added to the volunteer forces, as now authorized by law, nine regiments of infantry, one regiment of cavalry, and one regiment of artillery; each regiment of infantry to consist of not less than two or more than three battalions, as the exigencies of the public service may, in the opinion of the President of the United States, demand; each battalion to consist of eight companies; each company to consist of one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, and as many privates, not exceeding eighty-two or less than sixty-four, as the President of the United States may, according to the requirements of the military service, direct. The regiment of cavalry hereby authorized shall consist of not more than three battalions, of not more than two squadrons each; and each squadron shall consist of two companies, each company to be composed of one captain, one first and one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, two farriers, one saddler, one wagoner, and as many privates, not exceeding seventy-two or less than sixty-four, as the President of the United States may, according to the requirements of the military service, direct. The regiment of artillery hereby authorized shall consist of not more than twelve batteries; and each battery shall consist of one captain, one first and one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two or less than one hundred, as the President of the United States may, according to the requirements of the military service, direct. And there may be added to the aforesaid battery organization, at the discretion of the President, having due regard to the public necessities and means, one first and one second lieutenant, two sergeants, and four corporals.

SEC. 2. *And be it further enacted*, That the field and staff commissioned and non commissioned officers of the regiments hereinbefore authorized shall be as follows: To each regiment of infantry, one colonel, one lieutenant colonel, one regimental adjutant, one regimental quartermaster and commissary, one drum major, or leader of the band, and two principal musicians; and to each battalion of infantry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant major, one quartermaster sergeant, one commissary sergeant, and one hospital steward; the regimental and battalion adjutants and quartermasters and commissaries to be taken from the lieutenants of the regiments and battalions respectively. To a regiment of cavalry, one colonel, one lieutenant colonel, one regimental adjutant, one regimental quartermaster and commissary, and two chief buglers; and to each battalion of cavalry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one saddler sergeant, and one veterinary sergeant; the regimental adjutant, and the regimental and battalion quartermasters and commissaries, to be taken from the lieutenants of the regiments and battalions respectively. To the regiment of artillery, one colonel, one lieutenant colonel, one major to every four batteries, one adjutant, one regimental quartermaster and commissary, to be taken from the lieutenants of the regiment, one sergeant major, one

quartermaster sergeant, one commissary sergeant, two principal musicians, and one hospital steward; and the bands of the regular regiments shall consist of not more than twenty-four musicians for each regiment of infantry and artillery, and sixteen musicians for each regiment of mounted troops.

SEC. 3. *And be it further enacted*, That there shall be added to the Army of the United States the following general officers, namely: Four major generals, with three aids-de-camp each, to be taken from captains or lieutenants of the Army, and six brigadier generals, with two aids-de-camp each, to be taken from the lieutenants of the Army.

SEC. 4. *And be it further enacted*, That the officers and enlisted men raised in pursuance of the foregoing sections shall receive the same pay, emoluments, and allowances, and be on the same footing, in every respect, with those of corresponding grades and corps now in the regular service. The regimental bands will be paid as follows: one fourth of each the pay and allowances of sergeants of engineer soldiers; one fourth those of corporals of engineer soldiers; and one half those of engineer soldiers of the first class; the drum major or leader of the band, the pay and emoluments of a second lieutenant of infantry; the saddler sergeants, veterinary sergeants, company quartermaster sergeants, and drum majors, will receive the pay and allowances of sergeants of cavalry. The battalion adjutant and battalion quartermasters and commissaries will receive the emoluments now provided by law for regimental adjutants.

SEC. 5. *And be it further enacted*, That the term of enlistments made, and to be made, in the years 1861 and 1862, in the regular Army, and for the force authorized by this act, shall be for the period of three years from the 4th day of July, 1861; and those to be after January 1, 1863, in the regular Army, shall be for the term of five years, as at present authorized; and that the men hereafter enlisted in the regular forces shall be entitled to the same bounties, in every respect, as those allowed, or to be allowed, to the men of the volunteer forces: *Provided, however*, That the men enlisted for the force authorized by this act shall be disbanded at the end of the war.

SEC. 6. *And be it further enacted*, That at the expiration of said term of three years from the 4th day of July, 1861, or at the end of the war, the said regiments shall be mustered out of service and discharged.

SEC. 7. *And be it further enacted*, That the President of the United States may, if he shall deem it for the public interest, detach any of the officers of the regular Army from their respective regiments or corps and appoint them to any position for service in the regiments authorized by this act; and the officers so appointed shall, during the term of such service, receive the pay, emoluments, and allowances of the rank to which they shall be assigned; and when the said regiments are mustered out of service, all of the officers of the regular Army who have been detached and assigned to duty in the same shall resume their positions in the regular Army, and shall be entitled to the same rank, promotion, and emoluments, as if they had continued to serve in their own regiments or corps of the regular Army.

SEC. 8. *And be it further enacted*, That the enlistments for the regiments authorized by this act shall be in charge of the officers detailed for that purpose, who are appointed to said regiments from civil life; and that in the mean time the officers appointed to the same from the regular Army shall be detailed by the Commanding General to such service in the volunteer regiments now in the field as will, in his judgment, give them the greatest military instruction and efficiency; and that the Commanding General may, in his discretion, employ said officers with any part of the regular forces now in the field until the regiments authorized by this act shall have been fully recruited, and detail any of the officers now in the regular Army to service with the volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said volunteer regiments, for the purpose of imparting to them military instruction and efficiency.

SEC. 9. *And be it further enacted*, That if, within the period of six months from and after the 4th day of July, 1861, the regiments of volunteers authorized by this act shall not be fully recruited, then the men enlisted for the nine regiments of infantry shall be consolidated into as many regiments of infantry as the number of men enlisted will be sufficient to complete at the maximum required by this act; and such number only shall be received into service under this act under officers to be selected from those employed to recruit said regiments; and if, within the period of six months from and after the 4th day of July, 1861, the regiments of cavalry and artillery shall not be fully recruited to the minimum number required, then the men enlisted for the regiment of cavalry shall be consolidated into companies or squadrons, with the maximum required by this act, as the case may be, and a sufficient number of the officers engaged in recruiting shall be appointed to command them; and the companies or squadrons so completed shall be accepted into service and ordered upon duty; and the officers who have been designated to the duty of recruiting said regiment, whose services shall not be required, shall be discharged; and in the same manner the men enlisted for the regiment of artillery shall be consolidated into batteries or battalions at the maximum required, and assigned to duty with the officers selected from the number detailed to recruit the same; and the officers designated to recruit the same, whose services shall not be required, shall in like manner be discharged.

Mr. KING. The amendment has been read. It is not necessary to recur to the provisions of the other bill. As I said, I think a majority of the Military Committee prefer the bill as it passed the Senate. My own preference is for this measure, chiefly because it provides for mustering out of service, and thus requires the action of Congress to determine what the peace establishment shall be when the time arrives for determining that question.

Mr. McDOUGALL. I think the amendment of the House of Representatives is legislating in the wrong direction. I do not believe that the bill, as originally presented by the Committee on Military Affairs, was at all adequate to our present necessity; and I introduced a resolution this morning for the purpose of bringing before the Military Committee the question again in a new form. I think that we shall be able to legislate for the future when the future has developed itself; but at the present time we ought to put into the field, as a permanent force, all the force that, so far as we are now advised, will be needed until the present war is over.

I was not satisfied with the bill as it passed the Senate, and I am still less satisfied with it as amended in the House of Representatives. The provisions of the amendment are calculated to do mischief in the service, and destroy the spirit and force of men now engaged under arms for the cause, and those who may be called upon to take up arms hereafter. I believe firmly that we want to organize a regular standing force for the present purpose ten times as large as is named in the bill; and when we shall have conquered a peace, we shall have the power then, being advised, to disband the troops, and relieve the country from the burden of its expenses. I think, myself, the bill was weak enough as we passed it—too weak; and worse as amended in the House of Representatives. I am opposed to concurring in the amendment, and hope that the Military Committee may report a bill, without providing for the contingencies of years to come, that will organize a regular military force upon the basis of the present regular military establishment, so that the officers who go into the service will understand their business, and the men who enlist under them will understand that they are bound by the regulations of the service, and have the field officers appointed upon consultation by the heads of the military departments. It is required by the times, and I think we might as well meet that requirement.

The question being taken, the amendment of the House of Representatives was not concurred in.

PAY OF SENATOR DOUGLAS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to Senate resolution No. 5, to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death; which was, after the word "dollars," in line ten, to insert the words, "and also the sum of $1,030 for mileage."

Mr. CLARK. I desire to say that it is entirely contrary to the practice of the Senate for some four or five years. I think in no case since the act increasing the pay of members of Congress, when Senators have died in this way, have we paid mileage. I think there were three cases occurring one session. We passed a general resolution that the administrator or personal representative should be entitled to the proper pay at the rate of $3,000 per annum; but in no case should they receive less than three months' pay, but without the mileage. The committee reported this joint resolution in accordance with that provision. There is a general resolution standing on the statute-book that the heirs of the member are to be entitled to his pay without the mileage. I hope the amendment will not be concurred in.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was non-concurred in.

EMPLOYMENT OF VOLUNTEERS.

Mr. WILSON. I ask the unanimous consent of the Senate to introduce a bill, of which no previous notice has been given; and I should like to have it considered to-day, without reference to a committee. It is very brief, and important.

There being no objection, the bill (S. No. 42) in addition to the "act to authorize the employment of volunteers, to aid in enforcing the laws and protecting public property," approved the 22d of July, 1861, was read twice by its title. The bill authorizes the President of the United States to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers as the exigencies of the public service may, in his opinion, demand, to be organized as authorized by the act of July 22, 1861. The volunteers thus authorized are to be armed as the President may direct. They are to be subject to the rules and articles of war, and are to be put, in all respects, on a footing with similar corps of the United States Army, and are to be mustered into service for and during the war.

Mr. FESSENDEN. I should like to see and examine that bill. Unless it can be explained, I think it had better be passed over.

The PRESIDENT *pro tempore*. The bill, having been read twice to-day, can only be considered by unanimous consent.

Mr. WILSON. I will explain why it is necessary to pass the bill to-day.

Mr. PEARCE. I prefer that it should lie over. I do not exactly understand the object of the bill; and I want to know something about it.

The PRESIDENT *pro tempore*. Objection being made, the bill cannot be considered to-day. It will go upon the Calendar.

Mr. PEARCE. If there is no further business before the Senate, I will move that the Senate do now adjourn.

Mr. FESSENDEN. I ask the Senator to withdraw that motion for a moment.

Mr. PEARCE. Certainly; I withdraw it.

Mr. GRIMES, [After a pause.] I move that the Senate adjourn.

Mr. FESSENDEN. I ask my friend to withdraw that motion. Why make such a motion? We may perhaps pass the bill of the Senator from Massachusetts.

Mr. GRIMES. Because I am satisfied there is no necessity for passing that bill to-day. However, I will withdraw the motion, if the Senator desires it.

Mr. KING. I understand there will be a message from the President in a few minutes.

EXECUTIVE SESSION.

Several messages in writing were received from the President of the United States, by Mr. HAY, his Secretary.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of executive business. I understand there are some executive communications just received.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 22, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Friday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed bills of the House of the following titles, without amendment:

An act (No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina;

An act (No. 17) authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases; and

An act (No. 56) in relation to forwarding soldiers' letters.

Also, that the Senate had passed bills of the House of the following titles, with amendments, in which he was directed to ask the concurrence of the House:

An act (No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862;

An act (No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862; and

An act (No. 57) for the relief of the Ohio and other volunteers.

Also, that the Senate had passed bills and a joint resolution of the following titles; in which he was directed to ask the concurrence of the House:

An act (No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands;

An act (No. 37) to regulate the police force of the city of Washington; and

A joint resolution (No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death.

The SPEAKER announced as the first business in order the call of States for bills of which previous notice had been given.

JUDGE DOUGLAS.

Mr. COX. I desire to call up the resolution of the Senate to pay the representatives of Judge Douglas the compensation due him as Senator.

No objection being made, the resolution was taken up and read by its title, as follows:

A resolution (S. No. 5) to pay to the widow of Stephen A. Douglas the amount due to him as Senator at the time of his death.

The resolution, which was read, directs the proper officer to pay to the widow of the late Senator Stephen A. Douglas the amount of compensation due to him at the time of his death, being $750, out of any money in the Treasury not otherwise appropriated.

Mr. RICHARDSON. Is an amendment in order now?

The SPEAKER. It is.

Mr. RICHARDSON. I move to amend by adding "and mileage, being $1,084." I desire to make a simple statement to the House in reference to this amendment. Mr. Douglas was in the Senate during the called session, which, under the law, I think entitles him to the mileage. The pay proper for three months there is no question about; and the question of mileage is the only one to which I desire to call the attention of the House. He having taken his seat after the 4th of March, which was during this session of Congress, he was equitably entitled to his mileage; and therefore I move the amendment.

The amendment was agreed to.

The joint resolution was then ordered to be read a third time.

It was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL APPROPRIATION BILL.

Mr. STEVENS. I move that House bill No. 26, making additional appropriations for sundry civil expenses of the Government for the year ending June 30, 1862, and appropriations for arrearages for the year ending June 30, 1861, with the Senate amendments thereto, be taken from the Speaker's table, and referred to the Committee of Ways and Means, and be printed.

The motion was agreed to.

LEGISLATIVE APPROPRIATION BILL.

Mr. STEVENS. I move that House bill No. 25, making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861, be referred to the Committee of Ways and Means, and be printed.

The motion was agreed to.

REFUNDING DUTIES ON IMPORTED ARMS.

Mr. STEVENS, by unanimous consent, from the Committee of Ways and Means, reported back a bill to refund duties upon arms imported by States.

The bill was read a first and second time.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; when the Speaker signed the same.

ORGANIZATION OF MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. I ask the unanimous consent of the House to take from the Speaker's table a bill (S. No. 3) for the better organization of the military establishment, and refer it to the Committee on Military Affairs.

No objection being made, the bill was taken from the table, read a first and second time, and referred to the Committee on Military Affairs.

ORGANIZATION OF A HOME GUARD.

Mr. BLAIR, of Missouri, by unanimous consent, introduced a bill for the organization of a volunteer home guard to aid in enforcing the laws and protecting public property, in the several States where the same may be deemed necessary, and for arming the same; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OHIO AND OTHER VOLUNTEERS.

Mr. PENDLETON, of Ohio. I ask the unanimous consent of the House to take from the Speaker's table House bill No. 57, with the Senate amendments thereto, for the relief of the Ohio and other volunteers.

No objection being made, the bill and amendments were taken up for consideration.

The Senate amendments were read, as follows:

Line eight of the preamble, after the word "until," strike out "twelve days after their assembling at the place of rendezvous in said State appointed by the general order of said Department," and insert: "some days after their organization and acceptance as companies by the Governor of said State."

Line five, section one, strike out "assembling at the place of rendezvous in," and insert: "organization and acceptance of companies by the Governor of."

The amendments of the Senate were severally agreed to.

Mr. PENDLETON, of Ohio, moved to reconsider the vote by which the amendments were agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MARSHALS OF DISTRICTS, ETC.

Mr. BINGHAM. I ask unanimous consent to take from the Speaker's table Senate bill No. 16, concerning the Attorney General and the attorneys and marshals of the several districts, for the purpose of reference merely.

No objection being made, the bill was taken up, read a first and second time, and referred to the Committee on the Judiciary.

MAINTENANCE OF THE UNION, ETC.

Mr. VANDEVER asked unanimous consent of the House to introduce the following resolution:

Resolved, That the maintenance of the Constitution, the preservation of the Union, and the enforcement of the laws, are sacred trusts which must be executed; that no disaster shall discourage us from the most ample performance of this high duty; and we pledge to the country and the world the employment of every resource, national and individual, for the suppression, overthrow, and punishment of rebels in arms.

Mr. STEVENS. I must object. I do not believe that any resolution of this kind, from any quarter, is calculated to do any good or to strengthen our hands.

INCREASE OF THE REGULAR ARMY.

Mr. McCLERNAND. With the permission of the House, I wish to propound a question to the chairman of the Committee on Military Affairs. I wish to know the position of the question pending between the two Houses in relation to the increase of the regular Army. Will the chairman inform me?

Mr. BLAIR, of Missouri. I will state to the gentleman from Illinois, that the House passed a bill for raising eleven regiments of volunteers, of twenty-two hundred men each, upon the plan proposed, making them volunteers instead of regulars. The Senate passed a bill making it eleven regiments regular troops. The House amended the Senate bill by substituting its own. As so amended it has been sent back to the Senate.

The SPEAKER then proceeded with the call of States for bills and joint resolutions, of which previous notice had been given.

Mr. JOHNSON, by unanimous consent, introduced a joint resolution extending the benefit of the act of Congress entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, to the officers and soldiers engaged in quelling the present rebellion, and to their widows and minor children, and moved that it be referred to a select committee of five.

The motion to refer to a select committee was not agreed to.

The resolution was referred to the Committee on Public Lands.

DISTRICT OF COLUMBIA.

Mr. ASHLEY asked the unanimous consent of the House to introduce a joint resolution providing for the transfer of that portion of the District of Columbia formerly belonging to the United States.

Mr. COX. I object to that, until we have settled some other things.

Mr. ASHLEY. I move to suspend the rules.

The SPEAKER. The motion is not in order during this call of States for bills.

ARMS OF VOLUNTEERS.

Mr. HOLMAN introduced a joint resolution in relation to the arms of volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

UNITED STATES COURTS.

Mr. PORTER introduced a bill to amend the act entitled "An act to establish the judicial courts of the United States," approved September 24, 1789, and touching certain official bonds; which was read a first and second time, and referred to the Committee on the Judiciary.

The SPEAKER then proceeded to call the States for resolutions:

NATIONAL DIFFICULTIES.

Mr. NOBLE. I offer the following resolution:

Resolved, That the contest now existing between the Government of the United States and the disloyal organizations now existing in certain States which are now waging an unjustifiable war upon the constitutional authority of the Government, should be treated and regarded by all loyal citizens not as a sectional war, nor an anti-slavery war, nor a war of conquest or subjugation, but simply as a war for the maintenance of the Government, the suppression of rebellion, and the preservation of all the rights of all the States full and undiminished as they were purchased by the blood of the Revolution of 1776, and secured by all the provisions and compromises of the Federal Constitution, and for no other purpose whatever.

Mr. BURNETT. I desire to debate that resolution.

The SPEAKER. Then the resolution goes over under the rule.

PRESENT CONDITION OF THE COUNTRY.

Mr. CRITTENDEN. Mr. Speaker, I had the honor, on a late day, of offering a resolution on which I desire a vote of the House, but which was not then receivable under the rules. I now offer that resolution, and move the previous question upon it.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in arms against the constitutional Government, and in arms around the capital; that in this national emergency, Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the *supremacy* of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

Mr. CRITTENDEN. Mr. Speaker, I have asked the previous question upon the resolution.

The SPEAKER. The Chair will remind the gentleman from Kentucky that no debate is in order on the resolution. If debate arises, it must go over.

Mr. HOLMAN. By unanimous consent, I hope the gentleman from Kentucky will be heard.

Mr. CRITTENDEN. I rise for the purpose of asking of the House the great favor of their unanimous consent to allow me to make an explanation of that resolution.

Mr. BURNETT. I desire to make one remark personal to myself.

Mr. McCLERNAND. I object.

Mr. BURNETT. Then I will be compelled, if the gentleman will not permit me to do that, to object to my colleague speaking.

Mr. McCLERNAND. The gentleman must take his own course.

Mr. LOVEJOY. I move to lay the resolution upon the table.

Mr. COX. I demand the yeas and nays upon that motion.

The yeas and nays were not ordered.

The House refused to lay the resolution upon the table.

The previous question was seconded, and the main question ordered, being upon the adoption of the resolution.

Mr. BURNETT. I call for a division of the resolution.

The SPEAKER. The gentleman will indicate the division which he desires.

Mr. MALLORY. I rise to a question of order. My point of order is, that the resolution is an entirety, and that it is not susceptible of division.

The SPEAKER. That is the very question to be decided.

Mr. BURNETT. If I can have the resolution, I can show that it is not an entirety.

The resolution was handed to Mr. BURNETT.

Mr. LOVEJOY. I submit that it is the duty of the Speaker to ascertain that fact, and not the duty of the gentleman.

The SPEAKER. It is the duty of the gentleman to indicate the division which he desires, and the Chair will then decide whether it can be so divided.

Mr. BURNETT. I desire a separate vote upon the first clause of the resolution; which is as follows:

Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government, and in arms around the capital.

That does not destroy the residue of the resolution. It leaves a substantive proposition.

The SPEAKER. The Chair decides that the resolution is divisible in the way proposed; and the portion of it which the gentleman has just read will first be voted on.

Mr. BURNETT. I hope gentlemen will give us the yeas and nays on that branch of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 2; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Calvert, Campbell, Chamberlain, Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Cox, Crittenden, Curtis, Cutler, Davis, Dawes, Delano, Delaplaine, Diven, Duell, Dunlap, Dunn, Edgerton, Edwards, English, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Grider, Gurley, Haight, Hale, Harding, Harrison, Holman, Horton, Hutchins, Jackson, Julian, Kelley, Killinger, Lansing, Law, Leary, Lehman, Loomis, Lovejoy, McClernand, McKean, Mallory, Menzies, Moorhead, Anson P. Morrill, Justin S. Morrill, Morris, Nixon, Noble, Nugen, Odell, Olin, Patton, George H. Pendleton, Perry, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, JamesS. Rollins, Sheffield, Shellabarger, Sherman, Sloan, Smith, Spaulding, John B. Steele, William G. Steele, Stratton, Francis Thomas, Train, Trowbridge, Upton, Vandever, Van Valkenburgh, Van Wyck, Verree, Vibbard, Wadsworth, Charles W. Walton, E. P. Walton, Ward, Webster, Wheeler, Whaley, Albert S. White, Wickliffe, Windom, Woodruff, Worcester, and Wright—121.

NAYS—Messrs. Burnett and Reid—2.

So the first clause of the resolution was agreed to.

During the call of the roll,

Mr. FRANK stated that Mr. MCKNIGHT had been absent from the House for some days, in consequence of indisposition.

Mr. STRATTON stated that Mr. MCPHERSON was unavoidably absent from the House.

Mr. REID stated that Mr. NOELL was absent on account of sickness.

Mr. RIDDLE stated that Mr. TRIMBLE was confined to his room by sickness.

Mr. BROWNE, of Rhode Island, announced that Mr. WALL was absent in attendance on his son, wounded in the Army yesterday.

Mr. WEBSTER stated that his colleague, Mr. CHRISFIELD, was detained from the House by indisposition.

Mr. ALLEN, when his name was called, said: Believing that this war has been forced upon the country by the disunionists of the South, aided by the fanatics of the North, I vote "ay."

The result of the vote having been announced, as above recorded,

The question recurred upon agreeing to the latter portion of the resolution.

Mr. BURNETT demanded the yeas and nays.

The yeas and nays were ordered.

The question recurred on the second part of the resolution, as follows:

That in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

The question was taken; and it was decided in the affirmative—yeas 117, nays 2; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baxter, Beaman, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Buffinton, Calvert, Campbell, Chamberlain, Clark, Cobb, Colfax, Roscoe Conkling, Cooper, Corning, Cox, Crittenden, Curtis, Cutler, Dawes, Delano, Diven, Duell, Dunlap, Dunn, Edwards, English, Fenton, Fessenden, Fouke, Franchot, Frank, Gooch, Granger, Grider, Gurley, Haight, Hale, Harding, Harrison, Holman, Horton, Jackson, Johnson, Kelley, Killinger, Law, Lazear, Leary, Lehman, Logan, Loomis, McClernand, Mallory, Menzies, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Morris, Nixon, Noble, Nugen, Odell, Olin, Patton, George H. Pendleton, Perry, Pike, Pomeroy, Porter, Reid, Alexander H. Rice, John H. Rice, Richardson, Robinson, Edward H. Rollins, James S. Rollins, Sheffield, Shellabarger, Sherman, Smith, Spaulding, John B. Steele, William G. Steele, Stratton, Francis Thomas, Train, Trowbridge, Upton, Vallandigham, Van Horn, Van Valkenburgh, Van Wyck, Verree, Vibbard, Wadsworth, Charles W. Walton, E. P. Walton, Ward, Webster, Wheeler, Whaley, Albert S. White, Chilton A. White, Wickliffe, Windom, Woodruff, Worcester, and Wright—117.

NAYS—Messrs. Potter and Riddle—2.

So the second part of the resolution was agreed to.

During the vote,

Mr. PATTON stated that Mr. COVODE was absent from the city.

Mr. DUNN stated his colleague, Mr. CRAVENS, had been anxious on Friday last to vote in favor of the resolution; that he was not able to be in attendance to-day, and that if he had been, he would have voted in the affirmative.

Mr. WADSWORTH said: I rise to a point of order. According to the 31st rule of this House, every member who is present when a vote is taken, is required to vote, unless he be excused by the House. My colleague from the first district [Mr. BURNETT] is in the House, and has not voted. I desire that he shall be required to vote.

Mr. BURNETT. I will say to my young colleague that when he learns the rules of this House, he will take care to make his point of order at the right time. His colleague exercises his own judgment in reference to his individual action here on all occasions, without consulting any one else.

Mr. WADSWORTH. I do not think that the House or the gentleman understands me as prescribing any course of conduct for him.

The SPEAKER. The question is not debatable; but there is nothing in the rules to indicate any particular time when the question should be raised.

Mr. WADSWORTH. I suppose that I am in order. If not, I intend, at all events, that my colleague shall be.

Mr. BURNETT. The gentleman may make his point of order, and if the House will hear me state the reasons which control my action, I will be very much obliged to it, and will cast my vote.

The SPEAKER. The Chair will state to the gentleman from Kentucky, [Mr. WADSWORTH,] that action on his point of order cannot be taken during the roll call. The gentleman [Mr. BURNETT] may be liable to the censure of the House for not conforming to its rules, but that will come up as a question of privilege, independently of this vote.

Mr. BURNETT. May I be permitted to ask whether I cannot give my reasons for not voting?

The SPEAKER. The Chair thinks not. That would be debate.

Mr. BURNETT. If I could be heard on that point I think I could satisfy the House.

Mr. COLFAX. I desire to remind the gentleman from Kentucky, [Mr. BURNETT,] that at the last session of Congress a similar point of order was made against two gentlemen on this side of the House, and that the question was taken up and a vote had on it, whether they should be censured or not.

Mr. BURNETT. I remember that case very well, and am always ready to conform to the rules of the House.

The SPEAKER. The Chair will remind the gentleman that this question cannot be acted on during the roll call.

Mr. BURNETT. If I can have permission to give the reasons for my vote, I should like to vote now.

The SPEAKER. It is not in order.

The vote was announced as above recorded.

THANKS TO MASSACHUSETTS VOLUNTEERS.

Mr. TRAIN offered the following resolution; and demanded the previous question on its adoption:

Resolved, That the thanks of the House are due, and are hereby tendered, to the sixth regiment of Massachusetts volunteer militia, for the alacrity with which they responded to the call of the President, and for the patriotism and bravery which they displayed on the 19th of April last, in fighting their way through the city of Baltimore, on their march to the defense of the Federal capital.

The previous question was seconded, and the main question ordered; and under its operation the resolution was considered, and agreed to.

REDUCTION OF EXPENDITURES.

Mr. F. A. CONKLING offered the following resolution:

Resolved, That the select committee appointed to report in what manner and to what extent the public expenditures may be reduced, shall have power to sit during the recess of Congress, and to send for persons and papers; and that the committee may employ a clerk at the usual rate of compensation, and report at any time.

Mr. EDWARDS. Is that resolution introduced in order?

The SPEAKER. Yes; it is reported under a call of the States for resolutions.

Mr. EDWARDS. Then I hope the House will not agree to it.

The SPEAKER. If the resolution be objected to as changing the rules, that objection will prevail.

Mr. EDWARDS. Then I object to it as being excluded by the rule adopted in the early period of the session.

The SPEAKER. The Chair thinks that that point of order is not well taken, as the latter part of that rule permits committees to be raised and subjects to be referred to them.

Mr. EDWARDS. If the resolution is not in order for any cause, I object to its introduction for that cause.

The SPEAKER. The Chair will state that a resolution which authorizes a committee to report at any time changes the rules.

Mr. F. A. CONKLING. I withdraw that part of the resolution, and now demand the previous question on the resolution as modified.

The SPEAKER. Then the resolution is in order.

Mr. EDWARDS. I move to lay the resolution on the table.

Mr. F. A. CONKLING. I desire now to ask, whether the opportunity will be afforded me to explain briefly the object of the resolution?

The SPEAKER. A motion to lay on the table is not debatable; nor is the resolution itself debatable.

Mr. EDWARDS called for the yeas and nays on his motion.

The yeas and nays were not ordered.

The question was taken; and Mr. EDWARDS's motion was agreed to.

So the resolution was laid on the table.

PERSONAL EXPLANATION.

Mr. RIDDLE. I rise to a question of privilege; and, for the purpose of bringing it before the House, I ask to have so much of the report of the proceedings of last Friday read as I have marked in the paper which I send to the Clerk's desk.

The SPEAKER. The Chair will state to the gentleman from Ohio that newspaper reports do not form questions of privilege.

Mr. RIDDLE. Referring to the proceedings of the House?

The SPEAKER. Not even though relating to proceedings of the House.

Mr. RIDDLE. Then I ask the consent of the House to correct a portion of the report in the Globe.

Mr. ROBINSON. I object.

NATIONAL ARMORIES.

Mr. VAN VALKENBURGH offered the following resolution; which was read, considered, and agreed to:

Resolved, That the select committee on armories be directed to inquire into the propriety of establishing an arm-

ory and military depot at Elmira, in the State of New York, and to report thereon to the House.

NEXT MEETING OF CONGRESS.

Mr. FENTON offered the following resolution:

Resolved, (the Senate concurring,) That when Congress adjourns, at the close of this session, it adjourn to meet on the first Monday in November next.

Mr. STRATTON. I move to lay the resolution on the table.

The motion was agreed to; and the resolution was laid on the table.

PROSECUTION OF THE WAR.

Mr. WRIGHT. I offer the following resolution; and demand the previous question on it.

Resolved by the House of Representatives of the Congress of the United States, That the reverses of the Army of the United States yesterday, the 21st instant, at Bull's Run, caused by the rebel army, have in no manner impaired the ultimate success of our arms, but that the cause of human liberty, the preservation of the Union, and the maintenance of the laws pervading the hearts and affections of more than twenty million people, are a sure and certain guarantee that the flag of our country shall be upheld, and the Union preserved to the people; that we call on all the loyal people of the Union to respond manfully to the demand of the Government in furnishing men and money, and to stand together in its support with their lives and fortunes.

Mr. BLAKE. I move to lay the resolution on the table.

The motion was agreed to; and the resolution was laid on the table.

THANKS TO PENNSYLVANIA SOLDIERS.

Mr. CAMPBELL offered the following resolution; and demanded the previous question on its adoption:

Resolved, That the thanks of the House are due and are hereby tendered to the five hundred and thirty soldiers from Pennsylvania who passed through the mob of Baltimore and reached Washington on the 18th day of April last, for the defense of the national capital.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

REIMBURSEMENT TO LOYAL CITIZENS.

Mr. HALE having been out of the House when his State was called for the introduction of bills, asked and obtained leave to introduce a bill to provide for making compensation for property taken for war purposes belonging to loyal citizens; which was read a first and second time, and referred to the Committee on Military Affairs.

NATIONAL ARMORY AT EASTON.

Mr. JOHNSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the select committee on national foundries be instructed to inquire into the expediency of establishing a national foundery and armory at Easton, Pennsylvania.

ELECTION OF MEMBERS OF CONGRESS.

Mr. THOMAS, of Maryland, submitted the following resolution; which was read, and, by unanimous consent, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law of the United States, the times, places, and manner of holding elections for members of the House of Representatives in all the States, in pursuance of the authority given to Congress by the fourth section of the first article of the Constitution.

EXPENDITURES IN THE REBEL STATES.

Mr. THOMAS, of Maryland, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to have prepared and to communicate to this House, a tabular statement showing the amount of money paid to France for the purchase of Louisiana; the amount paid to Spain for the purchase of Florida; the amount, so far as it can be readily ascertained, expended in the late war with Mexico; the amount expended in the wars with the Indians in Florida; the amount expended in removing the Indians from their homes in the several States in which there is now rebellion against the Government to a territory west of the Mississippi; the amount expended in surveying the public lands situated in the same States, in deepening harbors, removing obstructions in rivers and other water courses, in building fortifications, light-houses, buoys, beacons, dock-yards, court-houses, custom-houses, and post-offices, in the same States; the amount expended therein for the establishment of mints, navy-yards, arsenals, and armories; the number of acres of land still held by the United States within the boundaries of the same States, and the number of acres of land heretofore granted by the United States to any one of those States, or to any corporation therein, for education, public improvements, or for other purposes; and the amount of money expended by the United States in extinguishing Indian titles to lands situated in said States; and the number of acres of such lands to which the State of Georgia became entitled under the contract between that State and the United States.

MARITIME RIGHTS.

Mr. COX submitted the following resolution; which was read, and, by unanimous consent, considered, and agreed to:

Resolved, That the President of the United States be requested, if compatible with the public interest, to communicate to this House, or such parts thereof as he may deem advisable, the correspondence on file in the Department of State between this Government and foreign Powers, from 1853 to the present time, in reference to maritime rights.

PRESERVATION OF THE CONSTITUTION.

Mr. VANDEVER submitted the following resolution; which was, by unanimous consent, considered, and agreed to:

Resolved, That the maintenance of the Constitution, the preservation of the Union, and the enforcement of the laws, are sacred trusts which must be executed; that no disaster shall discourage us from the most ample performance of this high duty; and that we pledge to the country and the world the employment of every resource, national and individual, for the suppression, overthrow, and punishment of rebels in arms.

PACIFIC RAILROAD.

Mr. WASHBURNE, by unanimous consent, introduced a bill granting public lands and a loan of the credit of the Government to the Peoples' Pacific Railroad Company to aid in the construction of a railroad from the Mississippi river to the Pacific coast; which was read a first and second time, and referred to the select committee on the Pacific railroad.

QUINCY NATIONAL ARMORY.

Mr. RICHARDSON submitted the following resolution; which was read, and, by unanimous consent, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety and expediency of establishing a national armory and arsenal at Quincy, Illinois.

ADDITIONAL MEMBERS OF COMMITTEE.

Mr. ALDRICH, by unanimous consent, submitted the following resolution:

Resolved, That the select committee of this House on the subject of a general and uniform system of bankruptcy be increased to seven.

Mr. ALDRICH called for the previous question on the adoption of the resolution.

The previous question was seconded; and the main question ordered to be put.

The resolution was adopted.

NATIONAL ARMORY AND FOUNDERY.

Mr. DELANO submitted the following resolution; which was read, and, by unanimous consent, considered, and agreed to:

Resolved, That all resolutions heretofore referred to the Committee on Military Affairs respecting the capacity of the national armory for the manufacture of arms, the expenditure necessary for the largest increase of said national manufacture, and all other papers referred to said committee relating to the establishment of a new armory, be withdrawn from said committee, and referred to the special committee on the subject of a new national armory and foundery.

INDIAN REBEL FORCES.

Mr. WICKLIFFE submitted the following resolution:

Resolved, That the Secretary of War be requested to inform this House whether the southern confederacy, or any State thereof, has within its military service any Indians; and, if so, what numbers and what tribes.

Mr. ELIOT. I object to that. We have not acknowledged any southern confederacy.

Mr. WICKLIFFE. I hope gentlemen, then, will take the resolution, and amend the phraseology to suit themselves.

Mr. LOVEJOY. I will not object, if the gentleman will put in "rebels."

Mr. WICKLIFFE. I will modify the resolution, by inserting the words "so called" after the word "confederacy," if that will suit the views of gentlemen.

Mr. DUNN. I hope the gentleman will also so amend the resolution as to insert the words "and negroes" after the word "Indians."

Mr. WICKLIFFE. I have not been informed that they have so employed negroes.

Mr. DUNN. I have; and that they were firing upon our troops yesterday. I move so to amend the resolution.

The amendment was agreed to.

The resolution as amended was then adopted.

RETROCESSION OF ALEXANDRIA COUNTY.

Mr. ASHLEY asked the consent of the House to introduce a joint resolution requesting the Legislature of Virginia to cede to the United States certain territory therein named.

Mr. VALLANDIGHAM. I object. I trust that in this time of great public disaster this House will exhibit a dignity and solemnity befitting the Representatives of the people of the United States.

Mr. ASHLEY. I move to suspend the rules.

The question was taken; and the rules were not suspended, (two thirds not voting therefor.)

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled bills, reported that the committee had examined and found truly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

An act to provide for the temporary increase of the Navy; and

An act for the relief of the widows and orphans of the officers and seamen and marines of the United States sloop-of-war Levant, and for other purposes.

AUXILIARY GUARD.

On motion of Mr. ROSCOE CONKLING, Senate bill No. 37, regulating the police force of the city of Washington, was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

ADDITIONAL MEMBERS OF COMMITTEE.

Mr. ROSCOE CONKLING. I rise to a privileged question. I move to reconsider the vote by which the House this morning adopted, on motion of the gentleman from Minnesota, [Mr. ALDRICH,] a resolution increasing the membership of the select committee on the subject of a general bankrupt law from five to seven; and on that motion I desire to say a word.

The gentleman from Minnesota who offered that resolution did it without consultation with me as the chairman of that committee—of which I do not complain—and without conference, so far as I know, with the committee. The number was fixed originally at five, that being deemed a convenient and efficient number to compose a committee whose business it is to look into a dry, precise matter of law—a subject of some labor—and to report information to the House. I do not know the reason or consideration why the committee should be increased, or why it should be increased on motion of the gentleman from Minnesota—a gentleman not a member of the committee—without any reason being assigned for the proceeding. I hope the resolution will be reconsidered, and that the number will be permitted to remain as originally fixed at five, which I think is the proper number.

Mr. ALDRICH. I have to offer a remark or two, in reply to the gentleman from New York. It is true, I did not confer with him or with any other member of the committee on the subject of increasing that committee. It is also true that I did confer with members of the House upon that subject.

Mr. Speaker, there are interests in the extreme Northwest which ought to be represented upon that committee. There are as many people there who are interested in the passage, by this Congress, of a general bankrupt law, as in any other portion of the country. The question has been asked me several times whether a majority of that committee, as at present constituted, were in favor of a general bankrupt law.

A MEMBER. Are you?

Mr. ALDRICH. I am in favor of a general bankrupt law. There is no reason, so far as I know—and I presume the gentleman from New York can give none—why every portion of the country should not be represented upon such a committee.

It is true that a committee of five is a little more convenient number, because it is easier to get them together; but upon a matter of so much importance to the whole country, I trust no man will be appointed on the committee who will not be willing to attend faithfully to its duties. And, sir, I presume that a member from the extreme Northwest, however humble he may be, if appointed, will still add something to the intelligence of the committee the House may organize. I do not know who will be appointed by the Speaker to make the number of members of the commit-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. THURSDAY, JULY 25, 1861. NEW SERIES.....No. 15.

tee seven instead of five, as it is now. It matters not to me who they are, so long as every portion of this Union is represented upon it. That is all I ask of the House. Therefore I trust that the House will not reconsider its action of this morning.

Mr. ROSCOE CONKLING. If I supposed, Mr. Speaker, that allowing the vote to remain would add my friend from Minnesota to the committee, it would be painful to me to move to reconsider that vote. I would be glad to have him, or any other gentleman he may desire to have upon it, to represent any portion of the country. But the time to have made that suggestion was when this committee was raised. As a general rule, applicable not only to this committee, but to all committees, I think it a bad precedent for this House to establish, without any consultation whatever with the committee which had been raised, that any member, upon his own motion, and upon the idea of geographical representation, may move to add, and succeed in adding indefinitely to that committee. What is everybody's business is nobody's business; and as my friend has well said, a committee of five—both because they will meet, and because the responsibility will be sufficiently centralized to be sure they will do something when they do meet—is vastly preferable to a committee of seven. For that practical reason, as well as for the general reason I have stated, I move to reconsider the vote increasing the committee to seven; and on that motion I demand the previous question.

Mr. ALDRICH. I move that the motion to reconsider be laid upon the table.

The motion was rejected.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the motion to reconsider was agreed to.

The question recurring on the adoption of the resolution increasing the special committee on a bankrupt law from five to seven, was rejected.

MICHIGAN CITY HARBOR.

Mr. COLFAX, by unanimous consent, presented joint resolutions of the Legislature of Indiana, instructing her Senators and requesting her Representatives to endeavor to procure an appropriation for the improvement of the harbor at Michigan City; which were referred to the Committee on Commerce, and ordered to be printed.

CIVIL APPROPRIATION BILL.

Mr. STEVENS, from the Committee of Ways and Means, reported back the amendments of the Senate to House bill No. 25, making additional appropriations for sundry civil expenses of the Government for the year ending June 30, 1861, with the recommendation that they be concurred in.

The amendments were severally concurred in.

LEGISLATIVE BILL.

Mr. STEVENS, from the same committee, also reported back the amendments of the Senate to House bill No. 25, making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861, with the recommendation that they be disagreed to, and that the House ask for a committee of conference.

The amendments were severally disagreed to.

The motion for a committee of conference on the disagreeing votes between the two Houses was agreed to; and Messrs. MORRILL, MCPHERSON, and CORNING, were appointed managers of said conference on the part of the House.

WAR EXPENSES INCURRED BY THE STATES.

Mr. HORTON. I ask the unanimous consent of the House for leave to introduce a bill to indemnify the States for expenses incurred by them in defense of the United States.

There was no objection; and the bill was introduced, and read a first and second time by its title.

Mr. HORTON. As the bill makes an appropriation of money from the Treasury, I move that the rules be suspended in order that it may have its first consideration in the House, and not in the Committee of the Whole on the state of the Union.

The motion was agreed to.

The bill, which was read, directs the Secretary of the Treasury to pay to the Governor of any State, or to his duly authorized agent, the costs, charges, and expenses, properly incurred by such State for enrolling, subsisting, clothing, supporting, arming, equipping, paying, and transporting its troops, to aid in suppressing the present insurrection against the United States.

Mr. BURNETT. I desire to make a suggestion to the mover of the bill. Even if it be right, it ought to have all the usual and necessary guards. It is now a mere direction to the Secretary of the Treasury, without regard to vouchers, to pay to each Governor the sum he alleges to be due to his State. I appeal to the gentleman and the House whether it would not be advisable to add a proviso requiring that the accounts shall first be settled and adjusted by the proper accounting officers of the Treasury.

Mr. HORTON. The gentleman's objection is answered by the phraseology of the bill. The Committee of Ways and Means have examined it, and have unanimously approved it.

Mr. BURNETT. With all due deference to the gentleman, I think if he will examine the bill he will find that it does not answer my objection. I am opposed to the bill; but if it is to pass, I want it properly guarded. If the gentleman will look again at his bill he will, I think, find that it is obscure. If the proviso be added that the accounts shall be adjusted by the proper accounting officers at the Treasury Department, nobody can be injured by it. Certainly, the language ought to be clear; and no account ought to be paid except upon proper vouchers.

Mr. HORTON. I recognize the correctness of the gentleman's object; and I aver, after examining the bill, that its phraseology covers that object fully.

The bill was again read.

Mr. BURNETT. I move to amend the bill by adding that the accounts shall be settled by the proper accounting officers of the Treasury, upon vouchers furnished by the State authorities.

Mr. MCCLERNAND. The law requires that all claims presented at the Treasury for payment shall undergo scrutiny and examination, and the bill provides that no claim shall be allowed unless it has been properly inquired into. If improper claims are presented, of course they will not be allowed by the accounting officers at the Treasury Department.

Mr. VALLANDIGHAM. I do not rise to oppose this bill; but I beg leave to ask whether there is any economy in collecting from the States the money with which these expenses are to be paid, thus making a double set of collectors and double salaries; for every man knows that where money is to pass through the hands of public officers, some will remain behind? Is not one set of collectors enough? If the Federal Government undertakes to do this duty, it will, of course, be required to levy a tax upon the people of the States. It seems to me that we are going in a roundabout way to accomplish that which, with much more facility and economy, could be executed by leaving it to the States, for the present, at least. I think it would be better to wait at least until the suspension of hostilities.

Mr. BURNETT. I have reduced my amendment to writing, in the following words:

To be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury.

Mr. HORTON. I accept the amendment, and call the previous question.

The SPEAKER. If the gentleman from Ohio reports the bill as a report from a committee, he cannot accept the amendment.

Mr. VALLANDIGHAM. I would inquire whether, under the rules, the bill must not go to the Committee of the Whole on the state of the Union? I do not wish to oppose the bill, but I think further time should be allowed for reflection.

The SPEAKER. The Chair thinks that, inasmuch as the bill was received by unanimous consent, it need not go to the Committee of the Whole.

The previous question was seconded, and the main question ordered to be put; and, under the operation thereof, the amendment was agreed to.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HORTON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NATIONAL ARMORY.

Mr. PORTER, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the select committee upon the subject of a national foundery and armory be instructed to inquire into the expediency of establishing such foundery and armory at Indianapolis, Indiana.

Mr. DUNN. I am satisfied that the proper place for such a foundery and armory has not been indicated; and I therefore offer the following resolution:

Resolved, That the select committee on a national foundery and armory be instructed to inquire into the expediency of establishing a foundery and armory at Madison, Indiana.

Mr. HOLMAN. I move to amend by striking out "Madison," and inserting "Aurora," Indiana.

Mr. COLFAX. I move to amend the amendment by striking out "Aurora," and inserting "Michigan City."

The amendment to the amendment was not agreed to.

Mr. MALLORY. I move to amend the amendment by striking out "Aurora," and inserting "Louisville, Kentucky."

The amendment to the amendment was not agreed to.

The amendment was not agreed to.

Mr. COX moved the previous question on the resolution.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was agreed to.

CODE OF MARINE SIGNALS.

Mr. ELIOT, by unanimous consent, from the Committee on Commerce, reported back, with amendments, a bill (H. R. No. 9) to provide for the introduction of a code of marine signals adapted to secret service, and for the use of dispatch vessels, transports, military stations, and vessels sailing under convoy.

By unanimous consent, the bill was taken up for consideration.

First amendment reported by the committee:

Line eight, section one, strike out "Treasury," and insert "Navy;" so that it shall read:

Provided that no change be made in said code without the approval of the Secretary of the Navy.

The amendment was agreed to.

Second amendment:

Line ten, section two, strike out "Treasury," and insert "Navy."

The amendment was agreed to.

Third amendment:

Strike out sections three, four, and five, as follows:

"SEC. 3. *And be it further enacted*, That each military station, transport, and dispatch vessel employed on the seaboard of the United States, shall be furnished, by the proper Department of the Government, with a copy of the American edition of the Commercial Code of Signals, and also with a set of said signal flags, for the purpose of making telegraphic communication when necessary: *Provided, however*, The cost of said code, and the right of using said signals, shall not exceed that which is charged by the inventor to owners of merchant vessels.

"SEC. 4. *And be it further enacted*, That it shall be the duty of the owner or owners of such vessels as may be now or hereafter chartered by the United States Government to supply the same with a copy of the Commercial Code of Signals, American edition, and also with a set of signal

flags, for the purpose of making telegraphic communication when necessary: *Provided, however*, The cost of said code and signals shall not exceed that which is charged by the inventor to owners of ships and vessels.

"SEC. 5. *And be it further enacted*, That it shall be the duty of the owner or owners of vessels sailing under convoy of vessels of war to provide the same with a copy of the Commercial Code of Signals, American edition, and flags, for the purpose of enabling them to hold telegraphic communication, when necessary to do so, at sea, or off the coast of the United States."

The amendment was agreed to.

Fourth amendment:

In section seven, strike out all after the word "vessel," where it first occurs, down to the word "registered;" and insert, in lieu thereof, the words: "The Secretary of the Treasury may, if found practicable under existing provisions of law, designate to every vessel now, or which may be hereafter;" so that the clause shall read:

And be it further enacted, That for the purpose of readily identifying each particular vessel, the Secretary of the Treasury may, &c.

The amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to amend the title so that it will read: "A bill to provide for the introduction of a code of marine signals adapted to secret service, and for other purposes."

The amendment was agreed to.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PIRACY.

Mr. SHEFFIELD, from the Committee on Commerce, reported back, without amendment, a bill (H. R. No. 55) supplementary to an act to protect the commerce of the United States and punish the crime of piracy.

The bill was read.

Mr. SHEFFIELD. This bill simply applies the principle now applicable to the slave trade to piracy, as recognized by the law of nations.

Mr. VALLANDIGHAM. One question in that connection. If I heard the bill aright, it confines the punishment to the crime of piracy as that crime is defined by the law of nations. Am I correct?

Mr. SHEFFIELD. It simply provides for proceedings *in rem*, and does not at all affect any punishment.

Mr. VALLANDIGHAM. Does it alter the definition of the crime of piracy?

Mr. SHEFFIELD. Not at all.

Mr. VALLANDIGHAM. There is only one objection, then, and that is, that it is rather hasty legislation.

Mr. SHEFFIELD. I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHEFFIELD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

And then, on motion of Mr. WASHBURNE, (at two o'clock and forty minutes,) the House adjourned.

IN SENATE.

TUESDAY, *July* 23, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

FISHERIES.

Mr. SUMNER. The Committee on Foreign Relations, to whom was referred a message from the President of the United States relative to the appointment of a joint commission for the protection of the fisheries adjacent to the northeastern coast and the islands of North America, have had the same under consideration, and have instructed me to report it back, with a recommendation that this whole subject be postponed until the first Monday of the next session of Congress.

The motion was agreed to.

WORLD'S FAIR.

Mr. SUMNER. The same committee, to whom was referred a message from the President of the United States, communicating the correspondence with the British minister relative to an exhibition of the products of industry of all nations, which is to take place at London during the year 1862, and to whom, also, was referred a joint resolution (S. No. 8) in relation to the world's fair, to be held in London, in the spring of 1862, introduced by the Senator from Ohio, [Mr. WADE,] have had the same under consideration, and have instructed me to report a joint resolution, of which I ask for the consideration now.

The joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be holden in London in the year 1862, was read the first time by its title.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider it now.

Mr. BROWNING, Mr. TRUMBULL, and others. Let it be read.

The Secretary read it, as follows:

Be it resolved, &c., That the President be, and he hereby is, authorized to take such measures as shall to him seem best to facilitate a proper representation of the industrial interests of the United States at the exhibition of industry of all nations, to be holden at London, in the year 1862; and the sum of $2,000 is hereby appropriated for the incidental expenses thereof.

Mr. TRUMBULL. I think perhaps the resolution had better lie over. I somewhat question the propriety of Government embarking in an enterprise of this kind. I do not know that I shall oppose it; but let it go on the Calendar.

Mr. SUMNER. If the Senator requests it.

Mr. TRUMBULL. Yes, sir; I prefer that it should go over.

The PRESIDENT *pro tempore*. It will go on the Calendar.

DISTRICT AND CIRCUIT COURTS.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred a bill (S. No. 39) to provide for holding the district and circuit courts in judicial districts, during a temporary vacancy in the judgeship, have instructed me to report it back, with a recommendation that it pass.

Mr. POLK. I think that had better lie over. It has not been printed, I believe. I have not seen it.

Mr. TRUMBULL. It has not been printed. I have no objection to its going on the Calendar. I will state to the Senator from Missouri that there is only one provision in it, which is simply to authorize, in States where there are two judicial districts, the judge in one district to hold the court in the other, in case of a temporary vacancy.

Mr. POLK. I will say to the Senator that I think there is likely to be no objection to the bill, but I wish to examine it.

Mr. TRUMBULL. I have no objection to its lying over.

The bill was placed on the Calendar.

GOVERNMENT CONTRACTS.

Mr. COWAN. The Committee on the Judiciary, to whom was referred the bill (S. No. 22) for the protection of Government contracts, have directed me to report, as a substitute for that, a bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government. I ask that it be read twice, and printed.

Mr. WADE. It is only an amendment of the former bill.

The PRESIDENT *pro tempore*. The Chair understands that it is reported back as an original bill from the committee.

Mr. COWAN. Yes, sir.

The PRESIDENT *pro tempore*. It will be so treated.

The bill was read twice by its title, and ordered to be printed.

ARMS TO LOYAL CITIZENS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia to report back, with a recommendation that it pass, the bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States now in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion. I ask that the bill be now considered.

The PRESIDENT *pro tempore*. It requires the unanimous consent of the Senate. If no objection be made, the bill will be considered at the present time. The Chair hears no objection; and the bill is before the Senate as in Committee of the Whole.

The bill proposes to appropriate —— dollars for the objects indicated in its title.

Mr. JOHNSON, of Tennessee. I move to fill the blank with $2,000,000 as a beginning.

Mr. WILSON. The committee did not fill the blank, wishing to leave that matter to the Senate. The Senator from Tennessee moves to fill the blank with $2,000,000; and I am assured by the members of the committee, that, so far as they are concerned, that will be entirely satisfactory to them.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed, and read a third time. It was read the third time, and passed.

Mr. JOHNSON, of Tennessee, subsequently asked unanimous consent to allow the bill to be amended; but objection was made.

Mr. JOHNSON, of Tennessee. I move to reconsider the vote by which the bill was passed.

The motion was agreed to; and the vote ordering the engrossment and third reading of the bill was also reconsidered.

Mr. JOHNSON of Tennessee. I move to amend the bill by inserting the words "or in which rebellion is or may be threatened;" so as to make it read:

The loyal citizens residing in any of the States which are in rebellion against the Government of the United States, or in which rebellion is or may be threatened.

The amendment was agreed to.

Mr. COLLAMER. I was not in the Senate when the bill passed this morning. I do not like the phraseology of the bill. It seems to me that a State cannot be in rebellion against the United States. The inhabitants of the State may be, but not the State. I move to amend so as to make it read:

The States of which the inhabitants now are or hereafter may be in rebellion, &c.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed. Its title was amended, so as to read: "A bill making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States, the inhabitants of which now are or hereafter may be in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion."

Mr. THOMSON. I was not in my seat when the bill was passed at first. I desire, by unanimous consent, to have my vote recorded in the affirmative.

The PRESIDENT *pro tempore*. There was no division on the passage of the bill.

ADDITIONAL VOLUNTEERS.

Mr. WILSON. I move to take up the bill which I introduced yesterday, being the bill (S. No. 42) in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861.

The PRESIDENT *pro tempore*. That bill is first in order on the Calendar, and is now before the Senate as in Committee of the Whole for consideration; and it will be read at length.

The bill was read. It authorizes the President to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers as the exigencies of the public service may, in his opinion, demand, to be organized as authorized by the act of the 22d July, 1861. These volunteers are to be armed as the President may direct, to be subject to the rules and articles of war, and to be upon the footing in all respects with similar corps of the United States Army, and to be mustered into the service for "during the war."

Mr. WILSON. I move to amend the first section by adding these words:

Provided, That the number of troops hereby authorized shall not exceed five hundred thousand.

The amendment was agreed to.

Mr. WILSON. I now move to add an additional section to the bill:

And be it further enacted, That the President shall be

authorized to appoint, by and with the advice and consent of the Senate, for the command of the volunteer forces, such number of major generals and of brigadier generals as may in his judgment be required for their organization.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in. The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

DUTIES ON STATE ARMS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 64) to refund duties on arms imported by States, to report it back without amendment, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which authorizes the Secretary of the Treasury to refund the duties paid on arms imported by States, under the conditions and subject to the limitations of the act approved the 10th day of July, 1861, entitled "An act to refund and remit the duties on arms imported by States."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPRISONMENT OF LIEUTENANT WORDEN.

Mr. TEN EYCK. I take occasion to present a resolution, of which I ask the present consideration:

Resolved, That the Secretary of War be requested to inform the Senate under what circumstances Lieutenant John I. Worden, of the United States Navy, has been imprisoned at Montgomery, Alabama; whether he is still in prison; and whether any, and if any, what measures have been taken by the Government of the United States for his release.

This resolution is not intended to imply the slightest censure upon the Administration in any respect, but is simply for the purpose of inquiry; and I beg leave to state the reasons very briefly. The story, as it has been told to me, is this: Lieutenant Worden having returned last spring from the Gulf and a long stay at Vera Cruz with impaired health, upon the breaking out of our troubles tendered his services to the Government, and was sent on a secret mission as the agent of the Government to the commander of our fleet, Commodore Adams, at Pensacola. He went to Pensacola, saw General Bragg, the commander of the confederate forces, obtained his permission to visit the fleet, and also secured a pledge from him before leaving, that he should be permitted to return by land, after visiting the fleet, the same way in which he went. Acting upon that pledge, he landed at Pensacola after his visit to the fleet; but instead of being suffered to return to his home, he was sent as a prisoner to Montgomery, where he has remained ever since, with funds exhausted, in a state of feeble health, depending upon the kind charities of those who are there for subsistence to keep him from starvation. This man is a gallant officer. Half an hour before he left, he wrote to a very near and dear friend, "be of good cheer, my wife; I am intrusted with secret dispatches from the Government, which duty I shall pursue untiringly until its completion." In the language of that wife, I would ask this Government "if they will leave him there to die?"

Mr. BINGHAM. I would respectfully suggest to the Senator whether this inquiry ought not to be addressed to the President, instead of the Secretary of War.

Mr. TEN EYCK. I think not.

Mr. BINGHAM. It seems that it was an officer of the Navy who was sent.

Mr. TEN EYCK. I made a mistake. The inquiry should be addressed to the Secretary of the Navy. I will modify the resolution so as to say "Secretary of the Navy," instead of "Secretary of War."

The PRESIDENT *pro tempore*. The word "directed," instead of "requested," is the ordinary expression of resolutions addressed to the heads of Departments, a request being addressed only to the head of the Government.

Mr. TEN EYCK. It is suggested to me that I had better have the request sent to the President. I am not familiar with the order of proceeding in such cases. It matters not to me to whom it goes. I wish to call the attention of the Government most respectfully to the facts. If it is sent to the President, he can send it to either Department he chooses. I shall therefore ask further to modify it, so as to direct the inquiry to the President.

The PRESIDENT *pro tempore*. The Senator can so modify his resolution; and it is now in the form of a request to the President of the United States to communicate the information called for.

Mr. TEN EYCK. Yes, sir.

The resolution, as modified, was adopted, as follows:

Resolved, That the President of the United States be requested to inform the Senate under what circumstances Lieutenant John I. Worden, of the United States Navy, has been imprisoned at Montgomery, Alabama; whether he is still in prison; and whether any, and if any, what measures have been taken by the Government of the United States for his release.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Chair will remind the Senate that there is now no business on the table of a legislative character for its action.

Mr. SUMNER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 23, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed bills of the following titles, in which he was directed to ask the concurrence of the House:

An act (No. 31) to increase the medical corps of the Navy, and for other purposes;

An act (No. 25) to confiscate property used for insurrectionary purposes;

An act (No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; and

An act (No. 41) supplemental to an act entitled "An act to authorize a national loan, and for other purposes."

Also, that the Senate had disagreed to the amendment of the House to the joint resolution of the Senate (No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as Senator at the time of his death.

Also, that the Senate had passed, without amendment, a joint resolution of the House (No. 1) authorizing the appointment of examiners to examine the steam floating battery at Hoboken, New Jersey.

EXECUTIVE COMMUNICATION.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Navy in answer to a resolution of the House of July 16, 1861, calling for information relative to the destruction of property and vessels at the Norfolk navy-yard; which was laid on the table, and ordered to be printed.

NEGROES IN SERVICE OF THE UNITED STATES.

Mr. BURNETT. In view of the fact that the resolution offered yesterday by my colleague who sits behind me was not broad enough, I desire to offer a resolution, and ask unanimous consent that it may be considered.

The resolution was read, as follows:

Resolved, That the Secretary of War inform this House whether there are any negroes in the Army of the United States which have been armed; whether there are negroes, the property of citizens of any of the revolted States, which have been used by the Army in any character of military duty, throwing up of breastworks, making intrenchments, &c.; if so, at what places, and the number of slaves thus employed.

Mr. BINGHAM. I object.

Mr. BURNETT. I hope the gentleman will allow it to pass, inasmuch as an inquiry in regard to the matter was inaugurated yesterday.

Mr. BINGHAM. I object.

PERSONAL EXPLANATION—OHIO VOLUNTEERS.

Mr. HUTCHINS. I ask the unanimous consent of the House to correct a statement which fell from my colleague from the Columbus district [Mr. Cox] the other day, which I did not hear at the time, reflecting upon the constituency that I in part represent.

No objection was made.

Mr. HUTCHINS. I read the following from the Globe of Saturday:

"Mr. MORRILL, of Vermont. I will accept the amendment of the gentleman from Minnesota with great pleasure; and I will also, at the suggestion of the gentleman who sits behind me, for the benefit of my friend from Ohio, add that all the butter and cheese be purchased in the Western Reserve. [Laughter.]

"Mr. Cox. I oppose that, unless they furnish some soldiers for the war first."

Mr. Speaker, here is a plain intimation that the people of the Western Reserve have not furnished any soldiers as yet for this war. I do not know upon what motives that statement was made. I simply wish to correct it, and show the gentleman from the Columbus district that he has been laboring under a mistake.

Mr. COX. Mr. Speaker, the gentleman might have done me the justice which one of his other colleagues displayed, to ask me whether that was my language, before calling the attention of the House to it. I made no such statement. It was a misapprehension on the part of the reporter. I will repeat what I said, and it was said playfully. A motion was made by some gentleman to add cheese and butter to the rations of the Army. The gentleman from Vermont [Mr. MORRILL] moved that the butter and cheese be purchased in the Western Reserve. I then remarked, playfully, that if cheese contributed to fighting, the Western Reserve might have furnished more soldiers; that was my remark, and the facts will bear out that remark.

Mr. HUTCHINS. I wish to state the facts. We of the Western Reserve do not claim any greater amount of patriotism than has been exhibited in other portions of the State. We do claim, however, an equal amount. The county of Ashtabula has furnished three companies, including an artillery company from Geneva. This artillery company took part in the brilliant march which resulted in the surprise and rout of the rebels at Philippa; and it was a member of that artillery company who fired the first gun in that engagement. Trumbull county has furnished three companies; Mahoning county two companies; Geauga county one company; Lake county three companies; Cuyahoga county five or six companies, and also Barnett's regiment of artillery, in which was the Geneva company; and the district represented by my colleague [Mr. BLAKE] has furnished eighteen companies, now in the service of the United States.

Mr. Speaker, the people of the Western Reserve have contributed, in men and money, their full quota, and they have offered other companies that have not been accepted. The little town in which I reside, and which contains a population of only about twenty-five hundred people, contributed $22,000 as a donation to equip the soldiers and support the families of volunteers. The town of Youngstown, in Mahoning county, contributed about the same amount. I do not mention these things by way of boasting, but only to show that the remarks of my colleague did gross injustice—no doubt unintentional—to the people I in part represent.

Mr. COX. Mr. Speaker, I have already disavowed that remark, and the gentlemen should not persist in attributing it to me after my statement.

The SPEAKER. The gentleman can only proceed by unanimous consent. There is no question before the House.

Mr. COX. I presume the House will grant me leave.

The SPEAKER. Is there any objection to the gentleman proceeding?

No objection was made.

Mr. COX. I do not desire to trouble the House about this trifling matter; but after my statement that no such remark fell from me, and after I told him the remark I really made, the gentleman should not have pursued the matter. I suppose he did it for the purpose of showing the patriotism of his part of the State. I do not depreciate it. My remark was made in a playful way. It was, "that if cheese contributed to fighting, there ought to be more soldiers from the Reserve." It was a jocular remark. But I know this for a fact, that it was the common talk in Ohio that the Reserve did come up rather slothfully. The Sen-

ator from Ohio representing that part of the State wrote a letter, which was published, complaining of their tardiness and urging them to come up. It was long after the rest of the State had responded, that the Reserve answered the call. These men from the Reserve, who are partly responsible for this war, and who are as much country-killers and parricides as the men South—these men, to whom belongs the responsibility of fighting this war as much as to any one, were slow in coming up to the work, compared to the rest of the State of Ohio. I can show that by statistics and returns, if necessary. I do not choose to go into the matter here. If the gentleman had spoken to me, I would have corrected my statement if it was wrongfully reported. I told one of my colleagues yesterday, that I would seek an early opportunity to correct it; but the gentleman insists on attributing to me an incorrect statement, for the sole purpose of displaying this very curious sort of slow patriotism which the whole State of Ohio knows has been demonstrated upon the Reserve.

Mr. RIDDLE. I desire to say a few words in reply to my colleague.

Mr. LOVEJOY. I object.

Mr. RIDDLE. A few words only.

Mr. ROBINSON. I object.

Mr. COX. I shall claim the right to respond. I shall object otherwise.

Mr. EDGERTON. I hope my colleague will be allowed to reply to the aspersions cast on the people of the Western Reserve.

Mr. LOVEJOY. I withdraw my objection.

Mr. ROBINSON. I object to the whole thing.

The SPEAKER. Then the gentleman from Ohio cannot proceed.

VOTE RECORDED.

Mr. KELLOGG, of Illinois. I was not in my seat yesterday, and I desire to have my vote recorded in favor of the resolution offered by the gentleman from Kentucky, [Mr. CRITTENDEN.] I ask permission of the House to record my vote now.

There being no objection, Mr. KELLOGG recorded his vote in the affirmative.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles; when the Speaker signed the same:

An act making additional appropriations for sundry civil expenses of the Government for the year ending 30th June, 1862, and appropriations of arrearages for the year ending 30th June, 1861;

An act for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina;

An act authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases;

An act in relation to forwarding soldiers' letters; and

An act for the relief of the Ohio and other volunteers.

THE PERMANENT MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 2, to increase the permanent military establishment of the United States. The House amended the bill, and the Senate have disagreed to the amendment of the House.

There being no objection, the bill was taken up.

Mr. BLAIR, of Missouri. The difference between the Senate and the House consists in the simple fact that the Senate have passed a bill to increase the regular Army by the addition of eleven new regiments; the House have so amended the bill as to convert these eleven regiments into volunteers; and the Senate have disagreed to that amendment. I now move that the House insist on its amendment, and ask a committee of conference. That is probably the shortest mode in which the matter can be disposed of.

The question was taken; and the motion was agreed to.

The SPEAKER thereupon appointed Messrs. BLAIR of Missouri, OLIN, and MALLORY, as such committee of conference.

COMPENSATION OF SENATOR DOUGLAS.

Mr. RICHARDSON. I ask consent of the House to take up joint resolution (S. No. 5) to pay the widow of the late Stephen A. Douglas the amount due to him as Senator at the time of his death.

There being no objection, the joint resolution was taken up.

Mr. RICHARDSON. I move, for the purpose of getting the joint resolution before a committee of conference, that the House insist on its amendment, and ask for a conference.

The motion was agreed to.

The SPEAKER thereupon appointed Messrs. RICHARDSON, MORRILL of Maine, and LEHMAN, as such committee of conference.

UNITED STATES COURTS IN KENTUCKY.

Mr. PORTER, from the Committee on the Judiciary, reported a bill for the more efficient organization of the courts of the United States in the district of Kentucky; which was read a first and second time.

Mr. PORTER. I ask that the bill be put upon its passage.

The bill was read.

The question being on the engrossment and third reading of the bill,

Mr. BURNETT. I desire to present a few remarks in reference to this bill. So far as the first section of the bill is concerned, which abolishes a district court in the State of Missouri, I have nothing to say in regard to it, for I know nothing about it. Three years ago I was under the impression that the business of the Federal court in Kentucky required the division of the State into two judicial districts; but, on further examination and investigation of this subject, I am satisfied that such division is not required, as the judicial business of the State can be attended to by one judge. It is done by one judge now, and his whole time is not occupied in his duty, nor anything like it.

I do not understand why this measure should be forced on the consideration of the House in times like these, when we are resorting to every means within our reach to raise money for the purpose of meeting the expenditures of the Government. Why should we now create new offices for which there is no sort of necessity? I say here, that the records of the district court of Kentucky, held by the judge who is now presiding over it, show conclusively that there is no need of two judicial districts in that State. This bill is merely for the creation of new offices—a judge, marshal, clerk, &c.; and I here enter my solemn protest against it. I will not vote for such a bill. I am opposed to it. I desired to say this much in order that my position in voting against it may be understood by the people of Kentucky.

Mr. BLAIR, of Missouri. I desire to offer the following amendment to the bill, which I think will obviate the principal objection which the gentleman from Kentucky makes to it:

At the end of the bill insert as follows:

That so much of the act entitled "An act to divide the State of Missouri into two judicial districts," approved March 3, 1857, as establishes a court for the eastern district of Missouri, and as establishes said eastern district, be, and the same is hereby, repealed.

SEC. 11. *And be it further enacted*, That the seventh section of said act be, and the same is hereby, repealed; and that the office of district judge for said eastern district of Missouri is hereby abolished.

SEC. 12. *And be it further enacted*, That all that part of the State of Missouri which by said act now composes the eastern district of Missouri shall be, and is hereby, attached to the western district of Missouri, and made part thereof; and that the jurisdiction of the district court for the present western district of Missouri shall extend to every part of the State of Missouri, and that the judge thereof shall hold terms of said court in the city of St. Louis on the third Mondays of February, May, and November, of each year; and shall exercise all the powers and duties which by said act were authorized to be heretofore exercised by the district courts for the eastern and western districts of Missouri.

SEC. 13. *And be it further enacted*, That the salary of the judge of the western district of Missouri shall hereafter be $3,500 per annum.

The adoption of that amendment will, I think, divest the bill of one of the objections alleged against the bill, for the expenses added on to the State of Kentucky are saved from the State of Missouri.

Mr. BURNETT. I made no remark or objection in regard to Missouri, for I know nothing about it; that is a matter for the Representatives from Missouri. My objection was to the establishment of two districts in the State of Kentucky, for which there is, in my opinion, no necessity.

Mr. PORTER. For several sessions past, a great part of the Kentucky delegation have urged the passage of a bill of this kind—to divide Kentucky into two judicial districts. They have stated that on account of the length of the State, the convenience of suitors required it. But the gentleman from Kentucky [Mr. BURNETT] says that the business of that court is not sufficiently large to justify the creation of this second judicial district. It is true that there are not so many cases on the docket of the district court of Kentucky now, as there are on the dockets of some single district courts. But the reason of that is, as the committee were informed by gentlemen of distinguished character from Kentucky, that the inefficiency of the judge is such as to prevent the institution of suits in the court which would otherwise be commenced there.

Mr. BURNETT. I would like to make one remark at this point.

Mr. PORTER. I cannot yield at present. Gentlemen of distinguished character have stated to the committee, that if a second judicial district were created, it would have more business than the present district court has had during the incumbency of the present judge. It is for the reason that the legal business of the State of Kentucky would be sufficient for two district courts, that the Committee on the Judiciary have reported this bill.

Mr. MALLORY. I desire to say a word in reply to my colleague, [Mr. BURNETT.] I differ with him as to the propriety of the passage of this bill: and I will take the liberty of stating to my colleague, that one reason for my differing with him has been furnished by himself and others, who about three years since strenuously contended for the division of Kentucky into two judicial districts. I remember distinctly, that at the last session of Congress my colleague and myself coöperated in getting a bill through this House, increasing the number of terms of the Federal court, on account of the increased business in different parts of the State, and the consequent difficulty of transacting business. I suppose that the gentleman thought then, as I did, that the business of the Federal court in Kentucky was increasing, and that in the course of time there would be a necessity, if the necessity did not then exist, for two judicial districts in that State. I do not know what has occurred since then to induce my friend and colleague to change his opinion. He says it has been an examination of the docket; but I apprehend that he made that examination thoroughly before he contended for the establishment of two judicial districts a year ago. Besides, an act has been recently passed by the Legislature of Kentucky, suspending the action of our State courts. That act, as my colleague knows, has thrown into the Federal court of Kentucky a large amount of business—an amount of business which never before found its way into the court. I believe that that adds to the necessity which existed before, of dividing the State into two judicial districts. I shall therefore vote for the bill.

Mr. BURNETT. May I be permitted to say, that I do not know who are the distinguished gentlemen and men of high character who stated that the district judge is incompetent. I have not the honor of an intimate personal acquaintance with the judge; but I know him, and it is the first time I have ever heard him, in my State or out of it, charged with incompetency.

In response to my colleague, [Mr. MALLORY,] let me tell him, that I acted three years ago, as perhaps he and other gentlemen on this floor did, on petitions and memorials asking for a division of the State into two judicial districts. They said that business demanded it. Last winter I had occasion to attend a term of this district court of Kentucky, and I then took the opportunity of making some examination as to the amount of business before the court. I became thoroughly satisfied, as I am to-day, that a competent man, who will attend to his duties as judge, can attend each of the four terms and go through with the whole docket in less than three weeks. He can go through the docket and render judgment in every case, not including those involving offenses against the laws of the United States, such as mail robberies and such like offenses, which are of exceedingly rare occurrence in that State.

Another fact. My colleague says I advocated the passage of an act in the last Congress for holding four terms of that court in four different places. That, sir, is true, and for this reason: under the

law as it before existed, the people living in my end of the State were required to travel from the extreme southwestern portion, as witnesses, jurors, or parties to suits pending; and therefore it was that I voted for holding terms of the court in four different places.

Now, then, Mr. Speaker, I say to gentlemen to-day, bring up your docket; exhibit the number of cases; and there is no member of this House who will say the amount of business is large for a single district. No man will say the State should be divided into two judicial districts. That is the reason, sir, which actuates me in my opposition to this bill; and at the proper time I shall ask for the yeas and nays upon its passage.

Mr. PORTER. Living as I do in a State adjoining the State of Kentucky, I am tolerably well acquainted with the business in that State; and, in my judgment, it is necessary that it should be divided into two judicial districts, in order to have the business of the State properly attended to. Now, sir, I think this matter has been sufficiently discussed, and I demand the previous question.

Mr. SHEFFIELD. I ask the gentleman to withdraw his demand for the previous question for a moment.

Mr. PORTER. I think the matter has been sufficiently discussed, and I must decline to withdraw.

Mr. SHEFFIELD. I do not wish to discuss the bill. I merely wish to ask a question.

Mr. PORTER. I must insist on my demand for the previous question.

Mr. NORTON. I trust the gentleman will withdraw his demand for the previous question. I desire to say a word upon the amendment which has been submitted by one of my colleagues from Missouri.

Mr. PORTER. I must decline to withdraw.

The previous question was seconded, and the main question ordered to be put.

The amendment submitted by Mr. BLAIR, of Missouri, was agreed to—ayes 83, noes 10.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. CRITTENDEN. I desire to say a single word upon the passage of that bill. However necessary some gentlemen may think it that another judicial district in Kentucky should be established, I shall be compelled to vote against the passage of the bill.

I only ask to say this, in reference to the matter: I doubt the constitutionality of the measure. While I acknowledge the power of Congress to abolish certain district courts, and to establish other courts, I think it has been admitted that it is an abuse of the powers of Congres, and an evasion of the constitutional mode of removing judges, when such legislation is entered upon simply for that purpose.

Now, sir, it appears to me that these cases come within that prohibition of the Constitution. If gentlemen conceive that there is really a substantial object of public good to be accomplished by the abolition of this court, they are warranted by the Constitution in voting for it; but if the object is really to get rid of one set of judges and to appoint another, then it appears to me to be in conflict with the spirit of the Constitution, which provides a special mode of removing judges—by impeachment—and provides that otherwise they shall hold office during good behavior.

Other gentlemen may differ with me, but my apprehension is that there has not been a sufficient reason assigned for the removal and changes which this bill makes provision for.

Mr. NORTON. As this bill now stands, I shall not be able to give it my vote, for the following reasons: my colleague [Mr. BLAIR] has submitted an amendment, which has been adopted by the House, abolishing one of the judicial districts of the State of Missouri. About four years ago, an act was passed by Congress dividing that State into two judicial districts. Now, sir, if there was a necessity existing four years ago for the establishment of two judicial districts in the State of Missouri, I should like to know of the gentleman who offered this amendment, what has transpired within the last four years to diminish the business of that State? If a necessity existed four years ago for the establishment of two judicial districts, does there any reason now exist for abolishing that act? Surely, sir, that great State has not diminished in population within that time.

Mr. BLAIR, of Missouri. I ask the gentleman to yield to me for a moment. There never was a necessity for the division of the State of Missouri into two judicial districts. There never was a sufficient amount of business to employ two judges in that State; and the bill which the gentleman says passed four years ago was an amendment that was slipped on to a bill at the tail end of a session of Congress, at midnight, to provide for a couple of politicians in that State. I think it is time to dispense with their services.

Mr. NORTON. My colleague says there never was a necessity for the passage of an act dividing the State into two judicial districts. Sir, that Congress, representing the wisdom of the nation at that time, differed from the gentleman. Since that time, what has transpired? That great State has been steadily increasing in population; and there has a state of things arisen in consequence of the existing condition of public affairs that must necessarily increase the business to be transacted in those courts. And, with these facts before him, my colleague wants to abolish one of the courts in Missouri, while, at the same time, he proposes to establish two judicial districts in the State of Kentucky. Sir, I shall be compelled, in justice to myself, in justice to my constituents, in justice to reason and equity, as I understand the facts of the case, to vote against the bill as amended on motion of my colleague.

Mr. DIVEN. I voted for the amendment of the gentleman from Missouri because I am satisfied one district is enough for Missouri; but I shall vote against the bill if it retains the provision for two judicial districts in Kentucky.

Mr. NORTON. I desire to ask the gentleman from New York a question. If there is a necessity for only one judicial district for Missouri, upon what process of reasoning does he arrive at the conclusion that there is a necessity for two districts in Kentucky, which to-day contains a less population than Missouri?

Mr. DIVEN. If the gentleman had listened to me he would have heard me say that I should vote against the bill in its present shape, for the reason that I do not believe two judicial districts are necessary for the proper transaction of the business to be done in this court in Kentucky.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled House joint resolution No. 1, authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey; when the Speaker signed the same.

COURTS IN KENTUCKY—AGAIN.

Mr. DIVEN. New York, Mr. Speaker, with three million inhabitants—more inhabitants, probably, than Kentucky and Missouri together—with her immense commerce at the port of New York, giving rise to vast business for these United States courts, gets along with two districts and two courts. In my judgment, this House, in the passage of this bill, is now about to set a precedent that it will hereafter regret. The object of the bill seems to be to get rid of judges who, by the terms of the Constitution, are designed to hold their offices for life, or during good behavior. If they misbehave, they can be impeached, and that is the only constitutional mode of getting rid of them that I know of. If we are to get rid of judges who hold their offices constitutionally for life, or during good behavior, by abolishing the courts over which they preside, then let me say to gentlemen, that by and by, if the precedent be established now, it will come to be the practice at every change of the Administration of the General Government to resort to this expedient; that is, to repeal the law authorizing these courts and to remodel the districts, so as to override the Constitution. There will in fact be a change for political reasons whenever there is a change of the Administration. Do not let us set such a precedent to the country as will lead to the subversion of the provision of the Constitution which makes the tenure of office of judges to be for life, or during good behavior.

Mr. PORTER. I demand the previous question on the passage of the bill.

Mr. BURNETT. I appeal to the gentleman to withdraw his demand for the previous question, in order that I may move to strike out that portion of the bill which refers to Kentucky.

The SPEAKER. It is not in order at this stage of the bill. The question now is, "Shall the bill pass?"

The previous question was seconded, and the main question ordered.

Mr. BURNETT demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 79, nays 50; as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Cravens, Cutler, Davis, Delaplaine, Duell, Dunlap, Dunn, Edgerton, Edwards, Fessenden, Fisher, Franchot, Goodwin, Granger, Gurley, Hanchett, Harding, Horton, Hutchins, Jackson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Law, Leary, Lovejoy, McKnight, Mallory, Menzies, Mitchell, Moorhead, Justin S. Morrill, Nixon, Olin, Patton, Pomeroy, Porter, Potter, Alexander H. Rice, Riddle, Edward H. Rollins, Shanks, Shellabarger, Sherman, Sloan, Stevens, Stratton, Vandever, Van Horn, Verree, Wadsworth, Wallace, E. P. Walton, Washburne, Webster, Wheeler, Whaley, Albert S. White, Windom, and Worcester—79.

NAYS—Messrs. Allen, Ancona, Ashley, Joseph Baily, George H. Browne, Burnett, Calvert, Clark, Cobb, Cooper, Corning, Cox, Crisfield, Crittenden, Delano, Diven, Eliot, English, Fouke, Gooch, Grider, Haight, Holman, Johnson, Logan, Loomis, Morris, Noble, Norton, Nugen, Odell, George H. Pendleton, Perry, Reid, Richardson, Robinson, Sedgwick, Sheffield, Smith, John B. Steele, William G. Steele, Train, Vallandigham, Van Valkenburgh, Vibbard, Wall, Ward, Chilton A. White, Woodruff, and Wright—50.

So the bill was passed.

During the vote,

Mr. JOHNSON stated that his colleague, Mr. LAZEAR, had gone home on account of his own sickness.

Mr. RIDDLE stated that his colleague, Mr. TRIMBLE, was confined to his room by illness.

Mr. McKEAN (not being within the bar when his name was called) asked leave to vote.

Mr. BURNETT objected.

The vote was announced as above recorded.

Mr. PORTER moved to amend the title of the bill by adding to it the words "and Missouri."

The amendment was agreed to.

Mr. PORTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DIRECT TAXATION.

Mr. STEVENS, by unanimous consent, from the Committee of Ways and Means, reported a bill to provide additional revenue for defraying the expenses of the Government and maintaining the public credit by the assessment of a direct tax and internal duties; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

BILLS OF EXCHANGE, ETC.

Mr. F. A. CONKLING, by unanimous consent, introduced a bill respecting bills of exchange and promissory notes; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. BLAIR, of Missouri. I call for the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

CAPTAIN CHARLES FIERER.

Mr. DUELL, from the Committee on Revolutionary Claims, moved that that committee be discharged from the further consideration of the claim of the administrator of Captain Charles Fierer, and that it be referred, together with the accompanying papers, to the Department of the Interior.

The question was taken, and the motion was agreed to.

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. I am directed by the Committee on Military Affairs to report back Senate bill No. 3, providing for the better organization of the military establishment, with a substitute.

Mr. Speaker, the bill of the Senate is for the increase of the staff corps of the Army, and for retiring disabled officers from the Army. The

House has passed and sent to the Senate two bills on the same subjects—one applicable to the staff corps, and the other to the retiring of disabled officers. The committee have instructed me, inasmuch as the two Houses differ in almost every clause, to report a substitute covering the two bills passed by the House, in order that we may bring this matter to a committee of conference as soon as possible, to settle the disagreeing votes between the two Houses.

The substitute was adopted.

The Senate bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

MARINE CORPS.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported back Senate bill No. 4, for the better organization of the Marine Corps, with sundry amendments.

The amendments were agreed to; and then the bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

REFERENCE OF BILLS.

On motion of Mr. SEDGWICK, the following bills were taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs:

An act (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes;

An act (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; and

An act (S. No. 31) to increase the medical corps of the Navy, and for other purposes.

JOHN C. M'CONNELL.

Mr. CURTIS. When the Committee on Military Affairs was called, I forgot to call up a bill I had in my possession; and I now ask unanimous consent to present the bill, and put it upon its passage.

Mr. WASHBURNE. I want the regular order of business proceeded with, as I desire to reach the Committee on Commerce.

Mr. CURTIS. My committee has been called.

Mr. WASHBURNE. Yes; but mine has not; I am always reluctant to object to anything; but I think we ought to proceed in regular order, and thereby give the committees a fair chance. However, I yield to the gentleman from Iowa.

Mr. CURTIS. I ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill No. 59, for the relief of John C. McConnell, and to put the same on its passage.

Mr. BURNETT. Let the bill be read.

The bill, which was read, directs the Secretary of War to adjust the accounts of John C. McConnell for commissary supplies and medicines furnished by him to the United States volunteers of Maryland now in service, on the principles of equity and justice, provided that the same shall not exceed $8,500, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. BURNETT. Is that bill admissible, according to the rule we have adopted?

The SPEAKER. It appropriates money, and it requires unanimous consent to discharge the committee from its further consideration.

Mr. BURNETT. I cannot, from hearing the bill read, see any reason why the committee should be discharged; and therefore I enter my protest against the bill being taken up now out of its order.

The SPEAKER continued the call of committees for reports.

EXPENDITURES OF THE GOVERNMENT.

Mr. F. A. CONKLING. I offer the following resolution as a report from the special committee appointed to inquire into the expenditures of the Government:

Resolved, That the committee appointed to report in what manner, and to what extent, the expenditures of the Government may be reduced, have power to sit during the recess of Congress, and to send for persons and papers; and that a clerk may be employed at the usual rate of compensation.

I desire to make a brief explanation of the reasons for making this report, and asking for this enlargement of the powers of the committee. The committee was appointed a few days since, with the unanimous consent of this House, and I believe I may say it has met with approbation in every part of the country. It indicates to the country the intention of this House to carry out the ancient Democratic doctrine of "economy in the public expense, that labor be lightly burdened." It indicates to all parties that it is the purpose of this House to reduce the expenditures of the Government to the lowest possible sum, to the end that in this great crisis in our history, involving, as it does, the very existence of the Government, the resources of the country may, to the utmost possible extent, be applied to suppress treason and rebellion in the land. The Speaker of this House, under the authority given by that resolution, appointed the following gentlemen to constitute that committee: Messrs. CONKLING, KELLOGG of Illinois, BURNETT, NIXON, BLAIR of Pennsylvania, CHRISFIELD, and BROWN. I have taken the liberty to name them here because their names, so far as I am informed, do not appear upon any printed list of the committees of this House, though the regularly printed list does contain the names of those composing other select committees.

The committee have held one meeting, and they have found that they can make no essential progress in the discharge of their duties, without the facilities which are now asked. They have ascertained that a very great necessity exists for the prosecution of the inquiry provided for in the resolution; and I will mention one single fact here which has come to the knowledge of the committee. The receipts of the revenue from customs, during each quarter of the five years preceding the 1st of January last, averaged a little more than thirteen million dollars. For the quarter ending with the close of the last fiscal year, the amount of revenue received from this source was but $5,500,000—or considerably less than one half the average which I have named. But notwithstanding this diminution in the receipts, there is no evidence—and I think it may be safely asserted that no evidence can be produced—that any office in the custom-houses of the country has been dispensed with.

I will not detain the House by the mention of other facts which have come to the knowledge of the committee. It is under these circumstances that we come here and ask for an enlargement of our powers. On yesterday I offered a similar resolution, and modified it in accordance with the suggestions of some gentlemen upon this floor. That resolution was voted down, or rather, it was laid on the table; and that act of the House would seem to indicate that its judgment had been reversed in regard to the necessity of this inquiry. For one, I hope that such a construction of the vote of yesterday is erroneous and unfounded; and I hope a majority will now permit this resolution to be passed. If, in any of its terms, it be objectionable, the committee are prepared to have it amended. If there be any power vested by the resolution in the committee which is unusual, or which is deemed too great, the committee are perfectly willing to have its terms amended in that respect. But we do desire that the powers of the committee may be sufficiently augmented to enable us to prosecute the inquiry with effect.

Mr. EDWARDS. As I have had occasion, Mr. Speaker, to oppose this application on one or two other occasions, I think it but justice to myself that I should submit a very few remarks in relation to the resolution which is now pending. It is true that the resolution authorizing the appointment of this committee passed the House without any opposition. So far as I am concerned, I at that time regarded that resolution in this point of view: that it came from a gentleman who was now, for the first time, a member of this House; and I supposed that the duties of the committee would terminate with the session; and in the form in which it then stood, I did not think it important to raise any objection to the appointment of the committee. But when, yesterday, it was proposed to add to the powers of the committee, to recognize it as of a permanent character, I thought it was proper, if it was objectionable to clothe this committee with additional and continuing powers, that the objection should be made.

Now, sir, what does this committee propose to do? Why, to examine into the public expenditures of the country. They propose to do nothing more than the standing Committee on Public Expenditures, if I understand the rules of the House, ought to do, if they do their duty.

Mr. F. A. CONKLING. I will state, for the information of the honorable member, that the terms of the resolution under which this committee was appointed are these:

"That a committee be appointed by the Speaker to report to this House in what manner and to what extent the expenditures of the Government of the United States may be reduced, and what officers may be dispensed with."

It will be perceived, then, that the scope of the committee's investigation is entirely different from that of the committee to which the gentleman has referred. I have alluded to the fact that in the department of customs there has been a very great diminution of receipts; and of the further fact that there has been no reduction in the number of officers employed. Now, sir, we do not come here to make war in any way upon the collectors appointed at the various ports. We believe it is the desire and the wish of the collectors to reduce their force; but we know well the pressure that is brought to bear upon them, and the difficulty of their acting without authority of law.

Mr. EDWARDS. The gentleman thinks the scope of the duties of that committee is different from that of the committee to which I referred, and that they would occupy a different field of investigation from that assigned by the rules of the House to the standing Committee on Public Expenditures. The rules provide that it shall be the duty of the Committee on Public Expenditures to examine into the state of the accounts and expenditures of the several public Departments of the Government, and to inquire and report particularly, whether the expenditures of the respective Departments are justified by law; whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount; whether such claims have been discharged out of funds appropriated therefor; and whether all moneys have been disbursed in conformity with appropriation laws; and whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character or extravagant in their amount. And also to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several Departments without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several Departments and the accountability of their officers. I do not object to the committee which the gentleman has named. I concede their respectability, and I claim as much for the Committee on Public Expenditures, consisting of a greater number of gentlemen of this House.

The sole question with me is, whether it is expedient—whether, I had almost said, it is proper—that, as a mere matter of inquiry, those duties which fall within the province of a standing committee shall be taken from them, and assigned to a select committee? This I suppose to be the question raised, and I cannot think it expedient to adopt such a course. There may be cases, I admit, where a committee is overburdened with business, or where there is a particular question arising, of such breadth and importance that it may be right to assign its investigation to a special committee; but I can see no necessity of the kind in this case.

If gentlemen wish inquiries to be made into particular expenditures, they can have resolutions passed instructing the Committee on Public Expenditures to inquire into those particular subjects which they think require investigation. Suppose the course taken in this case should be pursued in relation to all the committees; suppose that at the beginning of the session, gentlemen should come forward and move special committees to

inquire into the various subjects that are within the province of the Judiciary Committee: we might have select committees upon every matter that belongs appropriately to that committee. So in relation to the Committee of Ways and Means; we should have a select committee to inquire how much money the Government needs to borrow, and a select committee to inquire how much can be raised by a tariff. We should have select committees upon all the duties of the Committee of Ways and Means, and so with reference to the Committee on Military Affairs, and all the other standing committees of the House. Why, I ask, should an exception be made in the case of the Committee on Public Expenditures? I have no anxiety on my own account, personally, to be invested with this particular labor, but I thought when I rose before that it was due to the committee that the House should properly understand what their idea is upon the subject, and see if there is any necessity for taking this investigation out of their province, and assigning it to a select committee, clothing that select committee with powers which the standing committee do not possess, and do not see occasion to ask for at the present session.

With these remarks, I submit the matter for the disposition of the House as they, in their judgment and pleasure, shall see proper.

The question was taken on the resolution, and it was not agreed to.

STEAMER ESTELLA.

Mr. WARD, from the Committee on Commerce, reported a bill to authorize the issue of a register to the steamer Estella, which was read a first and second time by its title.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CONSULAR REPRESENTATION.

Mr. ELIOT, by unanimous consent, introduced a bill to increase the consular representation of the United States during the present insurrection; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

The call of committees for reports having now been concluded, the Speaker proceeded to call the States and Territories for resolutions giving rise to no debate, and for bills and resolutions for reference only.

EMPLOYÉS OF THE HOUSE.

Mr. HUTCHINS introduced a bill defining the duties and fixing the compensation of the Clerk, Sergeant-at-Arms, Postmaster, Doorkeeper, and Librarian, and settling the number and pay of the other employés of the House of Representatives, and for other purposes; which was read a first and second time by its title, and referred to the Committee of Accounts.

DISSOLUTION OF THE UNION.

Mr. WADSWORTH. Is it in order at this time to present a petition from certain citizens of Greenup county, Kentucky, praying that Congress will never consent to a dissolution of the Union?

The SPEAKER. It can only be done by unanimous consent.

Mr. BURNETT. I believe that can be done under the rules.

Mr. WADSWORTH. There is no objection, I presume.

The SPEAKER. The rules of the House require that petitions shall be filed at the Clerk's desk; and the Chair understands the gentleman's colleague to insist on that course.

EMPLOYMENT OF NEGROES IN THE ARMY.

Mr. BURNETT. Is this a call upon which I can offer a resolution to be put upon its passage?

The SPEAKER. It is.

Mr. BURNETT. Then I offer the resolution submitted by me this morning; and I desire to give the reasons why I offer it.

The SPEAKER. That can be done only by unanimous consent.

Mr. CURTIS. I believe I shall object to the gentleman's giving his reasons.

Mr. BURNETT. Well, I do not know that it is necessary for me to give any reason for it. I offer the resolution, and call the previous question upon it.

The resolution was read, as follows:

Resolved, That the Secretary of War inform this House whether there are any negroes in the Army of the United States, which have been armed; whether there are negroes, the property of citizens of any of the revolted States, which have been used by the Army in any character of military duty, the throwing up of breastworks, making intrenchments, &c.; if so, at what places, and the number of slaves so employed.

Mr. McCLERNAND. Will the gentleman allow me to amend the resolution so as to inquire whether the so-called "confederate States" have armed negroes on their side?

Mr. BURNETT. The very reason why I offer this resolution is, that my colleague [Mr. WICKLIFFE] had a resolution passed yesterday, making just that inquiry.

The SPEAKER. The Chair would remind the gentleman that objection was made to his giving any reasons.

The previous question was seconded.

Mr. SHEFFIELD. I move to lay the resolution upon the table.

Mr. BURNETT. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

The question was taken; and the resolution was laid upon the table.

Mr. BURNETT. If in time, I ask for tellers upon ordering the yeas and nays. [Cries of "Too late!"] What objection can there be to letting us know whether there are negroes in the Federal Army or not? It is a fact that there are. I know it to be so.

Mr. WICKLIFFE. May I be allowed to correct my colleague, who has charged upon me the offering of a resolution to inquire whether negroes are employed in the confederate army?

Mr. BURNETT. I must object to my colleague making a statement unless I am permitted to reply to it.

Mr. WICKLIFFE. My colleague is mistaken.

Mr. BURNETT. I think not, if the Globe is any authority on the subject. I may be mistaken.

The SPEAKER. The Chair will state that debate is not in order. There is no question before the House.

Mr. WICKLIFFE. I wish to state, sir, that I did not offer a resolution to inquire whether slaves had been employed in the southern army. I did not believe, or hear, or understand, that such a military arm had been employed by these secessionists. I was unwilling to believe that such was the fact; but it was suggested by some gentleman over the way that it was the fact, and he wanted me to accept an amendment making that inquiry. I did not accept it. He moved it as an amendment, and the House adopted it. I had no objection to the inquiry. I denounce the employment of slaves or Indians by either of the belligerent parties. I, who have lived long enough to know something of Indian warfare, cannot tolerate the idea that in a civilized and Christian age any portion of the United States—the confederates or the United States themselves—should employ, without the condemnation of the Christian world, savages or negroes as instruments of war between white men.

ARMORY AT CHICAGO.

Mr. ARNOLD, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the select committee on the location of an armory be instructed to inquire into the expediency of locating such armory at Chicago.

ACT OF CONFISCATION.

Mr. BINGHAM. I ask leave to have taken from the Speaker's table an act (S. No. 25) to confiscate property used for insurrectionary purposes.

There being no objection, the act was taken up, read a first and second time, and referred to the Committee on the Judiciary.

WASHINGTON POLICE.

Mr. ROSCOE CONKLING, from the Committee for the District of Columbia, reported back, with a recommendation that it do not pass, an act (S. No. 37) to regulate the police force of the city of Washington; which was laid on the table.

NEGROES IN THE ARMY.

Mr. BURNETT. I desire to correct a statement which I made a moment ago in regard to the resolution of my colleague, [Mr. WICKLIFFE,] including negroes, as I have since ascertained from an examination of the record that I was mistaken. I heard the resolution read at the table, and at that time it included negroes. I therefore came to the conclusion that my colleague had so offered it; but now I find that negroes were added on the motion of the gentleman from Indiana, [Mr. DUNN.]

One word further: I offered a resolution a moment ago, to which gentlemen objected. I am, like my colleague, opposed to the employment of either negroes or Indians in this war. If we are to have a war, I want it to be conducted on principles of civilization. Let it be, at least, civilized warfare. I have seen negroes in the Federal Army with the uniform on, and armed with all the implements that soldiers are armed with. I am opposed to it. I believe it to be wrong; and hence I offered my resolution.

Mr. LOVEJOY. I wish to ask the gentleman if he is aware that these rebels bayonet the dying and the wounded who are taken by them?

Mr. BURNETT. I am not; nor do I believe it. Let the statement come from what quarter it may, I do not believe it. That is a species of cruelty and barbarism which I do not believe the people of any section of the country, however depraved, could resort to. Hence I am unwilling to believe it.

Mr. DIVEN. Will the gentleman permit me to make an explanation?

Mr. BURNETT. That is a matter for the House. I am doing that thing now. Sir, I am opposed to the employment of negroes in the Army on either side; and I hope and trust in God they have not been armed by those States that are now in revolution. I am as much opposed to their employment in the northern Army. I have seen them with the uniform on, with their rifles, their bayonets, their revolvers, their daggers at their sides, marching with the troops through the city; and if we are to have information with regard to one side of the question, why not let the Secretary of War tell us how many negroes there are in the Federal Army? I am opposed to it on either side, and enter my protest against it.

Mr. CURTIS. I ask the gentleman from Kentucky whether he saw any negroes enrolled in squad form, or company form, or in any other capacity than as servants?

Mr. BURNETT. The best fighting man I ever saw was a man who went into the valley of Mexico and fought on his own hook; and he was armed by the Federal Government exactly as these negroes are.

Mr. McCLERNAND. Has the gentlemen seen any negroes in squads or companies?

Mr. BURNETT. I have not.

Mr. CURTIS. I ask the gentleman if he believes they are enrolled in any other capacity than that of servants?

Mr. BURNETT. I know not how they are enrolled. The question is, whether they are not armed like soldiers? They have no business with arms.

Mr. CURTIS. I ask the gentleman another question: whether negroes did not go with our officers to the Mexican war, and carry arms there as they do now?

Mr. BURNETT. I do not know whether they did or not.

Mr. CURTIS. I know they did.

Mr. LOVEJOY. I wish to ask the gentleman if he is not aware, as a historical fact, that negroes aided General Jackson in achieving the victory of New Orleans?

Mr. BURNETT. I am aware of that; and I understand that the gentleman does not object to the use of negroes in war.

Mr. LOVEJOY. Not at all; I would fight with any muscle that can fight.

Mr. BURNETT. Therefore the gentleman might have saved himself the trouble of asking me any question, because I do not agree with him in his peculiar idea. That is enough.

Mr. STRATTON. I move that the House do now adjourn.

The motion was agreed to; and the House (at ten minutes past two o'clock, p. m.) adjourned.

IN SENATE.

WEDNESDAY, *July* 24, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the memorial of William S. Grant, representing that supplies furnished by him for the army in Arizona, under contract with the War Department, were seized by the Texan forces, and praying relief; which was referred to the Committee on Claims.

PROPOSED NATIONAL ARMORY.

Mr. TRUMBULL. I desire to present, for the purpose of reference to the committee having charge of the matter, a communication from the Common Council of the city of Alton, in the State of Illinois, setting forth the advantages of that point as a location for an armory. The communication shows that a commission appointed for the purpose of selecting a place in the West for an armory some years ago, consisting of General Armistead, Colonel Long, and Dr. Lawson, reported in favor of the city of Alton as a proper site for an armory; and among the reasons set forth are the location of that place upon the Mississippi river at a point at all times open to navigation, the abundance of coal in its vicinity, the health of the locality, the cheapness of property, and the fact that there are there at this time large founderies and machine shops which could be converted at once into manufactories of arms at a very trifling expense. I ask that the communication be referred to the committee having charge of that matter, which I believe is the Committee on Naval Affairs. I think other memorials on this subject have been referred to that committee.

The memorial was referred to the Committee on Naval Affairs.

LOCATION OF THE NAVAL ACADEMY.

Mr. FOSTER. I present the report of a committee appointed by the Common Council of the city of New London, Connecticut, to act upon the subject of the establishment of a naval depot or a naval school within the limits of the harbor of New London. The Senator from New Jersey [Mr. TEN EYCK] and the Senator from Rhode Island [Mr. ANTHONY] have already brought the question of the location of our Naval Academy to the attention of the Senate. Each of those Senators, in urging the claims of his particular State, indulged in a line of remark quite common with us all here when we speak of our own State. I am not aware that either of them said anything in this connection which was not eminently fit and proper. New Jersey and Rhode Island have each a historic fame, of which their representatives here, and everywhere, are justly entitled to be proud. But, sir, the State of Connecticut is entitled to be heard on this subject. She claims as fair a fame as belongs to each of these her sisters. She demands, and history awards to her, as bright a page as any on which are written the annals of our country.

In the report which I present, the advantages of the harbor of New London and its vicinity, as a location for our Naval School, are set forth briefly, but most convincingly; so that I content myself at present by asking that it be printed, and referred to the Committee on Naval Affairs.

Mr. HALE. Let the question of printing take the usual course. I do not want an exception made to our general rule.

Mr. FOSTER. The memorials presented by the other Senators were printed.

Mr. HALE. They were resolutions of Legislatures.

Mr. FOSTER. The Senator from Rhode Island presented a memorial from his Legislature, but the Senator from New Jersey did not. They were both printed.

Mr. HALE. I have no objection to the printing.

Mr. FOSTER. Then I beg the Senator not to make any, if he has none.

The PRESIDENT *pro tempore*. Memorials not coming from a State Legislature, under the rules of the Senate, on a motion to print, go to the Committee on Printing, unless by unanimous consent.

Mr. FOSTER. I ask that. It is less than a letter sheet.

Mr. HALE. If the others were printed, I shall not make an exception; but, if they were not printed, I shall object to the printing in this case.

Mr. FOSTER. They were printed.

The PRESIDENT *pro tempore*. By unanimous consent, the order to print is made; and a reference to the Committee on Naval Affairs is ordered.

OATH OF ALLEGIANCE.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring an oath of allegiance and support of the Constitution of the United States to be administered to each military, naval, and civil officer and employé of the Government, whether such employment be permanent or temporary; and that the committee be instructed to report by bill or otherwise.

REPORTS FROM A COMMITTEE.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 17) concerning the pay of the officers of the revenue cutter service, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 53) relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes, reported it without amendment.

WORLD'S FAIR.

The PRESIDENT *pro tempore*. If there be no further reports, the first business on the Calendar is the joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be holden in London, in the year 1862.

The Senate proceeded, as in Committee of the Whole, to consider the joint resolution. It proposes to authorize the President to take such measures as shall to him seem best, to facilitate a proper representation of the industrial interests of the United States at the exhibition of the industry of all nations in London, in the year 1862; and to appropriate $2,000 for the incidental expenses.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT OF CONSPIRACIES.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 45) to define and punish certain conspiracies, have instructed me to report it back to the Senate, with a recommendation that it do pass.

Mr. BAYARD. I ask permission from the Senate to submit the views of the minority of the committee against the passage of that bill. They are very short.

Mr. TRUMBULL. Of course, I have no objection to the Senator from Delaware presenting any views which he pleases; but I think it is unusual and unprecedented for a minority of a committee to present a report where there is no report of a majority. The bill is simply reported back to the Senate, with a recommendation that it pass; and I am aware of no instance where a minority, under such circumstances, have been allowed to make a minority report, to go among the reports of the Senate as from a committee, where there is no majority report. Of course the Senator from Delaware will present whatever views he thinks proper; but if he designs this as a minority report, I object to it as unprecedented. If it is the Senator's speech, of course I have nothing to say about it. He may present what views he pleases; but I object to its coming from the committee as a report in any shape, either minority or majority, he having no authority to make such a report according to parliamentary usage, as I understand the rules of parliamentary law and the uniform practice of the Senate since I have been a member of the body.

Mr. BAYARD. Mr. President, I am perfectly aware that, according to the usage and practice of the Senate, a minority cannot make a report at all; but it has been their usage to permit the views of the minority, always so called, to be presented to the Senate. In the House of Representatives the usage is invariable to call them all reports, and they are treated as reports. Our usage has been to permit a minority to present their views; but not being a collective action of the majority of the committee, it is not called a report.

The paper in question, though, is presented, in order merely to state the general objections to the passage of this bill. It will not be denied for a moment that where a majority make a report, in which they give their reasons and views in support of a bill, our invariable usage has been to permit the minority to state their views in opposition. But the honorable Senator says, that where a committee make no report, it is unprecedented to allow a minority to state the grounds of their objection, for that is all that is done. Now, it seems to me, in principle, that the right ought to obtain. If a majority report back the bill, that is a report; and if they do not see fit to state their reasons in support of it, why should the minority be precluded from stating the objections to it? In every case the views of the minority are presented by them as members of the committee, standing in contradistinction to their position as members of the Senate. I cannot see, in principle, any distinction between the two cases. My recollection is, that it has been permitted in the Senate; certainly it often has been in the House of Representatives.

I am not aware that precedents will be found similar exactly to this, for the very plain reason that it is seldom, if ever, where a committee divides upon principles in relation to a bill, especially a constitutional principle, that the majority do not make a report in support of the bill; but it seems to me clear that the reason which would give the right of a minority to present their views where there is a written report by the majority, (a practice which has grown up in the Senate within the last twenty years,) should also extend to a case of this kind.

Further, sir, let me state one great reason why I offered the views set forth in this paper—views which I think address themselves fairly, certainly to the courtesy of the Senate, if not to its sense of propriety. I have said to you, that though I am opposed to your policy, and think it erroneous, and that it will lead to no benefit to the country, I am not a man, against a decided majority, to interpose factious objections, with a view to annoy Senators in reference to the passage of bills, where I know the majority so will it. I believe you will do me the credit to say that such has been my course in reference to all your practical legislation at this session; but I excepted any bill which I supposed violated the Constitution of the United States. I have, therefore, together with my colleague on the committee, made a short statement of the views of objection to this bill in principle, which merely throws before the Senate for its consideration, without any pretense at argument, the grounds on which I suppose this bill ought not to pass, nor anything like this bill. I am at liberty to say, that though these views are not signed by the honorable Senator from Pennsylvania, [Mr. COWAN,] he coincides in the objection to the bill on principle.

I think, under these circumstances, with a view to avoid debate, which I do not desire to enter into, in reference to this bill, when it is called up, with the bare statement of the general objections to it, that I might ask from the Senate fairly that they should suffer the paper to be read and printed as the views of the minority. Undoubtedly I have a right, as a member of the Senate, to read the paper as part of a speech; but I think that it is but fair to a minority of the committee, on a controverted question of principle, that they should have the privilege of submitting their views where they differ from the majority, though the majority may see fit only to report the bill, and not give their views in support of it. If the Senate refuse to grant this, of course I shall read the paper myself; but I cannot see that there can be any objection to the other course.

The PRESIDENT *pro tempore*. The Chair begs to state that this report having been made this morning cannot be considered except by unanimous consent; therefore there is no question before the Senate, except it be on the motion to print the paper presented by the Senator from Delaware, as expressing the views of a minority of the Committee on the Judiciary.

Mr. BAYARD. Does it require unanimous consent?

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the bill. If the Senator makes a motion to print the paper submitted by him, that presents a question before the Senate.

Mr. BAYARD. I make that motion.

The PRESIDENT *pro tempore*. Then the question before the Senate is on the motion to print the paper presented by the Senator from Delaware, expressing the views of a minority of the Judiciary Committee.

Mr. TRUMBULL. I have no other desire than to get clearly before the Senate what the point is. It needs no argument. I shall be very glad to have the attention of the Senate for five minutes, to state what this question is. It does not involve what is in the bill at all. A bill was passed by the House of Representatives and sent to the Senate; it was referred to the Committee on the Judiciary; that committee have reported the bill back to the Senate, with a recommendation that it pass: that is the position in which it comes before the Senate. The Senator from Delaware comes in this morning and asks to submit the views of the minority of the committee. Now, for what purpose? Does the Senator from Delaware want to get his speech among the reports of the Senate? He can submit his views in opposition to the bill at any time; but he wants to make a minority report from a committee against a bill, where there is no majority report and the bill is simply reported back. I wish to call the attention of the Senate to the fact that they are about to establish a precedent by which every person upon all your committees, who is opposed to any bill that is before them, can write out and place in the form of a minority report his objections to the bill, and have them go among the reports of the Senate, to cumber your documents, instead of giving his views in the Senate in opposition to it.

What is the Senator from Delaware going to gain? What possible advantage will he accomplish by persisting that, instead of stating his views to the Senate, or reading them to the Senate, he shall put them in the form of a minority report from a committee? Will he accomplish anything by this? Why stickle for it? It certainly is unusual. I have stated that since my services in the Senate began, I have never known such an instance. The Senator from Delaware thinks there are such, though he refers to none. None has occurred within my recollection; but if this is allowed to be done, you have established the practice that any member of a committee may make a minority report against anything that is done, where there is no majority report. I do not think that that is a proper practice. I think we ought not to fall into it. I mean by this no discourtesy to the Senator from Delaware. His views will go before the Senate, and before the country. I have now simply presented the question to the consideration of the Senate, because I think it a bad innovation, setting a bad precedent, to allow minority reports to come from committees, where there are no majority reports, but bills are simply reported back, with a recommendation that they pass. That is a report from a committee, it is true; but it is verbal. There are no reasons given in such cases at all.

I think it would be better that we should pursue the practice heretofore adopted of members giving their views, but not in the shape of minority reports under such circumstances, and therefore I have objected to this paper being received as a minority report. The immediate question before the Senate is, whether it shall be printed? The question is, will you print the speech of the Senator from Delaware? for that is what it amounts to. It will be printed in the Globe if he reads it, but it would not be printed over again and go into the public documents. That is about all I can see in it; and really if the Senator from Delaware supposes it so important that his views should go upon the public documents and be printed at the expense of the Government, I do not know that I should feel like resisting his request if it was made for that purpose; but I do not like to make such an innovation, and I have therefore raised this objection. If the Senate has paid sufficient attention to see what the point is, it is all I desire to say upon it.

Mr. BAYARD. If this were intended as a speech on my part, of course I should not ask the Senate to turn my speech into a report. It is not a report, as I admitted distinctly; it is the views of the minority. In principle it is analogous to the practice that obtains in the British House of Commons and the British House of Lords, carried much further there; for on every bill which passes there, those opposed to the bill are allowed to state succinctly "dissentient," with the general objections that they have to the bill. That is a free country as well as this, a country in which debate is fairly allowed and carried out. That is the universal practice, and has been the practice in both Houses in England for more than two hundred years. In the House of Representatives they allow a minority report in every case. In the Senate of the United States, we allow the "views of the minority" to be submitted. I have stated to the Senate that I am not able to turn to precedents, unless I have further time to search—I mean precedents connected with an exact case like this—but I have endeavored to show that it was within the principle.

The honorable Senator asks what advantage can there be in this course if every member is to be allowed, whenever he is opposed to a bill, as as a member of the committee that reports it, to put in an argument in opposition? This is not an argument. If it is necessary, I will read it for the information of the Senate, and they will see that it is not. It is a general statement of objections, and no more. Surely within the principle that I have stated to you exists in England, and in our own House of Representatives, in a country like ours, though the minority must submit to the majority, the minority ought to have a right, in reference to legislative matters, to put succinctly their objections to a measure on record. That is the basis of it; that is the principle on which I suppose it to be founded. I am perfectly aware that, in this or any other case, the Senate may refuse to let the objections be stated; and, if it were a long argument, or a vituperative one, or one calculated to inflame passions, one calculated to be obnoxious in the mode of argument to the majority, I think it probable—nay, I think they would be justifiable in rejecting it; but the paper which I have sent to the Clerk is simply a statement of general objections to the principle of the bill, in order to bring it before the minds of Senators, that they may see what are the questions involved in it. When I find a colleague on the committee agreeing with me, when I state it in the form of dissent from the report of the committee, I think it would not be reasonable on the part of the Senate, consistently with the character of our institutions and our form of Government, to prevent me from doing so. If the Senate will allow me—I presume I have the right to do it—in order to show that I am asking nothing unreasonable, I will read what it is that I propose to put on record; because then they can determine more properly whether they will refuse my request or not. I have endeavored to show that it is within the principle. The motion is to print it. I will read the views of the minority of the Committee on the Judiciary:

The undersigned, a minority of the members of the Committee on the Judiciary, to whom was referred House bill No. 45, entitled "An act to define and punish certain conspiracies," submit the following objections to the passage of the bill:

The Government of the United States is a Government of specially delegated powers; and though treason is one of the highest crimes known to the law, it is a political offense.

To guard against the abuses which in times of high excitement had, in the history of England previous to the revolution of 1688, too often sacrificed able, virtuous, and innocent men on charges of treason and kindred offenses, unaccompanied by acts, the Constitution of the United States expressly defines the crime of treason in the following terms:

ART. 3, SEC. 3. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

It further provides that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

The intent to restrict Congress in the creation of crimes of the nature created by this bill seems obvious; for in treason all are principals, and in any conspiracy of the kind stated in the bill, an overt act in pursuance of it, proved by two witnesses, would be treason against the United States.

Thus the creation of an offense, resting in intention alone, without overt act, would render nugatory the provision last quoted, and the door would be opened for those similar oppressions and cruelties which, under the excitement of political struggles, have so often disgraced the past history of the world. The undersigned can conceive no possible object in defining the crime of treason by our ancestors, and requiring proof by two witnesses to the same overt act to justify the conviction of the accused, unless it be to restrict the power of Congress in the creation of a political crime kindred to treason, and charged as resting in intent alone, which would, if accompanied by an overt act, be treason.

It matters not that the punishment prescribed in the law is not death, but imprisonment; for the passage of the bill, though it might not affect the life of an innocent man, would give, from the uncertainty of the offense charged and the proof requisite to sustain it, the utmost latitude to prosecutions founded on personal enmity and political animosity and the suspicions as to intention which they inevitably engender.

The undersigned therefore protest against the passage of the bill.

This is signed by the Senator from Kentucky [Mr. POWELL] and by myself. There is the paper; it states the general objections. I hope the Senate will permit me to present it. If not, of course one of the great objects I had, which was to avoid discussion on this bill, will be frustrated. My purpose was to present these general objections to the Senate, let them weigh them and compare them with the bill, to see if they would not come to the conclusion that it was not within the intent of the Constitution that such a crime should be created. I wished the Senate also to weigh the effect of the creation of such a crime as conspiracy, which rests in intent only. It must necessarily give rise to great persecution, unless human nature, in excited times, is entirely altered from what it has been in the past history of the world. These are my only reasons for presenting this paper.

Mr. COLLAMER. I am very unwilling to be regarded as at all standing in the way of any member presenting his views in almost any form, and presenting them in such a way as to give them perpetuity, if possible, and a currency with the community more than the evanescent character of a speech; and yet it seems to me that there is very much weight in the objection of the Senator from Illinois. The attempt now made by the Senator from Delaware strikes me as being utterly unprecedented. There never was such a thing. I have no doubt precedents enough can be found for putting on the record protests, but not the protest of a minority of a committee. It is the protest of those who are the minority in the measure when you vote upon it. Protests of minorities are common—well known in parliamentary history. They have not been regarded in this country precisely in the same light as in England. Here it is considered that men protest by their votes, and they can put their votes on record, and the Constitution has regulated the manner in which those votes may be recorded by yeas and nays.

But without discussing that, I simply wish to have the attention of the Senate called to the peculiar character of this paper. I am not a member of the committee; I know nothing about the bill more than what suggests itself to me from the reading of the gentleman's protest; I have formed no opinion about it; I do not know whether I shall vote for it or against it; but a report of a minority of a committee is nothing but an appendage—a contingency to the report of the committee. A report that is made by a majority of a committee is not technically ever called the report of the majority; it is the report of the committee. The gentleman has often said that.

Mr. BAYARD. I admit it.

Mr. COLLAMER. But, *ex gratia* if you please, this body has allowed the minority of a committee to present their views; only, however, as an appendage to the report—a part and parcel of it—a contingency of it, belonging to it. Now, the gentleman presents a thing which he can hardly call the report of the minority, because there is no report of the committee to make it so; but it is a sort of protest, and he claims the right to present it under the principle of a protest—not the protest of a minority of the body, against whose votes a measure is passed, but the protest of a committee—a new thing altogether—a protest of a minority of a committee when the majority have made no report at all. When a committee, to whom a bill has been referred, report it back with a recommendation that it be passed, that recommendation goes for nothing, because, whether the committee so recommend or not, when the bill is reported, the question is, whether it shall be passed or not. The committee merely bring the bill back to the House. Then, in this case, the committee have made no report; they simply bring back the bill. The gentleman can find nothing in practice to warrant this, unless it be the analogy which he strives to draw from the protest of a minority of the body. If he cannot make that a parallelism, I think he is utterly unprecedented in what he attempts to do. I think the precedent would be a bad one. Every member of the Senate

may claim the same. Each member has his own peculiar views about a bill, and each member may claim to present his protest also; because, I take it, a man not a member of a committee has as good a right to entertain and express a protest upon the subject of that bill, as a minority of a committee have. What is claimed is the right of a member of the House or body—not of the committee, because, as I have said already, the committee have made no report. I think the precedent is a dangerous one, and it ought not to be permitted.

Mr. BAYARD. A single word more, for I do not desire to detain the Senate from business. When a committee to whom a matter is committed by the Senate for report, bring it back to the Senate, there must be a report, or you have no bill before you, though they may not give reasons in support of their report. I can see no difference in principle, in accordance with our institutions and the very object of the institutions, between permitting a minority of a committee, as members of the committee, to enter their protest, if you please, or their dissent (for that is what it is) from the report made by the majority of the committee, and permitting a minority of the body, when a measure is passed, to present their protest against its passage. I can see no difference in principle between the two cases; but, as I stated, it is for the pleasure of the Senate to determine this question; it is entirely in their control always. If there could be any objection to the length of this document, to its tone, to its language, to anything about it, I should not for a moment hesitate to say that they would be justified in rejecting it. I can see, however, no danger in the precedent, which the honorable Senator from Vermont does; but of course I must submit to the decision of the Senate. If they decide not to print it, it will only take a different course. I shall be satisfied with their decision, whatever it may be.

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) The question is, "Shall the paper presented by the Senator from Delaware be printed as the views of the minority of the Committee on the Judiciary?"

The question being taken, on a division there were—ayes 7, noes 16; not a quorum voting.

Mr. BAYARD. If there is no quorum voting, perhaps I had better ask for the yeas and nays. That will probably create a quorum. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 29; as follows:

YEAS—Messrs. Bayard, Bright, Foot, Johnson of Missouri, Latham, Pearce, Polk, Powell, Rice, and Saulsbury—10.

NAYS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harlan, Harris, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—29.

So the motion to print was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 26) making additional appropriations to sundry civil expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

The message further announced that the House disagreed to the amendments of the Senate to the bill of the House (No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JUSTIN S. MORRILL of Vermont, Mr. EDWARD MCPHERSON of Pennsylvania, and Mr. ERASTUS CORNING of New York, managers at the same on the part of the House.

The message further announced that the House insisted upon its amendment to the bill of the Senate (No. 2) to increase the military establishment of the United States, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANCIS P. BLAIR, jr., of Missouri, Mr. ABRAHAM B. OLIN of New York, and Mr. ROBERT MALLORY of Kentucky, managers at the same on the part of the House.

The message further announced that the House insists on its amendment to the resolution of the Senate (No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM A. RICHARDSON of Illinois, Mr. JUSTIN S. MORRILL of Vermont, and Mr. WILLIAM E. LEHMAN of Pennsylvania, managers at the same on its part.

The message further announced that the House had passed the following bills of the Senate, with amendments, in which the concurrence of the Senate was requested:

A bill (No. 3) providing for the better organization of the military establishment; and

A bill (No. 14) for the better organization of the Marine Corps.

The message further announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 9) to provide for the introduction of a code of marine signals, adapted to secret service, and for other purposes;

A bill (No. 70) for the more efficient organization of the courts of the United States in the districts of Kentucky and Missouri;

A bill (No 74) to increase the consular representation of the United States during the present insurrection;

A bill (No. 73) to authorize the issue of a register to the steamer Estella;

A bill (No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy;" and

A bill (No. 69) to indemnify the States for expenses incurred by them in defense of the United States.

BILLS BECOME LAWS.

The message further announced that the President of the United States had signed and approved the following bills:

A bill (H. R. No. 16) further to provide for the collection of duties on imports, and for other purposes;

A bill (H. R. No. 15) to provide for the payment of the militia and volunteers called into the service of the United States, from the time they were called into service to the 30th of June, 1861;

A bill (H. R. No. 14) to authorize a national loan, and for other purposes;

A bill (H. R. No. 18) making additional appropriations for the support of the Army, for the fiscal year ending June 30, 1862, and appropriations of arrearages for the fiscal year ending June 30, 1861; and

A bill (H. R. No. 19) making additional appropriations for the naval service for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolution; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 21) for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes;

A bill (S. No. 32) to provide for the temporary increase of the Navy;

A bill (H. R. No. 17) authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases;

A bill (H. R. No. 26) making additional appropriations for sundry civil expenses of the Government, for the year ending 30th June, 1862, and appropriations of arrearages for the year ending 30th June, 1861;

A bill (H. R. No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina;

A bill (H. R. No. 56) in relation to forwarding soldiers' letters;

A bill (H. R. No. 57) for the relief of the Ohio and other volunteers; and

A joint resolution (H. R. No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey.

INCREASE OF THE ARMY.

Mr. WILSON. There is lying on the table a message from the House of Representatives, insisting on their amendment to the bill of the Senate to increase the present military establishment of the United States, and asking for a committee of conference. I desire to have that taken up now, and disposed of by the appointment of a committee on our part.

The PRESIDING OFFICER. The Chair will lay before the Senate the following message from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *July* 23, 1861.

Resolved, That this House insist on its amendment disagreed to by the Senate, to the bill of the Senate (No. 2) to increase the present military establishment of the United States, and ask a conference upon the disagreeing votes of the two Houses thereon.

Ordered, That Mr. F. P. BLAIR, Jr., and Mr. OLIN, and Mr. MALLORY, be the managers of said conference on the part of the House.

Mr. WILSON. I move that the Senate insist on its disagreement to the amendment of the House, and agree to the conference asked for by them, and that the committee be appointed by the Chair.

The motion was agreed to; and so it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the said bill, insisted on by the House; and that it agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. WILSON, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. WILSON, Mr. RICE, and Mr. LANE of Kansas, were appointed.

LEGISLATIVE APPROPRIATION BILL.

Mr. FESSENDEN. There is another bill on the table in the same condition, which I ask to have taken up and disposed of in like manner by the appointment of a committee of conference.

The message of the House was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 22, 1861.

Resolved, That the House non-concur in the amendments of the Senate to the bill of the House (No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861, and ask a committee of conference on the disagreeing votes of the two Houses.

Ordered, That Mr. JUSTIN S. MORRILL, Mr. MCPHERSON, and Mr. CORNING, be the managers of said conference on the part of the House.

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. FESSENDEN, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. FESSENDEN, Mr. SHERMAN, and Mr. LATHAM, were appointed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 9) to provide for the introduction of a code of marine signals adapted to secret service, and for other purposes—to the Committee on Naval Affairs.

A bill (No. 70) for the more efficient organization of the courts of the United States in the districts of Kentucky and Missouri—to the Committee on the Judiciary.

A bill (No. 74) to increase the consular representation of the United States during the present insurrection—to the Committee on Commerce.

A bill (No. 73) to authorize the issue of a register to the steamer Estella—to the Committee on Commerce.

A bill (No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy"—to the Committee on Commerce.

A bill (No. 69) to indemnify the States for expenses incurred by them in defense of the United States—to the Committee on Finance.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) The hour of one o'clock having arrived, the special order of the day, being the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, will be taken up.

Mr. WILSON. The Senator from Tennessee, [Mr. JOHNSON,] I think, had the floor on that subject, but I do not see him in his seat now. At any rate, I move to postpone that subject for a short period, for the purpose of going on with the business on the table.

The PRESIDING OFFICER. The Chair was about to announce that the Senator from Tennessee requested the Chair, he then being in his seat, to state that it was not convenient for him to address the Senate to-day; and to ask that the special order be postponed until Friday, if that would be satisfactory to the Senate. If there be no objection, that order will be made.

ORGANIZATION OF THE ARMY.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the bill from the Senate (No. 3) entitled "An act providing for the better organization of the military establishment," do pass with the following amendment.

Mr. WILSON. I ask the Secretary to state if that amendment strikes out all of the Senate bill, and inserts a new bill; or whether it is simply an amendment?

The PRESIDING OFFICER. The Chair is informed that the amendment of the House is to strike out the whole of the Senate bill, and to substitute another bill in its place.

Mr. WILSON. I hope the Senate will not agree to it.

The PRESIDING OFFICER. The question is, "Will the Senate concur in the amendment of the House?"

Mr. TRUMBULL. That amendment is a substitute for our bill. We do not know exactly what it is. It occurs to me, therefore, it would be better to refer it to the Committee on Military Affairs.

Mr. McDOUGALL. I think it should be referred.

Mr. WILSON. I hope it will not be referred. Let it be read by the Secretary if Senators desire information, but do not let us consume the days of this session, that has already been prolonged by this course of policy, by referring this subject to a committee. We have had all these things before the body and before the committee. If Senators wish for information in regard to it, let the House amendment be read, and then Senators will find that what they have over and over again voted down is contained in that amendment.

Mr. TRUMBULL. I had no desire to delay a moment by the suggestion I made to refer it to the committee. If the Senator from Massachusetts knows what the House substitute is, and will state it to the Senate, so far as I am concerned, I shall be entirely satisfied with that, if he does not wish it referred. Understanding that it was a substitute from the House, and not having any knowledge of what it was, I desired some information upon it, and therefore made the motion to refer it.

Mr. GRIMES. I call for the reading of the substitute.

The PRESIDING OFFICER. The reading of the substitute is called for, and it will be reported.

Mr. WILSON. The Senator from Illinois desires me to state what the House bill is. I think we have time enough to have the amendment read, and then Senators will understand the whole of it. It is in many respects the bill, as originally introduced by myself in the Senate, reported back from the Committee on Military Affairs, and voted down and changed by the Senate, and it comes back here from the House of Representatives in that form. I think it had better be read. We have time enough, and if Senators will give their attention to it they will see the difference between our bill and the substitute.

The PRESIDING OFFICER. The Secretary will report the amendment in full if it be the pleasure of the Senate.

The SECRETARY:

IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the bill from the Senate (No. 3) entitled "An act providing for the better organization of the military establishment," do pass, with the following amendment.

The usual notice "to strike out the bill of the Senate and insert the following in lieu thereof," is wanting in this amendment.

Mr. WILSON. That was the reason I asked the question of the Secretary whether this was an amendment or a substitute. On a brief examination, I did not understand that they struck out all of our bill, but adopted certain amendments. That being the case, I know no better time than the present to proceed to consider these amendments to the bill. For that purpose, I think we had better take it up, and go on section by section, and then we shall understand it.

The PRESIDING OFFICER. The Chair will state that, as the amendment is now reported, it is really an addition to the bill, and would be so considered, although evidently intended by the House as a substitute, as it relates to the same matter and sometimes contains the same sections. It is therefore an informality on the part of the House. The bill will be reported by sections, if it is the desire of the Senate. The Secretary will read the first section of the substitute of the House.

The Secretary proceeded to read it.

Mr. HALE. I ask that the reading be suspended, for it is impossible to understand the bill in this way; and I move that it be referred to the Committee on Military Affairs.

Mr. WILSON. I hope it will not be referred. I think we have abundance of time to act upon it. The Senate spent three days in the consideration of this bill, and discussed all these propositions. I think the Senate understand the subject; and I have no doubt what the vote of the Senate will be on these amendments of the House. If Senators go on to consider them, unless they change their votes altogether from the record they have made, they will reject the amendments. I presume they acted intelligently then, and they will do so now.

Mr. COLLAMER. I desire to ask the gentleman whether the House in their substitute bring forward any new propositions that have not been considered here? If there are any new propositions contained in the House substitute, it ought to take the usual course, and let them be printed and referred to the committee. If the House substitute simply contains propositions already considered, then we may act upon them at once.

Mr. HALE. Mr. President, I do not want to force the committee to consider this subject; but it is utterly impracticable to have an understanding and examination of this bill in the way that is proposed. The result will be that there will not be three men who will understand it, if you undertake to go through that long bill, and read it, and dispose of it without an examination by a committee. You cannot get the attention of the Senate to it by reading it at the desk; it is utterly impossible. Why, sir, I cannot get the attention of Senators now in my neighborhood, not an arm's length from me, and it will be utterly impossible to get the Senate to attend to this bill. If it is a proposition going into details, I think it ought to be examined by the committee.

Mr. WILSON. I have examined the substitute of the House. I do not think there are any new propositions in it. However, let us have it read, and we shall then see. I see no reason why the amendment cannot be read to the Senate, and we act understandingly upon it at once.

Mr. McDOUGALL. Mr. President, I do not belong to the majority of the Senate. When I first came into the Senate, I said that I desired voting—action; and I do ask that without discussion we act upon these measures that are presented to us. We ought to be informed and act intelligently on them, and have them read and voted upon. I say that is a matter of necessary policy.

The PRESIDING OFFICER. The motion of the Senator from New Hampshire is that the bill and amendment of the House be referred to the Committee on Military Affairs.

Mr. WILSON. I think we had better disagree to the amendments of the House and send the bill back to the House at once. I think that would facilitate the transaction of business.

Mr. GRIMES. Mr. President, I think that the bill as it went to the House was more thoroughly discussed and better understood by the members of this body than any bill that has been passed at this session. Every section of it had been thoroughly examined and talked about here by different members of the body, so that we all understood it. For instance, the Senate agreed to strike out those provisions in the original bill as it was introduced which created high grade officers in the staff. The original bill, as submitted to the Senate, authorizes the creation of a brigadier general in the Adjutant General's office, a brigadier general in the engineers, and in the topographical engineers, and the ordnance, and so on to the different staff appointments. The Senate struck out those high grade officers, and agreed to increase the corps from below by adding to each corps an additional number of junior officers, who, it was believed, would be more effective and more useful to the Government. Those officers have been stricken out in the House of Representatives and high grade officers substituted, as was provided in the original bill when it was submitted to this body. They have also stricken out some of the most material provisions in the bill, which we believe, or which I believe at any rate, and I think had reason to believe, would be a vast saving to the Treasury. They have stricken out that provision which related to commutation of subsistence rations. They have stricken out that provision which related to brevet pay, and have increased all these high grade officers. These are the only material changes between the House bill and the Senate bill; and the question is, whether we are going to reconsider the judgment which we expressed before upon those subjects, or whether we will allow and appoint a committee of conference, as is suggested by the chairman of the Committee on Military Affairs, and let them arrange it. I think I shall follow the chairman of the committee, and vote to non-concur with the House and adhere to the bill as we sent it to them.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire, to refer the bill and amendment to the Committee on Military Affairs.

The motion was not agreed to.

The PRESIDING GFFICER. The question now is on concurring in the House amendment.

The amendment was non-concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills of the Senate, with amendments; in which the concurrence of the Senate was requested:

A bill (No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same;

A bill (No. 31) to increase the medical corps of the Navy; and

A bill (No. 36) to provide for the construction of one or more armored ships and floating batteries.

The message further announced that the House had also passed the bill of the Senate (No. 42) in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws, and protecting public property," approved July 22, 1861.

PAY OF SENATOR DOUGLAS.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *July* 23, 1861.

Resolved, That this House insist on its amendment disagreed to by the Senate to resolution of the Senate (No 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RICHARDSON, Mr. JUSTIN S. MORRILL, and Mr. LEHMAN, be managers of said conference on the part of the House.

Mr. CLARK. I move that the Senate insist on its disagreement to the amendment of the House, and agree to the conference asked for by the House.

The motion was agreed to.

The PRESIDING OFFICER. How shall the committee be organized?

Mr. CLARK. By the Chair.

The PRESIDING OFFICER. That will be considered the sense of the Senate unless objected to.

Mr. CLARK, Mr. DIXON, and Mr. JOHNSON of Tennessee, were appointed managers on the part of the Senate.

ORGANIZATION OF THE MARINE CORPS.

The Senate next proceeded to consider the amendment of the House to the bill of the Senate

(No. 14) for the better organization of the Marine Corps. The first amendment of the House was, in line six, page 1, to strike out the words "two colonels," and insert, "one colonel commandant, one colonel;" so that it will read:

That from and after the passage of this act the United States Marine Corps shall consist of the following officers, non-commissioned officers, musicians, and privates, to wit: one colonel commandant, one colonel, two lieutenant colonels, &c.

The amendment was concurred in.

The next amendment was to strike out section two, in the following words:

"SEC. 2. *And be it further enacted*, That the President of the United States shall, by and with the advice and consent of the Senate, appoint, first by promotions from the officers now in the Marine Corps and then by selection, the officers hereby authorized."

And to insert the following in lieu thereof:

SEC. 2. *And be it further enacted*, That the commissions of the officers now in the Marine Corps shall not be vacated by this act; and that the President of the United States may, during the recess of the Senate, first by promotion and then by selection, appoint the officers hereby authorized; which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

The amendment was concurred in.

DISTRICT AND CIRCUIT COURTS.

The first bill on the Calendar was the bill (S. No. 39) to provide for holding the district and circuit courts in judicial districts during a temporary vacancy in the judgeship; which the Senate proceeded to consider as in Committee of the Whole.

The bill enacts that, in case of vacancy in the office of district judge of any judicial district of the United States in any State in which there are two judicial districts, it shall be lawful for the district judge of the other district of the State to hold the district court or circuit court, in case of sickness or the absence of the circuit judge, and discharge all the judicial duties of the district judge of such vacant district, so long as such vacancy shall continue; and all the acts and proceedings in the courts, or by or before the district judge of the adjoining district, shall have the same force, effect and validity, as if done and transacted by and before a judge appointed for such district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore; in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (H. R. No. 64) to refund the duties on arms imported into the United States; and it was signed by the President *pro tempore*.

GOVERNMENT CONTRACTS.

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) The next bill in order is the bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government.

The bill was read.

Mr. McDOUGALL. I move that that bill be laid on the table, and printed. It is too important a measure for us to act on without consideration.

Mr. GRIMES. It has been printed. It comes from the Committee on the Judiciary, as I understand.

Mr. McDOUGALL. I move that it be laid on the table, then.

The question being taken, it was declared that the noes appeared to have it.

Mr. McDOUGALL. It is a very important measure. I am not satisfied with its details.

The PRESIDENT *pro tempore*. Does the Senator call for a division on the vote?

Mr. McDOUGALL. Yes, sir. Let it go over until to-morrow. I do not want to defeat action.

The PRESIDENT *pro tempore*. The Senator from California changes his motion; and moves that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

NAVAL MEDICAL CORPS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 31) to increase the medical corps of the Navy, and for other purposes.

The amendment was to strike out the whole of the second section of the bill, which was in the following words:

"SEC. 2. *And be it further enacted*, That for the purpose of meeting the present exigencies of the naval service, there shall be appointed one pupil at the United States Naval School by the President of the United States, before the 1st day of September next, upon the recommendation of the member of Congress representing the district in which the applicant actually resides; one pupil upon the recommendation of each Senator of the United States; and ten pupils by the President at large."

The PRESIDENT *pro tempore*. Will the Senate concur in the amendment of the House of Representatives?

Mr. BROWNING. I ask to be informed as to what the amendment is. I did not hear it.

The PRESIDENT *pro tempore*. The general disorder in the galleries, the Chair is obliged to say, seriously interrupts the proceeding of business on this floor. Order must be restored in the galleries; and, to this end, conversation must be suspended; and the officers in attendance on the galleries will remove forthwith all persons in disorder or in disregard of this request.

Mr. GRIMES. I hope the Senate will adhere to the bill as it was sent to the House of Representatives. As the law now stands, it would only authorize the appointment of one hundred and forty-odd pupils at the Naval Academy, when the country requires that the school should be filled up really to its capacity. We shall not have thirty young men at the Academy at the commencement of the next academic year, unless we make some provision.

The PRESIDENT *pro tempore*. The question is on concurring in the House amendment.

The amendment was non-concurred in.

ASSISTANT SECRETARY OF THE NAVY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes.

The amendment of the House of Representatives was, on page 1, lines six and seven, to strike out the words "equal to the sea pay of a captain in the Navy," and insert in lieu thereof "$3,000."

Mr. HALE. I hope the Senate will not concur in that amendment. It occurred to the Committee on Naval Affairs that there would be a manifest impropriety in putting the Assistant Secretary of the Navy, who, by the terms of this bill, is to be Acting Secretary in the absence of the Secretary, at a salary so much lower than the captains under him. The House have passed a bill fixing the salary of the Assistant Secretary of War at $4,000, and I think it would not be proper to strike this down at this time. The House have put the Assistant Secretary of War at $4,000, and stricken down the Assistant Secretary of the Navy to $3,000. I move that the Senate non-concur in that amendment.

The PRESIDENT *pro tempore*. The direct question is upon concurring. A negative vote non-concurs.

The amendment was not concurred in.

ARMORED SHIPS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes.

The amendments of the House of Representatives are: in line six, after the word "construction," to insert "or completing;" in line six, after the word "iron," to insert "or steel;" in line eight, after the word "iron," to insert "or steel;" in line ten, after the word "any," to insert "money;" so as to make the first section read:

That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel-clad steamships or steam batteries, and on their report, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel-clad steamships or steam floating batteries to be built; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000.

The amendments were not concurred in.

Mr. TEN EYCK subsequently said: I beg leave to move to reconsider the vote of the Senate taken, while I was out, on the amendments of the House of Representatives to the Senate bill No. 36. It is a matter which affects a constituent of mine.

Mr. CHANDLER. I suppose that motion will be entered. I move now to take up the House bill which I reported this morning.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. CHANDLER. I ask unanimous consent now to take up and pass the bill to which I alluded.

Mr. COLLAMER. I call the attention of the Senator from New Jersey to the fact that the bill on which he has moved a reconsideration contains other matter on which there is a difference of opinion between the two Houses. It requires action now, and ought not to be suspended between the two Houses on the question in relation to the particular amendment which he has in view. I desire that the question on that reconsideration shall be passed upon now, that we may dispose of the bill and let the business be going on.

Mr. TEN EYCK. The reason why I should prefer it not being acted on just now is, that my colleague from New Jersey is absent from his seat. At the very earliest moment after he comes in, I will consent to its being taken up. He had charge of the matter, and is absent; and I was absent from the Chamber when the vote was taken.

The PRESIDENT *pro tempore*. The motion to reconsider is entered.

EFFICIENCY OF THE VOLUNTEERS.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 44) to promote the efficiency of the volunteer force of the United States; which was read twice by its title.

Mr. WILSON. I ask to have the bill read through for information, and if there be no serious objection, I should like to have it considered to-day.

The bill was read. It proposes to authorize the President to discharge from the service of the United States any commissioned officer or officers of the volunteers who may be now or hereafter accepted in or appointed to that service, who shall be properly reported to the President for incapacity or inefficiency, for misconduct or neglect of official duty; and the commission of such officer shall be forthwith vacated and shall be filled in accordance with the existing laws.

The PRESIDENT *pro tempore*. It requires the unanimous consent of the Senate to consider the bill at this time.

Mr. McDOUGALL. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill is referred to the Committee on Military Affairs.

Mr. McDOUGALL. In objecting to the bill introduced by the chairman of the Committee on Military Affairs, I did it for the reason that it is not exactly what I want; it does not fill the whole demand; it is not a strong enough bill. I hope the chairman of the Committee on Military Affairs will present a bill to cover the whole ground.

THE REVENUE MARINE.

On motion of Mr. CHANDLER, the bill (H. R. No. 53) relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes, was considered as in Committee of the Whole. It fixes the compensation of the officers of the revenue cutters at the following rates: Duty pay—captains, $1,800 per annum; first lieutenants, $1,400 per annum; second lieutenants, $1,200 per annum; third lieutenants, $900 per annum. Leave-of-absence or waiting orders pay—captains, $1,200 per annum; first lieutenants, $1,000 per annum; second lieutenants, $800 per annum; third lieutenants, $700 per annum. The number of officers for each revenue vessel is to be one captain and three lieutenants, first, second, and third; and of a steam vessel, one engineer and one assistant engineer, and such number of petty officers and men as, in the opinion of the Secretary of the Treasury, may be required to

make the vessels efficient for the duties required of them. The Secretary of the Treasury is to have the power to assign any greater number of officers than is prescribed, should the nature of the service to which any vessel may be assigned in his opinion require it. The Secretary of the Treasury is to have the power to direct the performance of any service by the revenue vessels which, in his judgment, may be necessary for the protection of the revenue. He is to have the power, at his discretion, to dispose of any of the vessels now belonging to the revenue marine which, in his opinion, are unsuitable for the service, and to substitute therefor such other vessels as the advanced naval architecture and the increased wants of the service demand; but no expenditure is to be incurred beyond the specific appropriation therefor. The bill further provides that the President, with the assent of the Secretary of the Treasury, may transfer the steamer Harriet Lane permanently to the Navy; but the cost of the steamer is to be refunded to the appropriation "for a suitable steamer for a revenue cutter," and that amount, together with the proceeds of any vessels disposed of by authority of the act, may be applied to the building or purchase of such other vessels as may be required. The bill also provides that there may be appointed such number of additional engineers and assistant engineers as may be required by the steamers now or hereafter in the service.

Mr. HALE. I move that the further consideration of this bill be postponed until the first Monday of December; and I will state the reason for the motion. This is a bill that raises, if I understand the chairman of the committee, somewhat materially, the pay of these officers. It does not strike me that the present is the time to originate such measures. When this country is putting forth such energies as she is, and the ingenuity and patriotism of the people are taxed to the utmost extent to sustain the very life of the nation, and we are looking around for means to support our armies in the field, it seems to me to be an improper time to increase, at one swoop, the pay of this whole corps. I have another objection to the bill in its details, that is as to the matter of increasing the naval officers; for I understand that these engineers belong to the Navy Department. It seems to me that should be submitted to the cognizance of the Naval Committee.

But, sir, I am opposed to the consideration of any such bill at this time. I do not say that the salary of these men is not low. I do not know how that is, and I do not care. All I know is, that these places in the Marine Corps have been sought after with great avidity in all past time. It is not a very arduous duty. It is a place that is sought for by very many, indeed, as almost all places under the Government are. I think when we have tried the experiment and satisfied the country that we have a Government, and that we have means to sustain it, and ample means, it will be time enough to vote a large increase to their salaries; but until then I am for devoting all the energies of the country elsewhere.

Mr. CHANDLER. I am perfectly satisfied that the Senator from New Hampshire does not know anything about this matter. He says he does not; and what he has said since he made that assertion convinces me that he told the truth. He says these positions in the Marine Corps are very much sought after. Who talked about the Marine Corps? Sir, the revenue service is suffering for the want of skillful and accomplished officers. In 1836 the pay of the revenue officers was fixed. From that day to this no advance has been made. Captain Faunce, who has been twenty years in command of the Harriet Lane, receives $1,200 a year, and no more, and no ration.

Mr. GRIMES. How long has he been in command of the Harriet Lane?

Mr. CHANDLER. I meant to say that he has been twenty or thirty years in the service, and he receives nothing but $1,200 a year. Captain Faunce is offered $2,000, or $2,500 a year to take command of a merchant ship. You cannot command the talent that you require in your revenue service at the prices now fixed by law. If the Senator from New Hampshire wants to go around and pick up a set of paupers who are not fit to command a ship, let him starve the men, and he can have them.

Sir, it is the opinion of the Secretary of the Treasury that this bill is of vital importance to his branch of the service, and now is the time that it is demanded; this is the time when you want your best men, and surely this is not the time when you want to starve your best men. If you want to destroy the revenue service, if you want to destroy the efficiency of that service, refuse to pass this bill. The Senator has perfectly satisfied me, and I think the Senate, that he does not know anything about it; and I hope therefore he will withdraw his objection.

Mr. HALE. I shall always be content to live in ignorance as long as I have so enlightened a statesman so near me as the Senator from Michigan. I will not complain, but will content myself with remaining among those that are ignorant and are willing to receive some instruction. The Senator says that I do not know anything about this revenue service; and the reason he assigns for it is that he says I called it marine instead of revenue. I might have made that mistake; but it little lies in a man's mouth to set me down as an ignoramus because I made that mistake, when he got up and talked about Captain Faunce commanding the Harriet Lane some sixteen or eighteen years longer than the Harriet Lane has been built. I do happen to know a little about the revenue service; I know something of the duty that is required of it; and I will state, Mr. President, what the revenue service in the city of Boston is in the summer time. It consists in taking Government officials from the custom-house and going on pleasant excursions down off the coast of Maine and the British Islands, fishing, making chowder, and duties of that sort. That is what the revenue service in that neighborhood has consisted of in years past.

The Senator says that if we want ignoramuses and paupers in the revenue service, we must not pass this bill. This would seem to imply that we have had nothing but ignoramuses and paupers heretofore in the revenue service. I tell you, sir, the revenue service will get along very well; and the fact that it has retained the services of this distinguished man who commanded the Harriet Lane so many years before she was built—the fact that we have retained his services at the present compensation, and the duty that is required of him, is a satisfactory argument that it is not in such a desperate and poverty stricken condition as the Senator from Michigan would represent it to be.

Now, sir, I do not want to say that these gentlemen do not deserve to have their pay raised, and I will not say it; but I do say now is not the time to do it. Here is the Secretary of the Treasury calling upon us, and upon the country, to reduce all salaries ten per cent., and he is met by a proposition of the Senate, if they pass this bill, to raise the pay of this whole corps, I do not know how much.

Mr. CHANDLER. Materially.

Mr. HALE. To raise it materially, the Senator says; and he says now is the time. Proclaiming himself so competent to instruct my ignorance, he tells me that now, when national bankruptcy stares us in the face, if all the energies of the country are not put forth, and put forth willingly, and when the Secretary is calling upon us to use every means, and the House of Representatives is passing bills for direct taxation, taxing everything—when the nation is straining every nerve, and they are calling upon us to pour forth treasure from every source—now, says the enlightened statesman from Michigan, is the appropriate time materially to increase the salaries of this whole corps.

Sir, I am content to walk in my own ignorance rather than stumble in such light as that. No, sir; I say now is not the time. However light these salaries may have been, now is not the time materially to advance them. I hope that the Senate will manifest its appreciation of the circumstances and condition of the country and of the Treasury, and of the people, by postponing to another day such a measure as this.

Mr. CHANDLER. It was the Senator from New Hampshire who proclaimed his profound ignorance; I merely indorsed his own opinion of himself. I certainly would never take upon myself to say that he was ignorant, if he had not proclaimed it. I thought he proved it; and therefore I admitted it.

Now, sir, he says that the duty of the revenue officers in his vicinity is to get up chowder parties and go off on excursions down Massachusetts bay. I can inform him that the duties of the revenue service to-day are very different from that. If one of Jeff. Davis's privateers should appear off the port of Portsmouth with a gun or two, he would be glad to have an efficient revenue cutter there under an efficient commander. Why, sir, you pay the captain of the Harriet Lane, who is now in command of one of your most important ships of war, (for that she has become,) $1,200 per annum and no more, and no rations. You pay the poorest commander in the Navy $2,500 a year. Is there any parity between the two cases? Now is the time when you want to command the very best talent in the country; and I was informed this morning from the Treasury Department that there was need of more efficient and better officers in the revenue service. While you are offering these large inducements to your naval commanders, and paying your lieutenants in the Navy $1,800 a year on service, you pay your lieutenants in the revenue service but nine hundred, or one thousand dollars a year. On such terms you cannot command proper and efficient men.

We had a bill before us from which the committee asked to be discharged this morning, raising the pay of the captains of revenue cutters to the same rate that commanders in the Navy receive. That would have added some seven or eight hundred dollars more than we add by this bill. The committee reported that back, and asked to be discharged from its further consideration, and then called for the consideration of this bill; and the Secretary of the Treasury and the Assistant Secretary of the Treasury are of opinion that the sum here proposed is the lowest price at which the highest grade of talent can be commanded; and it is the opinion of the committee—I will not say unanimous, for there was one dissenting voice—that the Secretary is right, that the pay established in 1836 should be advanced at the present time.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire to postpone the further consideration of this bill until the first Monday of December next.

Mr. KING. At the present session we are providing rather extraordinary means for the Army and for the Navy, for the purpose of defense; and providing against evils apprehended from the public enemy. The revenue service asks in this bill some aid in addition to the old provisions by law for it; and I was disposed to concede—so far as the improvement of their vessels was concerned—to that. In committee, as the chairman states, I thought it better not to change the pay of the officers. I am opposed to postponing this bill, as I prefer to give to the Treasury Department the ability to obtain new vessels if they want them, of a stronger and better character than they have heretofore employed. This bill provides for that; and I move to strike out that part of the bill which fixes the pay of the officers. I am willing to leave them to their present pay until the regular session of Congress; and I think it would be better to do so.

Mr. CHANDLER. I hope that section will not be stricken out.

The PRESIDENT *pro tempore*. That question is not now before the Senate, the motion to postpone taking precedence.

Mr. HALE. I am willing that the vote shall be taken on the motion of the Senator from New York first. I withdraw my motion to postpone.

The PRESIDENT *pro tempore*. The Senator from New York proposes to amend the bill by striking out the first section after the enacting clause.

The Secretary read the first section.

Mr. CLARK. I should like to hear the remainder of the bill read, if it is not long.

The other sections of the bill were read.

Mr. MORRILL. I hope the first section will not be stricken out; and being on the Committee on Commerce, and having given the subject some consideration, if I should not be in danger of coming between the belligerents on my right I should like to explain the bill in a word. It is a proposition, Mr. President, simply to increase the pay of persons engaged in the revenue service. To that proposition the honorable Senator from New Hampshire interposes the objection that it is no time to increase the pay of those engaged

in the public service, and he adds that he does not care whether they are paid too much or too little. Now, I regret that the honorable Senator should base his opposition to this bill on any such ground. I am sure that is no fair ground of legislation in this body.

Mr. HALE. The honorable Senator will allow me. I know he does not mean to misstate anybody. I said that, so far as the question related to action at this time, I did not care whether the pay was too high or too low. I wanted it put off to December.

Mr. MORRILL. The Senator will allow me to say that I think he has not very much improved his position by saying that he does not care whether or not justice is to be done at this time, or postponed till December, to a worthy branch of the public service. I suppose all there is in this question is simply this: is the compensation we are paying to this branch of the service too low? That is the question; and if it is too low, now is the time when they have a right to have it increased. The committee have examined that question; and we find that the pay is inadequate to the service; and allow me to tell the Senator that it is greatly disproportionate to that branch of the service which he so carefully represents on this floor, and so persistently adheres to. The reason why the pay of this branch of the service should be increased at this particular time is that the Secretary of the Treasury informs us that he intends to impose upon it additional and onerous duties; that the service needs to be strengthened; and need we appeal to known facts? Are we not engaged in an attempt to collect the revenues of the country; and does not the Senator know that the circumstances by which we are surrounded are likely to impose on this branch of the service large additional duties?

My ground is this: in the first place, the pay of this branch of the public service is greatly disproportionate, and has been for years, to that of any other branch of the public service. In addition to this, at the present moment we are imposing on this branch of the public service large and onerous additional duties; and these two facts being ascertained, (and the committee did ascertain them,) the only question then is, whether we will mete out to this branch of the service that sort of public justice which is demanded for others? The Senator will allow me to suggest to him to abate the zeal of his opposition here, because a few moments ago one of the bills from his committee came up, not only to increase the pay, but to add a distinct member to that branch of the public service which he so ably represents, to wit: to add an Assistant Secretary of the Navy, a new officer at a large pay—as I understand some four thousand dollars—and the other branch of Congress in its wisdom sees fit to reduce it to $3,000. He stood here to object to the reduction of a dollar. No time, says the honorable Senator, when we propose to pay these men, whose pay is greatly disproportionate; and not a moment ago he was insisting on adding a new officer at a very large compensation. I do not object to that; I voted for that, and will again; and upon the supposition that the bill coming from the committee of which that Senator is chairman, they had examined the facts and they better understand the facts, it does not become me to stand here and say that I do not know and do not care whether the public service demands it or not, that now is not the time. Now is the time; now is the time to strengthen every arm of the public service. For that reason I go for his bill, and for that reason I submit that the honorable Senator should withdraw his opposition to this measure; and in due time, should it become necessary, we will submit the other branch of our bill to the inspection of his committee.

I hope, therefore, Mr. President, that the section will not be stricken out. The Secretary of the Treasury advises us upon written statement that he holds this branch of the service to be important, and that the compensation of these officers is greatly disproportionate and is inadequate.

Mr. HALE. I may be mistaken—I think I am not—when I say that this is the first time that I know of that ever an attempt has been made to increase the salaries of the revenue officers. I think that is the fact; but I want to call the attention of the Senate to the way we travel, the way we go. In 1835, we raised the pay of our Navy very much; put it at a high figure. The Army immediately became restless. Year after year they besieged the doors of Congress, because the proportion was not right; the Navy was too high proportionately; and then we raised the Army. We got their pay so high that the Navy became disatisfied; they said the proportion was disturbed; and then we raised the Navy again, and we have attempted this session to raise the Army again, because the proportion is not right. Well, sir, why, under Heaven, does it not ever occur to anybody on this floor that equality might be restored in some possible contingency by cutting down salaries? A man would be considered almost insane, and a writ of lunacy would be issued against him, who should seriously insist, if there were salaries too high in proportion to others, that it might possibly do to cut some down as well as to be eternally raising up.

Mr. MORRILL. The honorable Senator will allow me to ask him a question. I will put it directly to him. Why has it not occurred to him and his committee?

Mr. HALE. It has occurred to me, and I have been laboring there, and I have got the reputation of being an eccentric man of no influence at all, simply because I have advocated that.

Mr. MORRILL. I have seen no bill this session from the Senator of that character.

Mr. HALE. I made motions on the bill of the Senator from Massachusetts; I have labored in that way. It only shows that the Senator from Maine is occupied with such high considerations of public duty that he does not come down to the doings of so humble an individual as I am, to know what I have been about. I have been laboring in that line; ineffectually, I grant.

No man has higher respect for the Senator from Maine than I have—for his talents, his fairness, his patriotism, and his power; and I fear that this measure is to be put through under the impulse which he has given to it, upon considerations that ought not to influence the Senate. It brings back with tenfold force the words that I uttered when I said, this is not the time. The Senator says that the Secretary of the Treasury is about to impose extraordinary duties on this corps in the time of this war. Very well, sir; let him impose them, and let them render them, and let every man render them; but you raise the salary to-day upon this cry, that extraordinary duties are to be imposed upon them, and the salary will remain when the duties are gone. It is no time, in an emergency like this, when extraordinary duties are to be conferred upon this corps to be performed during the existence of this war, permanently to raise their salaries, which will remain there. But, sir, after the crisis is over, after the emergency has passed, after the press that is now upon us has been removed, then is the time calmly to consider the question.

But, Mr. President, I will not take up the time of the Senate. I see the tendency of the thing. Salaries are like balloons: they eternally go up, and never come down until there is a final collapse, and everything comes down together. I suppose it will be the case with this corps.

Mr. CHANDLER. I will state that this measure has nothing to do with an equilibrium between the Army and the Navy and the revenue service. These salaries are absolutely at starvation point. They are lower than the salaries which are paid in any other civil service of importance. Look at the salaries of cashiers of banks and of bookkeepers; even the lowest clerk in any Department of this Government receives as high a salary as a commander in your revenue service of thirty years' standing. It is wrong. You want a better class of talent, a higher class of knowledge in the command of your revenue service at this time, and for all future time, than you do in the lowest grade of clerkship in any branch of this Government. I say it has nothing to do with the equilibrium. It is a simple act of justice to a worthy class of individuals. The Senator says he has never heard a suggestion of an increase of these salaries before. If he has not, I will venture to say he is the only Senator upon this floor who has not. I have received any number of petitions and requests at every session of Congress since I have had the honor of a seat upon this floor, for this very measure.

I hope that the first section will not be stricken out, and that the bill will pass just as it is; for I believe it is a just and equitable bill. There is a provision in it authorizing the Secretary of the Treasury to dispose of such vessels as the service does not require, and substitute others, within the appropriation. This is eminently fit and proper. You have to-day vessels in commission that are totally unfit for the service to which they are assigned, and are utterly useless; and yet they are run at a very great expense to this Government. The bill proposes to authorize the Secretary of the Treasury to dispose of such vessels. It likewise authorizes him to transfer such vessels as are fit for naval service to the Navy, and to substitute such other vessels as, in his judgment, he may deem better fitted for the requirements of the revenue service. The bill, from first to last, in my estimation, is an eminently fit and proper and equitable bill, and I hope it will be passed just as it stands, and as it came from the House of Representatives.

Mr. HALE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TEN EYCK. If I did not regard this bill as one of vast and vital importance, I should not protract the discussion at all; but I look upon it as one of the utmost consequence, not simply as to the question affecting the pay of the officers, which is the immediate question before the Senate, but the bill itself; and as I do not wish to rise again, I shall submit a few observations on the merits of the bill.

This is connected with the revenue, and the revenue is the life blood of the country. I want to know what you are going to do with the progress and conduct of this war, without revenue, without means, immense means, such means as plain men heretofore never dreamed of. You are raising three hundred regiments, or more; each of those regiments will cost the Government $1,000,000 a year at least. I am glad they are being raised; our brothers, our kinsmen, and our fellow-citizens are rushing to arms. They ought to be sustained; but how are they to be sustained without a revenue? We are about to pass a tariff bill to raise the duties. Of what avail will it be to us to pass a tariff bill unless we can collect the revenue? I am told that now there is a trade being carried on in the ports of North Carolina, two of them opened, by scoundrels of the North trading there, who, for the sake of a few dollars, would strike a death-blow to their country. We want the aid of efficient vessels and efficient officers to see that the coffers of the Treasury are properly filled. We want a competent body of officers, and vessels of a suitable description, not only to guard these ports and prevent smuggling and importation without paying revenue, but to drive pirates and corsairs from the coast, who are preying upon our coasters, and keep them landbound by the hundred, ay, by the thousand; for not one of them dare venture a white sail upon the ocean.

The Harriet Lane has been in the revenue service, and she has stood the fire of the Aquia Creek battery for four mortal hours, till her hull has been literally riddled; and Captain John Faunce has stood on her deck a noble commander, and he is receiving, after thirty years' service, $1,200 a year—$100 a month—and no rations; and yet, your commanders in the Navy, who are the especial friends of our friend from New Hampshire, are receiving $2,500. This bill proposes to increase the pay of the captains of the revenue service to $1,800—far short of commanders in the Navy.

I submit most respectfully to the Senate that this is one branch of the naval service most important, most efficient—or to be rendered so—and indispensably requisite under the pressing exigencies of public affairs, of the times as they are; and I should not stop to cavil about a few hundred dollars to a gallant commander who has proved himself worthy of the plaudits of his countrymen, in view of the frauds and the rascalities which are now being perpetrated upon our revenue, and when the Secretary of the Treasury, after a full investigation, has recommended this measure to the Committee on Commerce, and through them to this body.

The question being taken by yeas and nays on the amendment, resulted—yeas 10, nays 26; as follows:

YEAS—Messrs. Bright, Grimes, Hale, Harlan, Johnson

of Missouri, King, Pearce, Powell, Saulsbury, and Wilkinson—10.

NAYS—Messrs. Anthony, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Harris, Howe, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilmot, and Wilson—26.

So the amendment of Mr. KING was rejected.

Mr. KING. Upon the other provisions of this bill the committee were unanimous. It extends the same discretion to the Treasury Department which has been extended to the other Departments, which I think the public service will be promoted by conferring here.

Mr. HALE. I shall be gratified if the sixth section were again read.

The Secretary read it, as follows:

SEC. 6. *And be it further enacted*, That there may be appointed such number of additional engineers and assistant engineers as may be required by the steamers now or hereafter in the service.

Mr. HALE. I inquire of the chairman of the Committee on Commerce who appoints the engineers; whether the engineers who are employed on the vessels in the revenue service are different from those that are employed in steam vessels of the Navy?

Mr. CHANDLER. Entirely different. They are appointed by the Secretary of the Treasury.

The bill was reported to the Senate without amendment.

Mr. HALE. To make that certain, I would simply add the words "to be appointed by the Secretary of the Treasury."

Mr. CHANDLER. That is all fixed.

The bill was ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore was read twice by its title, and referred to the Committee on Finance.

EFFICIENCY OF THE VOLUNTEERS.

Mr. WILSON. I introduced a bill to-day and asked for its consideration, and unanimous consent being required, the Senator from California objected. I understand that that Senator is willing to withdraw that objection for the purpose of having it considered; and I should like to take it up and explain the matter. It is a plain and simple proposition. I want it acted on to-day, if possible.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Massachusetts that as, by order of the Senate, the bill has been referred to the Committee on Military Affairs, that committee must be discharged from its further consideration before it can be properly before the Senate.

Mr. WILSON. I make that motion.

The motion was agreed to; and the bill (S. No. 44) to promote the efficiency of the volunteer forces of the United States was considered as in Committee of the Whole.

Mr. KING. This is a bill which has not been considered in committee. There is one provision in it for the discharge of officers of the volunteers who are State officers. I have no apprehension that the President would abuse such a power; yet I question somewhat the propriety of authorizing him to do so without trial or examination. I do not like to give the arbitrary discretion to discharge an officer from the service, if he is a State officer, holding his position under the Governor of a State. So far as the regulars are concerned, it may be made to apply to them. I have doubt about the power. I have not examined the bill at all.

Mr. WILSON. The proposition, Mr. President, is certainly a very plain and simple one. I think that it ought to be sustained and become the law of the land. The good of the country, if not the salvation of the country, requires it. We have summoned into the field a vast force of volunteers; we are to call into the field many more, for we have authorized the President to call into the field five hundred thousand men. That force will make five hundred regiments. The fact is, and no man can deny it, that some of the officers, both field and company officers, that have been appointed, are wholly unfit to command or lead men into any battle-field. The conduct of some of the officers in this city during the past ninety days has been discreditable in the extreme. They have demoralized the corps to which they are attached. I have seen regiments come into this city and stand for hours in a burning sun or in storms of rain without provisions, without comforts of any kind, while some of their officers were gathering around the hotels and spending their time in eating good dinners and drinking champagne. I have visited the camps about this city; I have seen the sufferings of the men, enough to make one's heart ache, through the neglect and utter incompetency of some field and company officers. Sir, the fruits of this conduct are now before us. The utter rout the other day is only the legitimate fruit of the incapacity of many of the field and company officers connected with the volunteers. In my judgment, the time has come—and it is a duty that rises above all personal considerations—to weed these men out of the Army at the earliest possible moment. The idea of trying them by court-martial is simply absurd. The cases demanding action are too many, and the hours are too precious, for courts-martial. Most of the field and company officers of the volunteers are loyal, brave, devoted. They are actuated by lofty motives and ever ready to give their time and their blood to the cause of their country; but some men, utterly unfitted for their positions, have received commissions. Such men should be forced from positions they do not or cannot fill.

I am willing to clothe the President with this power. It is a great power; it is a power he would only exercise in case of necessity. He would not like to do it; no man would like to do it. If the power is conferred on him, he will not exercise it once where he ought to exercise it twenty times for the good of the country. No man would ever do it as often as he ought to do it. Let these officers know that when human lives are put into their hands, when American citizens have left their homes at the call of their country for the field, they are to be cared for; they are to be watched over as tenderly as babes in their cradles; that they are to be instructed; that they are to be fitted to meet the enemies of their country.

Mr. DOOLITTLE. Will the Senator from Massachusetts allow me? I do not understand that there is any motion before the Senate. If there is, it is a motion to refer the bill.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. DOOLITTLE. I thought the Senator from New York made a motion to refer it.

The PRESIDENT *pro tempore*. The Committee on Military Affairs were discharged by a vote of the Senate from the further consideration of the bill.

Mr. GRIMES. I understand the condition of the bill altogether differently from the Chair. The Senator from California objected to the consideration of the bill when it was introduced by the Senator from Massachusetts. He afterwards withdrew that objection, leaving the bill precisely where it was. I heard somebody say it had been referred to the Committee on Military Affairs; but it never was referred there by order of the Senate.

Mr. WILSON. Yes it was; and the committee were discharged by the vote of the Senate.

Mr. GRIMES. You may have it so entered; but it was never ordered by the Senate.

The PRESIDENT *pro tempore*. The record shows that the bill was referred to the Committee on Military Affairs, and that the committee have been discharged, on motion, from its consideration. It is now before the Senate, being considered by unanimous consent. The Chair expressly stated that it could be considered only by unanimous consent; and no objection was made. The Senator from Massachusetts has the floor.

Mr. WILSON. I do not understand that there is objection to the consideration of the proposition at this time.

Mr. DOOLITTLE. I understand that there is a question of constitutional law involved, whether the power can be placed in the hands of the President to discharge officers who are appointed by the Governors of States; and it is a very serious question. It ought to be referred to and considered by some committee. If it is not a power that is possible to be granted, there is no necessity for going into a discussion of the question at the present time.

Mr. WILSON. I think the Chair is right. I am entitled to the floor.

What I wanted to say to the Senate was, that the men whom we have summoned into the field have in many cases been officered by incompetent men, and not only incompetent men, but men whose conduct has been such as to reflect disgrace upon themselves, upon their commands, and upon the country. Why, sir, there are regiments in the service, that everybody knows, who knows anything about the subject, have been demoralized by the conduct, inefficiency, or neglect of their officers. Sir, these facts are before the country, and I say the time has come to remedy the evils if they can be remedied.

Now, sir, the power we propose to put in the President, plain and simple, is this: that he may remove these officers on proper representation for incompetency, incapacity, or neglect of duty. I am willing to trust that power in the hands of the President. I think he ought to have it. There are very able men who say he has got it now. He has been asked by the Governors of States to exercise that power. It has been a matter of consultation, and some of the most eminent military men in the country say that he has the power and ought to exercise it; but if there be a doubt about that power, I suppose the President would not wish to exercise it. I know, however, that men eminent in the service; men who have conducted themselves in a manner that reflected honor on the country; men who stood on the battle field, and led their men, believe that the good of the service would be promoted by clothing the President with this power. He would exercise it perhaps rarely; but the knowledge that he had that power would spur these men to do their duty. They would feel that if they neglected their duty, if they neglected to inform themselves properly, the President of the United States, without going through the process of a court-martial, would discharge them from the public service, and their places would be filled according to the existing laws of the country; those laws being that men may elect their own company officers, and the company officers elect their own field officers.

Now, sir, that many of these men ought to leave the service nobody can doubt. The idea of ever organizing an army, and leading on to the field regiments and companies under men who have not yet joined their regiments up to this hour, is absurd. Why, sir, you have only to go to the camps and the streets, and you find men strolling about, not knowing where their captains or their colonels are. You find colonels and captains and officers strolling about your hotels, that have not gone to the places where they belong. I say the time has come to arrest this thing. I go further, and I say that the time has come to organize the forces that come into this city into brigades, and to insist that there shall be daily squad drills, company drills, and battalion drills; and that the brigades shall daily, or at least three or four times a week, be brought together and learned to coöperate. In your battle—I will not call it a battle—your series of skirmishes the other day, in which there was evinced as much bravery as was ever displayed on this continent—on that occasion, the very fact that the men had not been brigaded until within a few days, and their officers had not learned to coöperate, prevented any large, powerful, and concentrated movements; and to-day, sir, while you have regiments lying all around you, they are not brigaded, not organized. Regiments are lying around—some of them doing nothing to perfect themselves for the object for which they were brought here; in some cases through the ignorance of their officers, and in others, because of their neglect of duty. I do not reproach men for their inexperience; but I do reproach them for neglecting their duties.

Mr. CLARK. Whose fault is it that they are not brigaded?

Mr. WILSON. The fault in that case goes higher than these regimental or company officers. I speak of it here as a thing that ought to be corrected. I go further, and I think the time has come when it ought to be spoken of in Congress and everywhere else. I think the time has come when the brave men who want to do right should not be led on to batteries to be shot to pieces; that our advancing columns should have with them parks of artillery, led by skillful men.

Now, sir, we have authorized the President to call out half a million men; we have made large appropriations; we have called men into the field

at enormous expenditure; and the miserable fruits of this conduct of the officers are before us to-day, and we hang our heads in shame for it. Sir, it is all the fault of incapacity; nothing more nor less.

Mr. SHERMAN. Mr. President, I regret very much to hear the line of argument pursued by the Senator from Massachusetts. With due deference to his better judgment, I submit that this is not the time nor the hour for fault-finding. There never was a braver army, and men never fought better in the history of the world than the American Army did under the stars and stripes last Sunday. The Senator from Massachusetts ought not to complain because men called from the various ranks of private life cannot be generals and colonels and captains. I have no doubt they did the best they could, and they did well. All that can be said of them is that they were not able to conquer twice their numbers, intrenched in their own positions. I believe the repulse—not the rout, the repulse—of last Sunday will do good. It has stirred up all over this country but one responsive feeling. We now begin to see the magnitude of the contest in which we are involved; and I believe every American citizen felt, when he read the account of the achievements of our Army on last Sunday, and their repulse, only a deeper and a stronger determination that, whatever might come, this rebellion should be put down, and with force of arms; and I have no doubt that it will be done.

I say, with deference to the honorable Senator from Massachusetts, it is no time now to complain of any one, neither of the President—I see the newspapers are carping at him; if I ever had any disposition to say a word against him, I would not do it now—nor against the General-in-Chief, nor any officer or man in the field. We have a present duty to perform. It is for the future, and we should bury the past. I shall probably vote for the bill of the Senator from Massachusetts, because I believe it is well to give to the commanding officer, to the President of the United States, full power to deprive all incompetent officers of their commissions. Let that be done; but at the same time, I do hope the Senator from Massachusetts will not add his plaintive tone to the general complaints through the country, but will join with the rest of these Senators, and with all the people of this country, in an effort, without looking to the past, to remedy the evils for the future.

Mr. WILSON. Mr. President, I think the time has come, and now is, to refer to the past in order to make improvements in the future. I do not refer to the past by way of reproaching the President, General Scott, or any of the high officers of this Government. I have never joined in this hunt; I have never joined in this cry that has probably forced us prematurely into a conflict; but what I want to say is this—and Senators may open their eyes to it, it is their duty to do it—before God, to-day, I believe the first and highest duty I have to do to this country is by legislation, and by the exercise of the powers of this Government, to bring into the field the resources of this nation, and to put the Army of brave men that have come into the field under skillful and competent officers. That we have suffered in the past for the want of such officers we all know.

The Senator says our men fought bravely. Why, sir, nobody doubts that. There were regiments on that field that made attacks in a manner that would have done credit to the Old Guard of Napoleon. There were acts of the most desperate valor performed; but owing to unskillfulness, owing to the unfitness or neglect, especially of some of the company officers, and the generals and men will tell you so, that field was made—I will not say it was made a lost battle; for I hardly see how that number of men on that field could have won a victory—but that rout, that ignominious race in which some of the officers deserted, abandoned, and outran their men, was brought upon us by the incompetency and misconduct of officers. I refer to it now simply to show that we ought to correct it. The Senator from Ohio agrees with me in that. Therefore I propose to clothe the President with this power. That he will exercise it moderately and temperately I do not have a doubt; but the knowledge that the President of the United States has been clothed by Congress, in this emergency, with this power, which he may exercise, will have the most salutary effect upon the officers who are in the field, or who may come into the field. While Senators are ready to vote money and men, it seems to me that what is greater than all else should not be neglected; that we should open our eyes to the experiences of the last ninety days, and let those experiences guide us in our legislation, and in the administration of the Government for the future.

Mr. COLLAMER. Mr. President, I cannot but coincide in the view of the honorable Senator from Ohio, not about this bill, but in regard to these remarks. What is the difficulty here? You call the people from their avocations at home, and they come out, men and officers, the best they have got, at least for aught they know, for they have had no trial of any of them. The militia of the State of the honorable Senator from Massachusetts may have been in a more advanced position; they may have had more drill at home; but that is not the condition of the country generally. The militia of the country generally have had no discipline. These young gentlemen who constitute the platoon officers have gone with their men, and a great many of them were selected by their men. In the presence of an enemy they did not maneuver on the field with the skill of the best disciplined officer; and what of it? Senators say they were incompetent. How can they be otherwise? Some of them since they were called from home have not been in camp a month, some of them not two weeks; and now you complain that they are not skilled men, and propose a bill for dismissing them for want of skill. Where are you going to get men that have skill to supply their places? Clear it is, and so is the provision of this bill, their places must be filled by appointments according to law; that is, they must be appointed by authority of their own States. These are undoubtedly volunteer militia; and the Constitution provides expressly that they shall be commissioned by the States; and this bill now presented to us goes upon that ground, that when their places are vacated, they shall be filled according to law—that is, the Constitution, the paramount law. If it be true that officers of the militia, appointed by their States and sent with them into the service, can be dismissed and their places supplied by appointments under the authority of the United States, then that provision of the Constitution goes for nothing; it secures nothing at all.

Now, Mr. President, I think, with the honorable Senator from Ohio, that it does not become us to be finding fault with these undisciplined young men who have just been called into the service of their country, and have volunteered to perform it as well as they could—as well as they knew how. But, after all, I have no serious objection to this bill, provided it can be amended in certain ways which seem to me to be necessary. I understand the President has, and executes pretty freely, the power to dismiss officers from the Army. I take it, we can clothe him with power, at any rate, to dismiss officers of the volunteer militia from the United States service if found incompetent or incapable or inattentive to their duty. I think the President ought to have the power to dismiss them as he does United States officers. Dismiss them from what? Dismiss them from the United States service—not vacate the commissions, because their commissions came from State authority; and I do not believe in the power of Congress to clothe the President with authority to vacate the State commissions. We may dismiss them from the United States service; and that is all that is needed and all that is wanted. Let them, then, be dismissed if it is necessary, and let their places be filled according to law; that is, let them be appointed from the authority that appointed the others whenever they are dismissed.

Now, Mr. President, in order to effect this purpose, I desire to move certain amendments to the bill. In the first place, I wish the words "may be now or hereafter," in the beginning of the bill, stricken out, and the words "any person who has been or shall be" inserted. Let that part of it be made into English. In the next place, I desire to have that part of it which speaks of the officer being "properly reported" to the President for incapacity stricken out. I do not know who is properly to report—whether the colonel shall properly report the captain, or whether the captain and lieutenant colonel shall report the colonel. I do not know of any authority by which they shall be properly reported for incompetency. I wish, therefore, to have that portion of the bill stricken out. I want the President of the United States to have the power to dismiss them from the service of the United States whether anybody reports them or not. In the next place, I desire to have that portion of the bill stating that "the commission of such officer shall be forthwith vacated, and shall be filled in accordance with existing laws," stricken out. I want it simply to be provided that the President be empowered, for the causes stated in the bill, to dismiss any volunteer officer from the service of the United States; and, I take it, their offices will be filled by those competent to do it.

Mr. DOOLITTLE. I beg to add to that amendment:

And that until these places shall be filled, the Commander-in-Chief may assign other officers to perform their duties.

Mr. COLLAMER. There is no occasion for that, because the next below in rank will take their places, as a matter of course.

Mr. DOOLITTLE. I will not insist upon it.

Mr. McDOUGALL. I objected to this bill this morning, and I objected to it because it did not cover the whole ground. I think the bill is necessarily a war measure, and I wish simply to state that my objection was that it did not embrace as large a field as is demanded. I shall vote for it; but I will ask the Committee on Military Affairs to report a bill that will embrace more.

Mr. WILSON. I am perfectly willing that this bill should be referred to the committee. It is plain and simple, however, and I did not think it needed to go there; but certainly, if any Senator desires it, I am willing that it should be referred.

Mr. McDOUGALL. Oh, no; let us pass it now.

Mr. WILSON. As the Senator from Vermont has moved an amendment, if he desires the bill to go to the committee, very well; but I wish to say to him that we have settled this matter, and it is very plain what it means. If an officer dies in the service, if the office is vacated, if he is removed, broken, or in any way gets out of the service, the companies elect an officer, and the Governors of the States commission him. If he is a field officer, the company officers will elect his successor, and the Governor of his State will commission him. That is the law we have made this session; it is on the statute-book; and this bill refers to that. If the President is clothed with this power, and he exercises it in any case, and removes a field or a company officer, his place will be filled by the men if a company officer, and by the company officers if a field officer, and the Governors of the States will give the commission. We have made that law this session.

Mr. CLARK. That is in conflict with our Constitution. At any rate, you cannot enforce it.

Mr. WILSON. That is the law of the country to-day. Whether it is constitutional or not, I will not say; but we have made the law.

Mr. COLLAMER. The gentleman does not seem to understand the difficulty. The troops which have been called out as volunteer militia, were, under the laws, commissioned by their States before this act was passed, and here they are holding their commissions by a certain tenure in a certain way by the laws of their own States. Now this we cannot change.

Mr. WILSON. Mr. President, the Federal Government calls for volunteers, and in some cases the men elect their officers. In my State, they elect their officers, and the Governor commissions them. In some of the States I understand the officers are appointed directly by the Governor, and commissioned by him. At any rate, they are mustered into the service bearing the commissions of their States; and by a law passed at this session, if the places of those officers become vacant, the men, if they be company officers, may elect them, and if they be field officers, the company officers elect the field officers, and commissions are given them by their Governors. That is the law of the country to-day; and this bill refers to that.

Now, sir, a word in regard to what some Senators think injustice towards the men. Why, sir, my remarks apply to a class of officers, not to

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. FRIDAY, JULY 26, 1861. NEW SERIES.....No. 16.

them all, nor to anything like a majority of them. I believe the great mass of these officers to be true men, who have done the best they could; and I am not here to reproach them for doing the best they could. But there is a class of men in the field and company officers that have got into the service, coming from all the States, my own as well as others, who are showing every day their incompetency; or if they are competent, that they do not try to do their duty—men who go away from their camps and stay two or three days. Why, sir, the quartermaster of a regiment stayed away recently five days from his regiment. He stayed in this city while his regiment were twenty-five or thirty miles away facing the enemy. I have witnessed scenes of suffering in this city that have brought sickness and death upon brave and noble men, through the utter neglect of officers, that have made my heart ache, and brought tears from my eyes; and every other Senator could have witnessed them, if he had gone among them. Sir, we owe it to the brave and true men, who are doing the best they can, and who deserve our sympathy and our support, and we owe it to our country, to make these men, who neglect their duty, do their duty, or put them out of the Army. It is a matter of humanity—a matter of patriotism; and if I could to-day weed that class of men out of the Army, and keep them out of the men that are to be called into the field, I should perform a duty for humanity and for my country such as no man of the age can do. I think, therefore, that instead of——

Mr. RICE. I should like to ask the Senator a simple question.

Mr. WILSON. Certainly.

Mr. RICE. In the case of the officer he has named, who was absent from duty for five days, I should like to know if it were not competent for the other officers, or any officer of the regiment, to prefer charges against him, and have him court-martialed?

Mr. WILSON. We can have courts-martial; but we are in this condition: we have two hundred thousand men in the field; we are about to call more; and these courts-martial, as everybody knows, are slow processes to get along with, and very difficult. This bill only applies to the volunteers, and not to the regular Army. This is a more swift and certain process. I do not look to its exercise so much as to the salutary influence it will have upon these men; making them feel that they must perform their duty, or they will be branded by the country, and the President will summarily remove them from the places they so unworthily fill.

Mr. NESMITH. I would like to ask the chairman of the Committee on Military Affairs whether that power is not already in the hands of the President? The President has power to strike the name of any Army officer from the rolls of the Army. These men are mustered in the service subject to the rules and articles of war and the laws of the United States. Where is the necessity, then, of passing a bill giving him a power which he already has?

Mr. WILSON. There is some doubt about it. I think he has it. I will state a case that happened recently. The commander of a regiment of men mustered into the public service was believed to be unfitted for his place. His officers were nearly all against him. The Governor of his State asked him to resign. He said, "I will not resign, but I will stand a court-martial." There is nothing in that anyhow. It is like an impeachment of the President. Then the Governor of the State asked the President of the United States to remove him and muster him out of the service, maintaining that he had the right to do it. General Scott was consulted, and he thought he had the right to do it. I think he can do it; but he may feel a delicacy in exercising any such power. I want to clothe the President with that power, so that he may exercise it at his discretion, and everybody knows he would not exercise it as often as he ought to do.

That is my answer to the Senator from Oregon, that there may be a little doubt about the power. It is a question that has been gravely considered. If, however, we authorize the President to do it, then there cannot be any doubt about it. The fact that the law was passed would show the President that there was an exigency for it. I believe it should be passed, and administered by the President as he ought to do it, and as I doubt not he will do it. It will have the most salutary effect, and will spur these men up to do their duty, men who believe they cannot be court-martialed, that a court-martial cannot reach their particular case, but who will then know that the President will remove them unless they do their duty.

Sir, it seems to me it is a great thing for a man to have a company or a regiment in his hands in a crisis of this kind. I think a man who has command of a thousand men must feel that he has a thousand precious lives in his keeping, that he must work night and day and watch over them, see that they are well fed, that they are well clothed, if possible, that they are properly cared for in health and sickness. I admit that a great portion of them have done their duty, and I am proud to say they have done it, and will do it in the future; but there are those who have neglected it. If you had been about the encampments here during the last three months, you would have witnessed it. You will witness it in the future, and the fruits of it we have felt to a considerable extent, and we shall feel them more. I say, in calling these men into the field, we want not only men, but the most perfect and systematic organization we can have. We want all the science and all the skill and all the fidelity that man can give to the great cause in which we are engaged.

Now, sir, without any ill-will towards any human being in this volunteer force, without any disposition to undervalue the services of any man, even the most humble, I believe it to be our highest duty at this time so to legislate and so to administer the laws of the country, as to require all the men brought into the field to do their whole duty. When they are incompetent, and have proved their utter incompetency, when they are neglectful of their duty, when they spend their time about hotels, and in a manner that is discreditable to them personally, instead of being with their regiments and companies doing their whole duty, they should feel that the eye of the President of the United States, their Commander-in-Chief, is upon them, and if they fail to do their duty they will be removed from the Army.

Then there is another reason, and it was clearly stated in the committee the other day by the Senator from Kansas, [Mr. LANE,] on a proposition to allow the men to elect their officers in the field. It was this: the men, after they have been a few days in the field, know their officers; they understand them well; they know each other; and if they have an incompetent or unqualified officer they know it, and have no confidence in him; and if, on account of neglect on his part, they felt hostility to him, and such an officer was removed and taken out of the company, the company would know the fit man to put in his place. Sir, do you believe, if these regiments had to choose their officers now, or had to choose them even before this late disaster, that all the present officers would have been reëlected? Many of them would have had to step down into the ranks or gone out of the service, and men in the ranks bearing muskets would have taken their places—men who show, even as privates, their fitness for command. I think, therefore, that this bill would have the effect to spur these men up to action; or if they are removed the officers and men will now select the best men they have got to fill their places.

Mr. GRIMES. It is my conviction, Mr. President, that no measure could be introduced into this body so well calculated to completely disorganize and demoralize our Army as the measure now under consideration. It occurs to me as exceedingly strange that the Senator from Massachusetts, if he has heretofore discovered the condition of the camps about this city and on the other side of the river, which he has represented to have been their condition previous to the engagement of last Sunday, did not propose some sort of legislation to reach that condition of things; that he did not introduce into the Senate some measure that would be calculated to improve the condition of these volunteers, for whom he now expresses so much sympathy.

Now, sir, let us look at this matter as a practical question, and let us not be carried away by a panic. The Senator says that we are going to have two hundred thousand men in the field. If so, we should have two hundred and fifty colonels. If one of those colonels is incompetent; if he is incapable of commanding his regiment, some officer, and there will be plenty of them—the Senate in a bill the other day provided for the appointment of five inspectors to inspect the camps, and see that the men are properly cared for—will report that incompetency to the commanding officer. He will be ordered to a court-martial, and then a subordinate officer, a lieutenant colonel, will take his place. If he also is incompetent, then the major becomes the colonel, and you will give to each of these individuals, against whom charges are preferred, an opportunity to prove that those charges are false. But if this bill is adopted, you are going to create complete disorganization. I apprehend there is not a regiment about this city in which there are not some men dissatisfied with their commanders; and what will be the result? Why, they will approach their members of Congress, they will approach every avenue to power, to try to bring political influences to bear against their commanding officers, not by a court-martial, not through a legitimate tribunal, but through political influences; through these avenues that reach to the presidential mansion; and you will have clique after clique in every company and every regiment; and your whole Army will, in the end, become dissipated and demoralized. That will be the result.

I am opposed to this bill, also, because we ought not to confer any such power on the President. It is said that he will use it sparingly; that there will be very few cases in which he will exercise this power. I presume it will be so. I have the utmost confidence in the President of the United States. I know he is a discreet, prudent, kind-hearted, benevolent man. But we are establishing a precedent that is to govern not him alone, but those who may come after him; and I am unwilling to say that the commander of a regiment, the Lieutenant General of your Army, or any other officer, shall be deposed, that he shall be stricken down, that his character shall be forever blasted, by the mere edict of the President. As I have said, I consider this measure better calculated to demoralize and disorganize the Army than any measure that could possibly be introduced into the Senate, in my conviction; and I say, as the representatives of the people, and as the men whose duty it is to protect the Army, that we ought not to confer such a power as this upon the President. The reputations of these men are in our keeping. I have heard rumors against this officer and that officer; but when they come to be investigated, I have no doubt they proceed from some disaffection on the part of some particular men under their command who think they have not received that favor which they ought to have received. Let the question be investigated; give the officer an opportunity to be heard before you condemn him; and do not strike him down, and blast his character forever, by the mere edict of the President.

Mr. KING. I suggest that this bill had better be referred to the Committee on Military Affairs, where all these questions can be better considered than in the open Senate. A bill, in my judgment, should always be considered by a committee, if it were only for the purpose of avoiding mere verbiage. There are other suggestions of amendment to this bill, and I hope the chairman will consent to its reference.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) Does the Senator make that motion?

Mr. KING. Yes, sir.

Mr. WILSON. I have no objection in the

world to having the bill referred to the Committee on Military Affairs. I wanted to bring the matter before the Senate; and to state the reasons for the bill, and have Senators reflect upon them.

Now, sir, a single word before the bill goes over, in answer to the Senator from Iowa. That Senator thinks the bill will have a most disastrous result; and he draws a vivid picture here of its effects. Now, I say to that Senator, with all respect—for I have a great deal of respect for his opinion—that some of the most eminent civilians and military men in the country desire it; men who have been upon the field of battle, Governors of States. Yesterday I had a visit from Governor Sprague, who led two regiments the other day in battle, and who came especially to see me in regard to this subject.

Mr. GRIMES. He had full power himself.

Mr. WILSON. He had not the slightest power. He could not control a man in the service. They are in the service of the United States, not in the service of Rhode Island. He said that this power was of vital importance; that every day he felt its effects. He and his leading officers have made his regiments pattern regiments; and still he said in those very regiments this power could be exercised by the President temperately with the most beneficial results. There is no doubt about that. There are military men, eminent men, who believe that the power ought to be exercised. There are civilians in the highest position in the Government to-day who think this power ought to be exercised, and that it would have a salutary influence if the President was clothed with the power.

The Senator from Iowa asked me, if I have witnessed what I have stated, why I have not acted sooner? In the volunteer bill the Senator will find a section prepared expressly to reach this case; but it is believed that the section is not complete for the purpose; and therefore I have introduced this bill, on consultation with some of the most eminent men in the Government of the country, and some of the most eminent men in the field, who think it would be a wise provision to allow the President to muster out of the service those who neglect their duty, or who prove utterly incompetent. As to the question of proof, of course the President will not do this thing hastily, or in a cruel or unkind manner; but he will do it on the proper proofs being presented of the neglect of such officers.

Mr. RICE. Mr. President, it is well known to the Senate that so far as my humble efforts were used heretofore, they were used for the preservation of peace; that I did all in my power to prevent war. I belonged to the anti-war party. War, however, has been brought upon us. The disasters, calamities, and distresses that will follow, no man can foresee. It is not for us here now, when the enemy are within a few hours' march of the capital, to look back or to indulge in personal remarks on this floor. Our constituents do not expect us to expend the time given to us in making speeches. They expect us to act. They have decided upon a war policy, and it is for us to say whether the war shall be properly prosecuted. If it is to be prosecuted, it must be done vigorously, and it is for us to furnish the means, the men, and the money, and to leave the details to the Administration. The President, his Cabinet, and the high officers of the Army, have been engaged for weeks in consulting the best military talent in relation to the prosecution of the war, and the best business men of the country as to the means of raising money. They have perfected the details; and if we approve of the general policy, it is for us to give them power to carry out the details. We have no time to enter into petty discussions. I, Democrat as I am, will give my vote and my support to the Administration in carrying out the details of its policy, so far as the necessary war measures are concerned.

In pursuing this course, I am properly representing the spirit of the State in whose name I speak. Minnesota pursued no cold, calculating policy; but with impulsive loyalty she was among the foremost to tender her gallant sons for the service of the country, and gallantly they acquitted themselves on the field of battle. In the expressive language of an emphatic Senator, who witnessed the dreadful carnage, they "fought like devils." Their heroism is the theme of every tongue; and individual cases of courage and endurance are described that have no parallel in Greek or Roman story. My course, then, is no equivocal one. I give the aid of whatever support I can command to the Administration, and to the General-in-Chief, to whom the eyes of the Republic are now directed with gratitude and confidence. The laurels are unfaded that have hitherto garlanded his brow, and we shall dishonor the Republic's Senate House if we fail to furnish him with all necessary aid, that he may add triumphs to grace our history, to enhance his renown, and to restore peace to a bleeding country. In him and in the Administration I am disposed to yield a becoming confidence. We cannot trust ourselves, for we are not military men. We have learned, from the discussions of days past, into what difficulties we have brought ourselves; and I trust we shall abstain from unnecessary debate and personal animadversions, and leave the conduct of the officers of the Army and the soldiers to the generals, and to the Administration, who have a direct supervision of their conduct. This is no time for us to be fiddling; it is no time for us to be swapping jack-knives when the ship is sinking. Give the Administration the power it asks for, especially as we have indorsed its policy; and when Congress shall meet again in December, if we find that it has been incompetent to manage public affairs, it will then be time for us to look more closely into details, and apply a remedy.

Mr. FESSENDEN. I ask, by common consent, that a bill from the House of Representatives may be taken up, which needs immediate attention.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) By unanimous consent, the bill now before the Senate may be laid aside, and the bill referred to by the Senator from Maine taken up. The Chair hears no objection.

BALTIMORE POLICE FORCE.

Mr. FESSENDEN. The Committee on Finance report back, with amendments, the bill (H. R. No. 76) to provide for the payment of the police force organized by the United States for the city of Baltimore. It is important that the bill should be passed at once.

The PRESIDING OFFICER. The bill may now be considered by unanimous consent.

Mr. PEARCE. Has that bill been reported back from the Committee on Finance?

The PRESIDING OFFICER. It was so stated by the Senator from Maine.

Mr. PEARCE. There has been no meeting of the Committee of Finance, of which I am a member.

Mr. FESSENDEN. There has not been; but I have consulted some of the members of the committee.

Mr. PEARCE. I must object to the bill being acted on to-day.

Mr. FESSENDEN. Will the Senator have the kindness to look at it, and see whether he will persist in his objection?

Mr. PEARCE. I have heard something of it. There is no necessity for passing it to-day.

Mr. FESSENDEN. I can state to the Senator that the time of the police in the city of Baltimore is up to-morrow, and there is no provision for paying them. The city of Baltimore does not choose to pay them in any way.

Mr. PEARCE. It cannot pay them. It has no authority to do so.

Mr. FESSENDEN. Very well; be it so. Their time is out to-morrow, and it is necessary that we should pay them, or perhaps they may be discharged and refuse to serve, leaving the city of Baltimore without any police at all, and necessarily subjecting it to military discipline. If the Senator, under these circumstances, wants to put the bill off, it is for him to judge; he has the power to do it by his objection.

Mr. PEARCE. I was not aware of the fact that these policemen would be discharged to-morrow unless this bill were passed. It is rather a hard case; but it is a choice of evils. If this bill be not passed, I understand the troops will be quartered in the city again, and guards placed around the public places in the city—at the Battle Monument, at the custom-house, at the post office, and other important public points, and cannon planted in the streets. I suppose that is the plan, as was the case some three or four weeks ago.

Mr. FESSENDEN. I do not say that necessarily follows; but I say the discharge of the police, leaving the city of Baltimore without any protection, may possibly lead to that, and probably will.

Mr. PEARCE. Well, Mr. President, I have just received such information, and under these circumstances, I shall not make the objection to the consideration of the bill to-day which I had intended; but I want to exclude any conclusion, from my consent to its being acted on to-day, that I approve of the system of the military police of the city of Baltimore; of the suspension of the civil authorities of the State; and of this Government undertaking by its authority to do that which I believe belongs solely to the authority of the State. Neither do I mean to admit that there is any necessity in fact for such interference with the city police. I yield to necessity, to avert what, it seems to me, would be still more irritating to the people than this measure. I wish that understood, sir.

Mr. FESSENDEN. I will say that I had the consent of those of the committee whom I consulted. I am sorry I did not see my friend from Maryland about it.

Mr. PEARCE. I think it was due to me, as it concerned my State and its chief city.

Mr. FESSENDEN. I will, by way of apology, withdraw it now, so that the Senator may have time to examine it.

Mr. PEARCE. I waive my objection.

Mr. FESSENDEN. I wish the Senator to look at it before it is acted on. I withdraw my motion, so that he may examine the bill.

The PRESIDING OFFICER. Does the Senator from Maine withdraw the bill?

Mr. FESSENDEN. Perhaps that will not be insisted on. The members of the committee with whom I consulted—I did not call a meeting—agreed on one or two amendments, which are deemed very necessary.

Mr. PEARCE. Will the Senator be kind enough to state what the amendments are?

Mr. FESSENDEN. They can be read. One of them is, on the recommendation of the Secretary of the Treasury, to appropriate $40,000 to enable him to increase the coinage of small gold coin, which is very much needed. Another is an appropriation of $5,000 for field signals.

Mr. PEARCE. I have no objection to those amendments.

Mr. FESSENDEN. The bill may be read.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

The bill was read. It appropriates $100,000 for the maintenance of the police force organized by the United States in the city of Baltimore, of which not more than $20,000 is to be expended in any one month; and the expenditure is to cease when the police are dismissed from the service of the United States. The disbursements are to be made only with the sanction and by the authority of the commanding general of that military department.

The amendments of the Committee on Finance are to insert, as section three:

And be further enacted, That there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the following sums, to wit:

To enable the Mint to furnish such small coins as may be required for the public service, $40,000, or so much thereof as may be necessary.

For the manufacture or purchase of apparatus and equipments for field signals, $5,000.

And to amend the title by adding thereto: "and to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals."

The amendments were agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. The bill was read the third time.

Mr. POWELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. KENNEDY. I desire to say, before I vote, that I shall vote against this bill, for the reason that I never have believed in the necessity of superseding the late police force. Not seeing the necessity for that, I vote "nay."

The result was announced—yeas 29, nays 6; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Latham, McDougall, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilmot—29.

NAYS—Messrs. Johnson of Missouri, Kennedy, Pearce, Polk, Powell, and Saulsbury—6.

So the bill was passed.

The title of the bill was so amended as to read, "An act to provide for the payment of the police organized by the United States for the city of Baltimore, and to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals."

EFFICIENCY OF THE VOLUNTEERS.

The PRESIDING OFFICER. Senate bill No. 44, to promote the efficiency of the volunteer forces of the United States, is again before the Senate as in Committee of the Whole; the pending question being on the motion to refer it to the Committee on Military Affairs and the Militia.

Mr. BROWNING. I am very glad that the bill is to take that direction. I have no doubt it can be put in a shape that will be both acceptable and useful; but I wish respectfully to invite the attention of the committee to whom the bill goes, to the sixteenth clause of the eighth section of the first article of the Constitution, that they may consider it in connection with the bill when they have it before them, so as to make it compatible with this provision of the Constitution. I shall be very reluctant to interfere at all with the bill after it shall have been returned to the Senate by the committee; and to avoid any interference of that kind, or any necessity for it, I invite their attention to that section of the Constitution when the bill may be before them.

Mr. KING. I alluded to that when I first suggested the question of the power of Congress to interfere in this matter.

The PRESIDING OFFICER. The question is on the motion to refer the bill to the Committee on Military Affairs and the Militia.

The motion was agreed to.

NAVAL BUREAUS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law that heads of bureaus in the Navy Department be appointed for a limited term of years.

OBJECT OF THE WAR.

Mr. JOHNSON, of Tennessee. I ask the consent of the Senate to introduce a resolution.

The Secretary read the resolution, as follows:

Resolved by the Senate, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in arms against the constitutional Government, and in arms around the capital; that in this national emergency, Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the *supremacy* of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

Mr. COLLAMER. Will the gentleman permit me to suggest to him that the word "waged" should be "prosecuted." It is not "waged" by us; it is "prosecuted" by us.

Mr. JOHNSON, of Tennessee. I accept the amendment.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

Mr. LATHAM called for the yeas and nays; and they were ordered.

Mr. TRUMBULL. Is that resolution before the Senate at this time?

The PRESIDING OFFICER. Yes, sir.

Mr. TRUMBULL. I thought it was just introduced.

The PRESIDING OFFICER. The Senator from Tennessee asked for its present consideration, to which there was no objection.

Mr. POLK. I did not understand it that way. I am like the Senator from Illinois; if the resolution comes up now, I wish to offer an amendment.

Mr. COLLAMER. I do not know what the usual course is as to the actual manner of presenting resolutions. A resolution is presented. Gentlemen do not know what it is. I take it the first reading is for information. Then should arise the question whether the Senate will consider it at this time. In this case the resolution was presented, and the Chair announced that it should be read. It was read. I do not understand that any action was taken by the body that it should be considered now, or considered at all. I inquire of the Chair what is the next step after presenting the resolution?

The PRESIDING OFFICER. The Chair hastily said that the Senate had consented to the consideration of this resolution to-day. The fact indeed is, as the Chair revises its recollection, that the Senator from Tennessee asked the consent of the Senate to introduce a resolution, and it was read for information. The Chair then inadvertently said that it was before the Senate for consideration, no objection having been made. The Chair did not put the question to the Senate after the resolution was read, whether there was any objection to its present consideration. That is the next step, after the introduction of the resolution and the reading of it, where the mover asks for its present consideration, to inquire of the Senate if any member objects to its present consideration, because it requires unanimous consent to consider it on the day it is offered. That is the condition of the resolution now, and the Chair asks the Senate if any member objects to its consideration?

Mr. SUMNER. I do not wish to stand in the way of any desire of the Senator from Tennessee; I hesitate, therefore, to take advantage of the privilege which is given to every Senator to make an objection to the consideration of his resolution; but I do think, considering its importance, that it is advisable it should be printed that we should have an opportunity of reading it carefully, and considering it well before we act upon it. I therefore do make objection to its consideration at this time. I wish the Senator to understand that it is with great respect for himself, and with a desire really to do that which I think the occasion requires. I hope the Senator himself will consent that it should lie on the table and be printed.

Mr. JOHNSON, of Tennessee. I have no objection to that.

The resolution was ordered to be printed.

BILL INTRODUCED.

Mr. COWAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 45) to make an appropriation for the rebuilding and repair of the Long Bridge; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE. I move that the Senate adjourn.

Mr. COLLAMER. I inquire whether there is any business on the table?

The PRESIDENT *pro tempore*. Nothing remains of a legislative character.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 24, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. JOHN W. FORNEY, its Secretary, notifying the House that the Senate had passed a bill (H. R. No. 64) to refund duties on arms imported by States;

A bill (S. No. 42) in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861; and

A bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States, the inhabitants of which now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

CONSULAR REPRESENTATION.

The SPEAKER proceeded to call committees for reports.

Mr. ELIOT, from the Committee on Commerce, reported back a bill (H. R. No. 74) to increase the consular representation of the United States during the present insurrection, and asked to have it put upon its passage.

The bill was read. It authorizes the President of the United States, by and with the advice and consent of the Senate, to appoint consuls at any foreign ports where he shall deem it advisable, for the purpose of prevent piracy, with such compensation, not exceeding $1,500 per annum, as he shall think proper; to hold their offices, respectively, during the pleasure of the President; and in every case such compensation to cease with the restoration of internal peace within the United States. And the President may, during the present insurrection, increase the compensation of any consuls in foreign ports, if he shall deem it necessary, so as not, however, to exceed the sum of $1,500 in any case; but this power shall cease with the reëstablishment of internal peace.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARMORED SHIPS, ETC.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported back the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, with the following amendments:

After the word "iron," in two places, insert the words "or steel."

After the word "construction," in the sixth line, add the words "or completion."

The amendments were agreed to.

The bill was read the third time.

Mr. STEVENS. I do not like to interpose objection to a bill reported by a committee, but this bill comes from a committee that is not clothed with the duty of making appropriations. It has not gone to the Committee of the Whole on the state of the Union, although it appropriates a very large sum. We are appropriating, without much examination, immense sums this year. I feel great reluctance to object, but I would rather that it were inquired into and examined by the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair thinks it is too late to object to the consideration of the bill at this time, if that is the point which the gentleman wishes to make. The bill having been read the third time, it is now on its passage.

Mr. BURNETT. I think that that is a bill on which we should have the yeas and nays; and I demand the yeas and nays on its passage.

The yeas and nays were not ordered.

The bill was passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ASSISTANT SECRETARY OF THE NAVY.

Mr. SEDGWICK also, from the same committee, reported back Senate bill No. 20, authorizing the appointment of an Assistant Secretary of the Navy, fixing the salary of the same, and for other purposes.

The committee reported an amendment, striking out the provision fixing the compensation of the Assistant Secretary at the sea pay of a captain in the Navy, and fixing the salary at $3,000 a year.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MEDICAL CORPS OF THE NAVY.

Mr. SEDGWICK, from the same committee, reported back Senate bill No. 31, to increase the medical corps of the Navy, and for other purposes.

The committee reported an amendment to strike out the second section of the bill, which provides

that, in the present emergency, the President shall appoint, before the 1st day of September next, one pupil from each congressional district to be nominated by the respective members, and ten from the country at large.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. SEDGWICK moved to amend the title by striking out the words "and for other purposes."

The amendment was agreed to.

The title as amended was agreed to.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SUPPLEMENTAL LOAN BILL.

On motion of Mr. STEVENS, by unanimous consent, Senate bill No. 41, supplemental to the loan bill passed during the present session, was taken from the Speaker's table, read a first and second time, and referred to the Committee of Ways and Means.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering House bill No. 71, to provide additional revenue.

ADDITIONAL VOLUNTEER BILL.

Mr. BLAIR, of Missouri. Before the vote is taken on that motion, I wish to ask the gentleman to give way, to allow me to call up Senate bill No. 42, supplemental to the volunteer bill which passed this House some days ago.

Mr. STEVENS. I will give way to the gentleman.

On motion of Mr. BLAIR, of Missouri, the House then proceeded to the consideration of Senate bill No. 42, in addition to "An act to authorize the employment of volunteers to aid in enforcing the laws, and in protecting the public property," approved July 22, 1861.

The bill was read a first and second time.

The bill was then read at length. It authorizes the President of the United States to call into service volunteers, either as infantry, cavalry, or artillery, to be organized as authorized by the act of July 22, 1861, provided that the number so called out shall not exceed five hundred thousand. It further provides that the volunteers so authorized to be called out shall be armed as the President shall direct, and shall be upon the same footing in all respects to the corps of the United States Army, to be mustered into the service during the war. It further provides that the President may, by and with the advice and consent of the Senate, appoint, for such volunteer force, such number of major generals and brigadier generals as may in his judgment be required for their organization.

The bill was ordered to a third reading, and was accordingly read the third time.

Mr. BURNETT. I must go through the form of calling the yeas and nays upon the passage of this bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARREST OF BALTIMORE COMMISSIONERS.

Mr. BINGHAM. I appeal to the gentleman from Pennsylvania to give way to me a moment, to enable me to report a resolution from the Committee on the Judiciary, which will not give rise to debate.

Mr. STEVENS. I will give way to the gentleman.

Mr. BINGHAM asked leave to report, from the Committee on the Judiciary, the following resolution:

Resolved, That the President be requested immediately to communicate to this House, if, in his judgment, not incompatible with the public interest, the ground, reasons, and evidence upon which the police commissioners of Baltimore were arrested and are now detained as prisoners at Fort McHenry.

Mr. BURNETT. I desire to ask the gentleman if he will permit me to offer an amendment to that resolution?

Mr. BINGHAM. No, sir; I call the previous question upon the adoption of the resolution.

Mr. BURNETT. Then I object to the resolution.

Mr. BINGHAM. Very well; the gentleman has the right to do that.

Mr. BURNETT. I care nothing about the adoption of the resolution. I withdraw my objection.

The resolution was then received, and adopted.

Mr. BINGHAM moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CONTESTED ELECTION.

Mr. DAWES. Before the motion is put on the motion of the gentleman from Pennsylvania to go into the Committee of the Whole on the state of the Union, I wish to ask the gentleman whether it is his intention to remain in committee all day? I desire to make a report from the Committee of Elections which will require but a short time to dispose of.

Mr. STEVENS. I will give the gentleman an opportunity in the course of the day.

PAY OF BALTIMORE POLICE.

Mr. STEVENS. Before going into the Committee of the Whole on the state of the Union, I desire to report a bill, and put it on its passage.

There being no objection, a bill to provide for the payment of the police organized by the United States for the city of Baltimore was reported from the Committee of Ways and Means, and read a first and second time.

The bill was read at length. It appropriates $100,000 for the maintenance of the police organized by the United States in the city of Baltimore; provided that not more than $20,000 shall be expended for that purpose in any one month.

Mr. BURNETT. That bill, as I understand it, as it makes an appropriation, must go to the Committee of the Whole on the state of the Union. I make that point of order.

The SPEAKER. The Chair sustains the point of order. The bill must go to the Committee of the Whole on the state of the Union.

Mr. STEVENS. I hope the gentleman will withdraw his objection.

Mr. BURNETT. I will, if the gentleman will yield me the floor for ten minutes, to discuss the bill.

Mr. STEVENS. If the gentleman will then call the previous question, I will yield.

Mr. BURNETT. I will yield the floor to the gentleman at the close of ten minutes. That previous question is something I have no fancy for.

Mr. STEVENS. Very well; then I give notice that I will call the previous question as soon as the gentleman has concluded.

There being no objection, the bill was ordered to be considered in the House.

Mr. BURNETT. This is one of the extraordinary measures resulting from an extraordinary act of this Administration. The civil authorities of the State of Maryland have been superseded by order of the President of the United States, or at least by the immediate order of the commanding general of that department, under the direction, as he says, of the President of the United States. A military police establishment has been organized, in violation of the express laws of one of the sovereign States of this Confederacy, without color or claim of legal authority vested in the President of the United States, either derived from Congress or any other power known to this Government. This is done, following another high-handed act of aggression upon the rights of private citizens by taking the constituted authorities of the State of Maryland, without authority of law and without probable cause, and incarcerating them in a military fortress of the United States, where they are deprived of their liberty upon a suspension of the writ of *habeas corpus* by a general acting under the orders of the President of the United States, and that President himself violating the Constitution of the United States, which confers upon Congress alone the right and authority to suspend that writ. And that does not half paint the picture. Then, when this military police has been put into the city of Baltimore, in violation of the laws of Maryland, and without any authority of Congress—upon the mere order of a military commander, General Banks—when all this has been done, sir, then a bill is introduced into this House asking the Congress of the United States to appropriate $100,000 from the public Treasury to pay the men who have been put in possession. My God! gentlemen, where is this thing to end?

Gentlemen have again and again repeated that we are in the midst of a revolution. We are, indeed, in the midst of a revolution; not only a revolution against the authorities of the Federal Government in the southern States, which is horrible enough for any American citizen to contemplate, but a revolution within the Government itself, which is known and recognized as the Federal Government. We have set at defiance the Constitution of the country. Men in high places, the Chief Magistrate of the United States himself, has violated the plain letter of the Constitution. He confessed, in his message to Congress, that he had violated that Constitution; and he justified himself upon the plea of necessity. Yet, sir, resolutions are introduced, one after another, to ratify and indorse all his illegal acts and violations of the Constitution, instead of the Representatives of a free people standing up here in their manhood and in their representative capacity, and, high as is the Chief Magistrate of the country, bringing him to the bar of public opinion, and there administering to him a just rebuke. I am responsible to my country and to those who send me here for the faithful discharge of my obligation. I am but a Representative. Is his Excellency the President of the United States exempt from censure and rebuke at the hands of the people?

What is the condition of the city of Baltimore this day? There is a military police there in violation of the laws of the Legislature. There is a suspension of the acts of her commissioners, who have been appointed properly, and who, so far as I know, or have been able to learn, have been faithfully discharging the duties of their office. Those commissioners, sir, are in prison without authority of law—I may say in violation of the right of the city, and in derogation of the sovereignty of the State of Maryland. Yet while these acts have been done, and are continuing to be done, the chairman of the Committee of Ways and Means comes into this House—when the well-regulated police of Baltimore has been superseded by a military police, with an army at the back of it, within the jurisdiction of a sovereign State of this Union—and coolly asks us to take from the public Treasury $100,000 to cover all the expenses which may have been incurred. I tell my friends on the other side of this House that there is a sleeping public sentiment North. I tell you, gentlemen, that you may carry on these acts, for there is no one here with power enough to prevent them; but you will be held responsible for all that has been done here. You are writing, by indorsing and ratifying the illegal acts of this Administration, one of the saddest, blackest pages in the history of this country.

I have said all I intended. I enter my protest against this bill, and I have done.

Mr. STEVENS took the floor.

Mr. RICHARDSON. I want a moment in which to reply to the gentleman from Kentucky.

Mr. STEVENS. If I were quite sure of getting the floor afterwards, for the purpose of stopping debate, I would do so.

Mr. RICHARDSON. I will give you all the notice I can, if you will give me the floor.

Mr. STEVENS. I yield to the gentleman.

Mr. RICHARDSON. Mr. Speaker, I have desired, during this entire session of Congress, to say a word or two to my friend from Kentucky, [Mr. BURNETT.] More than any other man in this House he is responsible this day for the condition in which the country now finds itself. When he aided, by his counsel, advice, and coöperation, the division of the Democratic party at Charleston and Baltimore, he brought the existing sad calamity upon the Union. Sir, I have no regard for your position. You have stood with the Republicans and have aided them in elevating Mr. Lincoln to the Presidency, by dividing the Democratic party; and now, sir, you make that the pretext for breaking up this Government. I stand here and declare that fact in the face of the nation.

It is true, sir. I understand it as well as any man in this House or in this country.

Mr. Speaker, I do not know whether this bill is right or wrong. I have not heard its provisions; I have not heard it read, nor have I critically examined its provisions. I shall vote upon the question as the question deserves—if right, for it; if wrong, against it; but will the men so act who are standing up here day after day talking of violations of the Constitution and of the laws, while they seem to sympathize with those who aim at the complete destruction of our Government—and who set all laws and obligations at defiance?

Mr. BURNETT. Will the gentleman permit me ask him a question?

Mr. RICHARDSON. Certainly, sir.

Mr. BURNETT. The gentleman from Illinois certainly does not mean to do me injustice.

Mr. RICHARDSON. Of course not. I will intentionally do no man injustice.

Mr. BURNETT. Then, when the gentleman states that at Charleston—and I do not mean to go into a discussion of the matter—I was engaged in plotting to break up the Democratic party, he states that of which he knows nothing, for, sir, I had no agency or hand in it; and, if he will permit me to say one more word, I will tell him that when State delegations went out of the Charleston convention, I was the only man, I believe, from any of the slave States, who went into the hall and made a speech appealing to them to come back.

Mr. RICHARDSON. I am not mistaken, Mr. Speaker, in the position I assume. I found the gentleman there in association and coöperation with those who created distraction in that convention, and who did all that was done to destroy it. I stand here and say that; and for what I say I am responsible——

Mr. BURNETT. I say this to the gentleman: so far as responsibility is concerned, I never refuse to take it.

Mr. RICHARDSON. So help me God! I am responsible here and everywhere for what I have said. [Sensation and applause.]

Mr. BURNETT. So am I; here and everywhere else.

The SPEAKER. If the applause in the galleries be repeated the Chair will be compelled to have them cleared.

Mr. RICHARDSON. I hope they will be cleared if they violate the order of the House.

I do not wish to push the gentleman from Kentucky; I do not wish to press upon him. Sir, that is the furthest from my motives and from my purpose. I stand here to declare what I saw myself.

Mr. BURNETT. I desire to say this to the gentleman from Illinois: that I will have no personal controversy with any gentleman upon this floor. I have never had one, and I never intend to have one. If the gentleman desires a personal controversy with me, and to make a personal issue with me, then, sir, he cannot have it here, but he can have it anywhere else.

Mr. RICHARDSON. I say to the gentleman from Kentucky that I desire no personal controversy with anybody; but if anybody desires a personal controversy with me, so help me God! he can have it anywhere.

Mr. VALLANDIGHAM. I rise to a point of order. I submit that, at this time of great public disaster, and with the enemy almost within cannon-shot of the capital, this personal altercation does not become the dignity of the House.

The SPEAKER. The Chair desires that gentlemen will preserve order.

Mr. RICHARDSON. I have stated to the gentleman from Kentucky, as I will state to any gentleman, that I am not in quest of personal difficulties. I do not desire them, but I shall not shrink from them when they are presented. Born in that land where it is no credit to say of a man that he has personal courage, I have carried the lessons of my childhood, learned in Kentucky, to my home in Illinois, and I trust I will adhere to them to the end of my days.

Mr. Speaker, I have spoken of this conspiracy to break up the Democratic party and the country, and I have said that the gentleman from Kentucky was in it. I know the fact, and I will not permit him to shrink from it.

Mr. BURNETT. Let me tell the gentleman from Illinois, once for all——

Mr. RICHARDSON. I know you were in it, and that is enough.

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. RICHARDSON. I do not yield. I have one more word to say, and I want to say it to the other side of this House. This organization of the Breckinridge party was for the purpose of destroying the Government. That was its purpose, and its object. What do we see? Without the aid and coöperation of the men of the North, that party was powerless. The men from the northern States who aided and encouraged this organization which is in rebellion, are at the head to-day of our Army. Butler of Massachusetts, Dix of New York, and Patterson of Pennsylvania, and Cadwalader—all of them in this movement to break down and disorganize the Democratic party and the country. Why is it? This Douglas party furnished you one half of your entire Army. Where is your general, where is your man in command to-day who belongs to that party? Why is this? Have you Republicans sympathized with this Breckinridge party? Are you sympathizing with them, and lending your aid to the men who lead our armies into misfortune and disgrace? I ask you to look.

I stand here to-day for the purpose of saying one word more. I have spoken with some feeling. I have spoken with feeling because I feel, and feel deeply. You have at the head of your Army a man who carried your flag through the war of 1812, and through the war with Mexico, with a strategy unequaled. You have sought to disgrace him; and you have sought to impair the public confidence in him. He fought this battle over here, which was disastrous to our Army, against his judgment. Who caused it? You have forced it upon him. I tell you that, unless you rally around him, this great fighting Army at the North, which is Democratic, will not support you. I have no sympathy with General Scott's political opinions—not a particle. When he was a candidate for the Presidency, I fought against and resisted his election with all my power. I would vote against him for the Presidency to-morrow; but I tell you that when you look over the list of all the military men of the earth, he is the greatest of them all. He fought the battle of Sunday last against his plan. The strategy of General Scott was the finest ever seen. If he had not been forced to precipitate our Army, he would have won a victory without fighting a battle.

Mr. CURTIS. I would ask the gentleman from Illinois, who upon this side, what American citizen, has impugned the character of General Scott; and who is not now ready and willing and anxious to march under his banner? Who, on this side of the House, hopes to succeed in this great war without that general who has never lost a battle in the service of his country?

Mr. RICHARDSON. I will reply to the gentleman from Iowa. General Greeley, who, I think, ought to be placed at the head of all your generals appointed by Mr. Lincoln, and sent down to take Richmond, has assumed to command General Scott and the Army. I think if we can get rid of such men, we shall soon get rid of this war. That is my opinion. I give you my opinion, and I charge nothing for it.

Mr. CURTIS. You cannot say that I, or that any of my peers upon this side of the House, disapprove of the conduct of General Scott.

Mr. RICHARDSON. I have not charged the gentleman from Iowa with assailing General Scott. I met my friend from Iowa upon the plains of Mexico; he is a soldier; a man of military education; and he has seen the strategy of General Scott in planning those battles; and I should be amazed to hear him question any military movement that General Scott makes; but when I have said that of my friend and of a few other gentlemen upon that side of the House, I have done. Again, I say, you have forced this battle upon General Scott, *and it has been lost because you have forced it upon him;* and I declare before God to-day, as my solemn conviction, that if this thing is to be permitted to continue, you destroy this Government forever. I stand here in my place and make the declaration that, if General Scott cannot conduct this war, we have nobody that can. If he cannot, by strategy, skill, and courage, save this Government, it is impossible to save it. On this matter I have said all I desire to say.

Now, in reference to the bill before you, I have but a single word to say. A very erroneous idea seems to arise in some gentlemen's mind about the dignity and importance of States. I have said to the President, and I say to this House, that in my judgment all this call upon the Governors of the States for troops is mere courtesy. It is nothing else, and in that way you get the worst organization you can possibly get. My opinion is that the President should call for companies. He has the right to do it, in States, in counties, or anywhere else. The General Government, to the extent of the powers conferred by the Constitution, is supreme. The Constitution recognizes no such thing as State sovereignty, except as subordinate to that Constitution. When the President calls for troops in accordance with the Constitution, he has the right to call for them anywhere, and he has the right to move them anywhere. I make the broad assertion here to-day, that there is nothing in the Constitution that prevents the President, or the Commander of our Armies, from sending our troops anywhere in the United States.

These gentlemen talk about State sovereignty, and the marching of troops over the soil of States, and things of that sort. How can the Government preserve itself unless it can send troops anywhere within its dominions? Suppose it had occurred in the war of 1812 that a portion of the country was favorable to the foreign foe: do you mean to tell me that the Government could not have moved troops within their lines for the purpose of protecting itself? Sir, this Government, for some purposes, is supreme. It is supreme for the purpose of its own protection. It has a right to defend its capital—to defend its soil everywhere; and if it does not defend its capital and its soil, it is not the Government that I am in favor of. I will vote for a Government that can protect itself everywhere—with its armies; with its cavalry and its infantry. Gentlemen may refine and quibble about these things, but when you come to the Constitution, there is no refinement there; there is nothing there that does not permit the Government to send its armies everywhere for the purpose of its own protection. Now, I am not going to talk further about these things.

Mr. BLAIR, of Missouri. Mr. Speaker, I desire to say a few words in reference to some things which have fallen from the gentleman from Illinois in the course of his remarks.

Mr. STEVENS. I do not understand the gentleman from Illinois to yield the floor for the purpose of making a speech, but merely to ask a question.

Mr. BLAIR, of Missouri. I shall be very brief.

Mr. RICHARDSON. I will yield to the gentleman from Missouri for a few moments, and then I shall soon be through.

Mr. BLAIR, of Missouri. The point to which I desire to call the attention of the gentleman from Illinois and of the House is, to that portion of his remarks in which he has called in question the present Administration for the appointment of General Butler and General Patterson and General Cadwalader and other generals belonging to the Breckinridge party, as I understood him. Two of those gentlemen were appointed by the Administration, and I believe the gentleman is correct in saying that they supported Mr. Breckinridge in the last presidential contest. But General Butler came here as a brigadier general from the State of Massachusetts. It was the State of Massachusetts that first conferred that honor upon him. He was promoted a major general for his services in Baltimore, in putting down the mob of the 19th of April, and for the executive ability which he displayed in his command in Baltimore; and as I understand, General Patterson was selected upon the advice and recommendation of General Scott himself.

Mr. RICHARDSON. Permit me to say a word. I said that you had four generals appointed from the Breckinridge party, without complaining of it, while there had been none appointed from the Douglas party. My complaint was not against the appointment; but I stated the fact that four Breckinridge generals were appointed, and no man who supported Judge Douglas had any place.

Mr. BLAIR, of Missouri. I think there will be a chance yet for all the Douglas men who are qualified to be brigadier generals and major generals; and I imagine the gentleman himself would be amongst the first and best.

Now, there is another point in the gentleman's remarks which I desire to notice—that in regard to General Scott. The gentleman alleges that General Scott was driven into this battle the other day by some of the persons upon this side of the House, as I understood him. Now, there has been nothing said of General Scott here so derogatory to him as that which the gentleman himself has uttered. Is he fit to command the Army of the United States if he can be forced into a battle when he is not prepared for it, and against his own best judgment, by the outcries of outsiders, as the gentleman has characterized them? No one here has attempted to traduce or say aught against General Scott, except the gentleman himself, and he has leveled at him a charge which is derogatory to him in the very highest degree.

Mr. RICHARDSON. Well, I take it back, if I have. [Great laughter.]

Mr. BLAIR, of Missouri. If he takes it back, I have nothing further to say upon the matter.

Mr. STEVENS. I believe the gentleman from Illinois has done.

Mr. RICHARDSON. I will conclude in about a minute. I believe the gentleman from Missouri has taken issue with me upon the fact that General Scott was forced to fight this battle. I will tell the gentleman what occurred yesterday morning in the presence of my friends McClernand, Logan, and Washburne, of Illinois, and also in the presence of the President of the United States and the Secretary of War. I will try and repeat what was said. General Scott said: "Sir, I am the greatest coward in America." I rose from my seat immediately. "Stop, sir," said he, "I will prove it; I have fought this battle, sir, against my judgment; I think the President of the United States ought to remove me to-day for doing it; as God is my judge, after my superiors had determined to fight it, I did all in my power to make the Army efficient. I deserve removal because I did not stand up, when my army was not in condition for fighting, and resist it to the last." If the gentleman controverts what I say, I furnish the evidence, the proof. Here are the gentlemen present who heard this conversation. There is your Secretary of War and your President. He said that he ought to be removed because he had fought the battle against his judgment. I stand here to vindicate him.

I am indebted to the gentleman from Missouri for the compliment which he has passed upon me. I desire to say for myself, that I stand here the remains of three generations that have fallen in battle. The bones of my father and grandfather bleach upon the battle-fields where they fell beneath the flag of my country. I have stood beneath its folds at home and abroad in the storm of battle, and, with God's blessing, I will stand beneath it to the end, and defend it with my life against foreign or domestic foe.

Mr. WASHBURNE. As my colleague has referred to that conversation, I hope he will state to the House what the President said to General Scott.

Mr. RICHARDSON. I will state it. The President said, "Your conversation seems to imply that I forced you to fight this battle." General Scott then said, "I have never served a President who has been kinder to me than you have been." But, sir, he did not relieve the Cabinet from the imputation of having forced him to fight this battle. He paid a compliment to President Lincoln personally; and, Mr. Speaker, standing here in my place, I desire to say of Abraham Lincoln—and I have known him from boyhood's hour till now—if you let him alone, he is an honest man; but I am afraid he has not the will to stand up against the wily politicians who surround him and knead him to their purposes.

Mr. STEVENS obtained the floor.

Mr. BURNETT. I appeal to the gentleman's fairness and justice to yield me the floor for a moment or two.

Mr. STEVENS. I cannot yield any further. My good nature has brought upon the House a scene which they regret, and which I am sure the gentleman must regret himself.

Mr. BURNETT. That is true. No man feels more regret at it than I do; but I am not responsible for it. I hope the gentleman will yield me the floor for a few moments.

Mr. STEVENS. If I yield to him, I must yield to some other gentleman to reply to him.

Mr. BURNETT. I will say nothing that will make it necessary.

Mr. STEVENS. I cannot do it. This bill did not require discussion; and if any gentleman upon this side of the House had asked me to yield, when I was about to call the previous question, I should have refused him; but, sir, I deemed it proper to yield to the gentleman from Kentucky when I would not have granted the same indulgence to any gentleman upon this side of the House; because I deem it proper to give the largest privileges to a very small minority, and especially when that minority is founded upon the most odious and detestable principles. It is for this reason that I have always yielded to the gentleman from Kentucky: that he might have an opportunity of vindicating his principles and his position here. But, sir, it has led to a scene to-day which will be a warning to me in future.

I have only to say that this bill provides for the payment of the police established in the city of Baltimore by the commanding general of that division, and there is no other fund out of which they can be paid; the State of Maryland having made no provision.

Mr. MAY. Will the honorable gentleman allow me to say a word or two?

Mr. STEVENS. To ask a question.

Mr. MAY. I will limit my observations to the consideration of the question.

Mr. STEVENS. Oh no; I do not yield for observations.

Mr. MAY. I am the Representative of Baltimore.

The SPEAKER. The gentleman from Pennsylvania declines to yield.

Mr. MAY. I hope he will allow me to be heard upon this question.

Mr. STEVENS. I have already granted too large an indulgence for debate.

Mr. MAY. Then I can only protest, as I do solemnly, against the bill. It is a bill to provide the wages of oppression.

The SPEAKER. The gentleman from Maryland is not in order.

Mr. STEVENS. I was explaining this bill and stating that it was to pay the police of Baltimore, the establishment of which police has been denounced by the gentleman from Kentucky. Sir, I expected him to denounce it, and I have no objection to his doing so. Every malefactor, every criminal, is entitled to an advocate, and just such an advocate as has a taste for that business, or whom he may induce to undertake his defense.

Now, sir, here is a police instituted—what for? The chief of police was a traitor, and, if I am rightly informed, is so presented by the grand jury of the city. The police board, acting with him, have been also arrested, and are about being prosecuted for the same offense. They were found surrounded by arms, hidden, buried, and ready to be used against their fellow-citizens who were loyal to this Government. They were plotting treason, and had acted a large part of it. But, says the gentleman, the State was not appealed to to remove them. Sir, every one knows that the Legislature of the State of Maryland is a Legislature of traitors—a rebel Legislature. Its members are deeply imbued with the very principles that have created this terrible war, which is pouring forth the blood of this nation so copiously. Does the gentleman stand up here in the face of the nation and complain that military law has been proclaimed and enforced in the midst of a nest of traitors, and in a State whose organization, with the exception of its chief magistrate, is made up of traitors? Would he let loose these same men to reënact and enlarge the scenes that were enacted when our troops were coming to this capital at the call of the national Executive?

Mr. BURNETT. I wish to answer the gentleman's question.

Mr. STEVENS. The gentleman has already answered the question before I asked it.

Mr. BURNETT. No, sir; I want to answer it categorically.

Mr. STEVENS. I do not yield. I say, sir, that they in this House who feel that the Government of the United States are wrong in first establishing a police in the midst of these rebels, in producing order out of confusion and insurrection, ought to vote against this bill; but no man who believes that the lives of our citizens are properly under the guardianship of the Government of the United States, and that the traitors and rebels ought to be punished for such rebellion and treason, will vote against this bill. No man can be found in this House or country, unless he comes within the description I have mentioned, who will venture to suggest an objection to this bill. Sir, I call the previous question.

Mr. UPTON. I ask the gentleman from Pennsylvania to withdraw the call for the previous question.

Mr. STEVENS. I cannot.

Mr. UPTON. I have some information pertinent directly to this bill, which it will not take five minutes to state to the House.

Mr. STEVENS. I shall not open again this Pandora's box.

The previous question was seconded, and the main question ordered; and under its operation the bill was ordered to be engrossed, and read a third time; and, being engrossed, it was accordingly read the third time.

Mr. STEVENS moved the previous question on the passage of the bill.

The previous was seconded, and the main question ordered.

Mr. MAY. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered; only eight members supporting the call.

Mr. BURNETT called for a division.

The question was taken, and the bill was passed; there being, on a division—ayes 97, noes 6.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I now renew my motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. But first, I move that House bill No. 71, to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties, be made a special order; and that debate on it be confined to ten minutes.

Mr. WASHBURNE. I move to amend by closing the debate in five minutes.

The amendment was agreed to; and the motion, as amended, was agreed to.

The question recurred on Mr. Stevens's first motion; and it was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Blair, of Missouri, in the chair,) and proceeded to the consideration, as a special order, of House bill No. 71, to provide additional revenues for defraying the expenses of the Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties.

Mr. STEVENS. I move to dispense with the first reading of the bill, and that it be read by sections for amendment.

The motion was agreed to.

The Clerk proceeded to read the bill by sections for amendment.

Mr. SHEFFIELD. I would like to ask a question of the chairman of the Committee of Ways and Means. I see that, by the fifth section, it is provided that the assessors shall commence to make their assessment on the property of individual tax-payers in States on the 1st of January; and that, by section thirty-nine, it is provided that the States may assume this tax, and pay it out of the treasury of the State. It is provided that they shall determine that by the 1st of January. I want to direct the attention of the chairman of the Committee of Ways and Means to the propriety of amending that, so that the time shall be extended as late as the 1st of April, and for this reason: Many of the State Legislatures, in New England at least, meet in the month of January, and therefore it would be impossible for them to determine whether the tax should or should not be paid out of the State treasury within the time specified. I therefore suggest the propriety of amending that, by saying the 1st of April.

Mr. STEVENS. The gentleman has probably not adverted to the fact that the States can assume only that portion of the revenue that arises from direct taxation; and that, whether they assume it

or not, you must, for the purpose of internal taxation and excise, have the whole of this machinery. We amended the bill from its original shape, so as to give until the 1st day of April for the States to notify whether they will assume the amount of the direct taxes assessed on them respectively. But, if they do assume it, it does not obviate the necessity for the officers here provided for, because the States cannot assume and pay the internal and excise taxes. What they amount to in the various States will not be known till those assessors have performed their labors. We have, therefore, extended the time for giving notice of the States assuming the direct tax from the 1st of January to the 1st of April, and changed the day of payment to the 1st of May, so as to allow the meeting of the Legislatures, most of which meet before that time. There are one or two States—New Hampshire, for instance—that meet a little later, in June; but it would not do to postpone for too long a time the action of the States. The necessities of the Government are too great for that. Besides, it will cost but little for the State of New Hampshire to call together her Legislature in extra session. Her Legislature, and those of Vermont and some other States, talk but little when they meet; and it takes but a day or two to do all their business. It will, therefore, be no great inconvenience for them to meet earlier than the 1st of April.

Mr. SHEFFIELD. The suggestion of the chairman of the Committee of Ways and Means partially meets my design, but not entirely. However, with the consent of the committee, I will withdraw my amendment for the present, and will endeavor to renew it hereafter, if I deem it necessary.

Mr. ROSCOE CONKLING. I have an amendment which I will offer to section five. Perhaps it belongs there as well as anywhere. It is as follows:

Strike out all of the bill which provides for the appointment and prescribes the duties of Government assessors, and collectors, and insert as follows:

The Secretary of the Treasury shall make requisition annually upon the Governors of the several States and Territories, and on the proper authorities of the District of Columbia, for the amounts allotted to be raised by them respectively under the provisions of this act; which sums shall be levied, assessed, and collected in such States, Territories, and District, in the manner in which State, territorial, and District taxes are levied, assessed, and collected therein severally; and the allotments so collected shall be paid into the Treasury of the United States in coin or in Treasury notes.

Mr. Chairman, reluctant as every gentleman on this floor will be to vote for this bill, one of the most obnoxious—perhaps the most obnoxious—of all its features is that which creates an army of officers whose business it is to collect these taxes. I call the attention of the committee to that point, in order to see whether, in the form of this amendment which I have presented, or in some other tantamount way, we may not be able to expunge from the bill this feature of it.

The amendment, as the committee will see, provides that requisitions shall be made upon the Governors of the several States. Well, now, sir, it may be said that that is a volunteer office for the Governors to perform; and so it will be. But the answer to that objection is, that in every State where this tax can be collected at all for the present—not to speak of the future—that requisition will be answered by the Governor. It is not obligatory upon the Governors. The same point was raised under the fugitive slave law of 1793, which made obligatory upon justices of the peace the duties of commissioners. The question was raised, under that act, that it was unconstitutional for Congress to impose the duties of United States commissioner upon a State officer. The courts decided that if the justices discharged the duties of commissioner, it would be a mere voluntary office on their part; but if they chose to perform the duty, it would be legitimate for them to do it. So in reference to this requirement: wherever the requisition will be responded to at all, the Governors of the States will lend the State machinery for the purpose, and thus save the enormous expense of organizing and setting at work the Federal machinery for that purpose; and thus the most offensive feature of this bill will be saved.

Now, sir, if this amendment, which has been hastily drawn up, can be perfected and adopted, or if some member of the Committee of Ways and Means will propose a substitute for it that shall reach the point I have suggested, I shall be satisfied.

It may be said that there will be a difficulty about the apportionment and collection of these internal duties and excise duties. As I understand the bill, it provides for a specific duty or tax upon certain commodities. Well, sir, it may be a matter of difficulty to collect this description of tax without the intervention of Federal officers; and if it shall be found impracticable to accomplish that object, Federal officers may be brought into requisition; but just so far as the State machinery can be used for the purpose, will the expense to the Federal Government be saved, and this obnoxious provision to the people be avoided. I am not at all tenacious as to the manner in which the object is reached, and hope some member of the Committee of Ways and Means will suggest some form by which the point I make may be met, such as shall be acceptable to that committee. The committee will understand that to the extent which expense is avoided in the collection of this tax, to that extent will the most objectionable feature of the bill be avoided, and to that extent will the object which both the chairman of the Committee of Ways and Means and myself have at heart be accomplished. I think the provision should be adopted, even though it should become necessary to make further provision for the collection of the excise or internal taxes.

Mr. STEVENS. We are all conscious that this bill is a most unpleasant one. The Committee of Ways and Means are conscious that it is a most unpleasant duty for them to propose such a measure; and that it must be a most unpleasant duty for the House to adopt it, if this cup can pass from them. But, sir, we perceive no way in which we can avoid it, and sustain the Government. The rebels, who are now destroying or attempting to destroy this Government, have thrust upon the country many disagreeable things. It is unpleasant to send your sons and your brethren to be slaughtered in this unholy war. It is unpleasant to send the tax gatherer to the door of the farmers, the mechanics, and the capitalists of the country to collect taxes for defraying the expenses of this war. All this is disagreeable, and we all feel it alike. But, sir, both these things must come, or this Government must soon be buried in its grave. And, sir, when we have to choose between these disagreeable duties; when the annihilation of this Government is the alternative on one side, no loyal man can hesitate which to choose.

Now, sir, a single word in regard to the practicability of the amendment of the gentleman from New York, [Mr. ROSCOE CONKLING.] If it were practicable, I should certainly be in favor of its adoption. It will be seen by those who have looked into the provisions of this bill—and it is to be presumed that very few have, for it was not printed and open for examination until this morning—that it provides for two kinds of taxes; one direct upon real estate owned by the people, the amount being apportioned among the people according to Federal population under the Constitution. That is provided for in the way suggested by the gentleman from New York, or in a manner tantamount to the plan suggested by him, by the provision that if the States assume the debt within a given time, then there shall be no assessment upon real estate. The thirty-ninth section makes that provision—I do not expect that members can have read the whole bill, and therefore I refer to provisions in this way—but we can find no possible way for commutation of our internal tax or excise tax. By internal taxes, I mean those levied upon personal property, such as carriages, horses, and watches, and excise upon liquors, as produced at the distilleries, and commodities of this kind. I say it is impossible to fix any mode of commutation for this species of tax, for there is no possible way of ascertaining the amount to which each State should be assigned. Some of the States have a very large preponderance of this personal property. The tax will fall particularly heavy upon the large cities and upon the older States, while the direct taxes will fall more heavily upon the new States; but as I said, there is no way of ascertaining in advance what the amount of this internal tax will be in any one State; nor can we point out any mode by which the amount can be ascertained at less expense than that provided in the bill.

The gentleman from New York has suggested that a requisition be made upon the Governors of the States. Well, sir, if they would respond, and the Legislatures would carry out the requisition, that would accomplish the object; but here is the very difficulty which the bill was framed to meet. It is the very difficulty which was found under the old confederation. By the Articles of Confederation, Congress called upon the different States to furnish their quota which was assessed upon them. The result was, that some of the States raised it, while others refused to raise it; and there was no provision under the Articles of Confederation of enforcing the requisition. And it was mainly on account of this great defect that a convention was called, and the present Constitution framed. That Constitution authorized Congress to call upon the States—not upon the Governors or Legislatures of the States, but upon the people directly. To call upon the States is the only alternative left us; but the choice we have presented to the States in relation to direct taxes cannot be presented in regard to the internal taxes. I appreciate fully the object of the gentleman from New York; and if under our Constitution his plan could be carried successfully into effect, I would join him in advocating it. But, sir, the capitalists must be assured that we have laid taxes which we can enforce, and which we must pledge to them in payment of the interest on their loans, or we shall get no money. For these reasons, sir, I oppose the amendment of the gentleman from New York.

Mr. ROSCOE CONKLING. For the purpose of enabling me to make a suggestion I will move to amend my amendment by striking out the last three words.

Mr. Chairman, the amendment which I sent up was, as the committee will see, very crude for this purpose, and I have risen for the purpose of testing the sense of the committee to the end that if it be the wish that this object shall be attained, then this bill shall be recommitted to the Committee of Ways and Means, so as to have inserted a provision of that kind, or that some other mode may be taken of arriving at an amendment which will approximate perfection on this subject.

Now one word in answer to the gentleman from Pennsylvania, [Mr. STEVENS,] the chairman of the Committee of Ways and Means. He says, and says rightly I have no doubt, that under the theory of our Constitution there is no mode within the grasp of Congress of imposing upon the Executives of States any such duty as we are talking about.

But then I said when I was up before, and I desire to suggest it again now, and I hope the committee will attend to it, that it is a very wise thing to provide in this bill, in a case where the Governor of any State neglects or refuses to perform the function requested of him here, that whenever, by a certain day, he shall not have performed that function, then, and in all such cases, the President of the United States, or the Secretary of the Treasury, as the case may be, may proceed to apply the theory which is suggested here. There may be a State like the State of Kentucky, or some other State which stands first upon one foot and then upon the other, to ascertain whether it is going to be loyal or to join in the rebellion. If for that, or any other reason, the Executive chooses not to meet the voluntary duty here set forth, then I would provide in the bill, in that case and all such cases, that the precise machinery may be set in motion as is provided for as the bill now stands. It seems to me that the Committee of Ways and Means, by having this question presented, if that shall be the sense of the committee, might adopt an amendment or amendments, in lieu of that which I have sent up, which would effect this object, and which would eradicate from this bill a very large part of the expense, and dispense with a very large number of the officers provided for. I withdraw my amendment to the amendment, in order to take the sense of the committee upon the amendment I have offered.

Mr. BURNETT. I desire to ask the gentleman from New York, in opposition to his amendment, where he would get the authority to enforce an act of Congress requiring the Governors of the different States to carry out the provisions of this bill?

Mr. ROSCOE CONKLING. If I did not an-

swer that suggestion when I was up before, I failed in my purpose. I intended to call the attention of the gentleman from Kentucky and of the committee to the fact that the fugitive slave law, for example, of 1793, was based upon the precise idea which he seems to think is a fallacy, to wit: that State officials, in that case justices of the peace elected by towns, should perform the office of United States commissioners. The question was made, first, that that was a mere voluntary duty imposed upon them; and secondly, that the act was unconstitutional, because Congress went beyond its scope. The court, according to my recollection—and the gentleman will remember that as well as I do—decided that it was a voluntary office imposed by Congress; but that, whenever it was done and became a duty executed, it was regular and unexceptionable. Therefore, that clause of the bill was open to the objection that it was unconstitutional. So I say here. In the States where the Governors respond, so be it; it is a saving exactly of so much. In the States where the Governors, for any reason, state that they are not Federal officials, and that this is not a duty which can be imposed upon them, and that therefore they decline to perform it, then I propose that the amendment shall be remodeled to provide, in regard to those States, that the precise proceedings shall take place which are now provided in the bill. Have I answered the gentleman's question?

Mr. BURNETT. The understanding of the gentlemen of the acts of 1793 and 1850, and the decision of the Supreme Court upon those acts, and my own, do not agree.

Mr. ROSCOE CONKLING. Not the act of 1850, for that does not embrace the question.

Mr. BURNETT. The act of 1793 was amended by the act of 1850. The decision of the Supreme Court of the United States, in the case of the Governor of Kentucky and the Governor of Ohio, if the gentleman will read it carefully, he will find covers the point that the Congress of the United States, where there is no express authority, cannot impose upon the Governors of the States, except by mere request, the power to carry out any law of Congress.

Mr. ROSCOE CONKLING. That is the precise point I have been endeavoring to put to the committee. This Congress has no power to do anything more than—as the gentleman phrases it—by request, confer the duty upon a Governor; but when that duty is accepted and performed by a Governor, that act is competent; and the fact that the law makes such a request upon them is not an objection that the measure is unconstitutional. That is what I have been endeavoring to put to the committee.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had insisted on its amendments to Senate bill No. 2, to increase the present military establishment of the United States, and agreed to the committee of conference on the disagreeing votes between the two Houses; and had appointed Messrs. WILSON, RICE, and LANE of Kansas, as managers of said conference on its part.

ADDITIONAL REVENUE BILL—AGAIN.

Mr. COLFAX. I rise to oppose the amendment *pro forma*, and only with a view to put a question to the chairman of the Committee of Ways and Means. We all know how grave and important this bill is.

The CHAIRMAN. Debate has been exhausted on the amendment.

Mr. COLFAX. Then I move to strike out the last three words of the section as an amendment to the amendment. I rise for the purpose of obtaining information. I have read the bill hastily this morning, and therefore I may not be correct in the inference I have drawn from it. I infer that there is no direct tax levied upon personal property such as stocks, merchandise, &c. I will state to the chairman of the Committee of Ways and Means, that the most odious tax of all we can levy, is going to be the tax upon the land of the country. That is feasible for the tax gatherers of the States. If you pass a bill of this character, so that a man with $100,000 worth of land can put it into merchandise, and thereby escape this tax, the cry from the people will be, that they are willing to pay direct taxation to sustain this Government, but they do not want it levied in that way. I may be mistaken, and I have risen for information. I think that the bill is unfortunate if my inference is correct. I confess I should have preferred to take the bill now with only the taxes upon whisky, carriages, watches, and upon all the articles recognized as luxuries. If that be done, I think there would be found no objection to the bill. Those luxuries ought to be taxed in the present emergency. Let Congress at this time tax them. The people will sustain them in it.

When we are called together next December, if the exigencies of our financial matters and the condition of the country require it, we can levy a direct tax; and the country will be amply prepared to expect that it will be levied. But, however much I may defer to the better judgment of the Committee of Ways and Means, it seems to me that we are providing for a good deal more than we need. I know the gentleman will say that the rebel States will not pay their proportion of the taxes. But we have upon our banner, among other things, "the enforcement of the laws;" and we expect that those States will pay their taxes in some way. But the $30,000,000 levied, besides the other taxes levied in the latter part of this bill, will pay the interest at seven per cent. upon $300,000,000.

I have made these remarks rather to throw out suggestions to the chairman of the Committee of Ways and Means, than to make any technical objection to the bill.

Mr. STEVENS. I suppose the gentleman does not intend to be considered as technically correct when he speaks of direct taxes upon personal property. A direct tax, under the Constitution, is a tax upon real estate. Now, we have levied a tax upon all real estate. We have levied a tax upon the various articles which are mentioned; but we have not gone into the question of an income tax. That question is a large one; and in England that system has been practiced upon for some time. An income tax may be the most equitable that can be raised. It is a tax upon merchandise, upon professions, or upon anything of that kind; and if it is deemed advisable hereafter to levy such a tax, it can be done; but the committee has not advised it at this time. As to the tax upon land, it has been levied alike upon all; and I do not see how you can alter it. The valuation is to be made according to the location. I do not see how you can very well get at any other kind of property without laying an income tax.

I should regret, as much as the gentleman from Indiana would, to raise a larger revenue than is necessary. In the first place, the direct tax upon the loyal States amounts to $20,000,000. After paying the expenses of the collection, and allowing something for taxes which may not be collected, there will probably be $18,000,000. We have estimated—and it is a mere estimate—that the internal taxes will be $28,000,000. We hope that the revenue bill passed some days ago will produce $20,000,000; amounting in all to nearly $50,000,000. We cannot calculate that the tariff law of last year will produce this year over twenty or twenty-five million dollars.

Mr. LOVEJOY. Do I understand the gentleman from Pennsylvania to say that this tax is levied solely upon real estate?

Mr. STEVENS. No; for there are many articles of personal property mentioned.

Mr. LOVEJOY. I refer to the direct taxes.

Mr. STEVENS. Direct taxes, properly so called, are levied on real estate.

Mr. LOVEJOY. What is the objection of levying the tax upon all articles of property, as we do in raising State taxes?

Mr. STEVENS. We propose to levy a direct tax upon real estate, and internal taxes upon personal property of a certain character, the same as they do in the States.

Mr. LOVEJOY. Suppose a man has bought land, and given his note for the same: is the holder of the note taxed upon the note?

Mr. STEVENS. No, sir.

Mr. LOVEJOY. But the man who nominally holds the land is taxed?

Mr. STEVENS. The land is taxed.

Mr. LOVEJOY. I think that is unjust.

Mr. STEVENS. I think that is the practice in all the States. I have never heard of a tax being levied upon the value of land after deducting the incumbrances. We have not proposed a tax upon money out at interest, but we have proposed a tax upon carriages, bank notes, and various other articles enumerated in the bill, which the committee considered as articles of luxury more than anything else. But we have not proposed a tax upon all articles of personal property—upon windows, or upon bonds and mortgages. If the gentleman desires a tax upon such articles, he can propose it.

Mr. LOVEJOY. I think that direct taxes should be levied upon all articles that are taxed by our States in collecting their revenue, and in the same way. I like the amendment of the gentleman from New York, [Mr. ROSCOE CONKLING.] I do not think it right to tax the holder of land, and allow the owner of the note or mortgage to escape.

Mr. STEVENS. The practice of the different States varies much in the list of articles which are taxed. In one State certain articles are taxed which are not taxed in another. So there is no such thing as uniformity. We are, therefore, obliged to establish a uniform system, by applying the same provision to all the States. If the gentleman thinks we have not extended the tax sufficiently, and if he wishes to enlarge it, let him move an amendment, and he will find votes for it.

Mr. COLFAX, by unanimous consent, withdrew his amendment.

Mr. LOVEJOY. I move to strike out the last six words of the amendment of the gentleman from New York. I do not object to this bill because the tax is not large enough, but I object to the mode in which it is raised. I consider the honest and just method is to lay the tax upon all products alike, and compel each person to pay a tax upon all he is worth, whether it be real or personal estate. It is not just to tax a man who owns a farm that is worth $1,000 while you permit a man who owns $1,000 of merchandise to escape taxation. The tax should be levied alike upon all the property owned by the citizens of the States.

Mr. STEVENS. I would suggest to the gentleman from Illinois, that the amendment of the gentleman from New York does not propose to change the subjects of taxation, but simply the mode of laying the tax.

Mr. LOVEJOY. I am aware of that. I am in favor of a recommittal of the bill. I think it is objectionable to tax agricultural lands and not tax merchandise, bank notes, bonds, and mortgages, &c. Hence I shall, at the proper time, move to recommit the bill, in order that the committee may take into consideration whether the tax should not be so levied, that every citizen of a State shall pay according to what he is worth. I withdraw my amendment.

Mr. ASHLEY. I renew the amendment. I agree, Mr. Chairman, in thinking that the only proper mode for any Government to raise money is to tax property of all kinds according to what it is worth. But, sir, according to the Constitution, direct taxes are to be apportioned among the several States according to representation. Now, the city of Hartford, in Connecticut, had in 1844 more bank capital than the whole State of Ohio; and if direct taxes are laid, the district represented by the gentleman from Hartford will pay no more taxes than the district I represent. So the wealthier districts may escape their proper proportion of the taxes, under the provisions of this bill. But I do not see how we can avoid it, if we adopt direct taxation; and I would be gratified if any member of the House will answer the objection I have made, and show me how a bill may be framed levying direct taxes upon real and personal property according to its value.

Mr. McCLERNAND. Mr. Chairman, I rise for the purpose of opposing, *pro forma*, the amendment offered by the gentleman from Ohio. It is true, as the gentleman says, that the Constitution prescribes the rule or basis of direct taxation, and that each State must pay an amount of direct taxation in proportion to its Federal numbers; nevertheless, it does not follow that Congress, in imposing a direct tax, is limited to realty or land. Congress, in the exercise of a sound discretion, might lay a tax upon land, or on persons, or upon both; and that is the point which I understand my colleague to have made, in which I entirely concur with him.

Now, this bill is so framed that it must fall with very heavy, if not ruinous effect, upon the

great agricultural States of the West and Southwest. Their population is large, yet their capital and wealth are comparatively small. Take an illustration. Here is the State of Rhode Island, with about half the population of the State of Iowa, and yet Rhode Island possesses a pecuniary ability to pay taxes twice as large as Iowa could pay. Connecticut, with a population greatly smaller than that of Ohio, is able, perhaps, to-day to pay a larger tax than the State of Ohio. Still, that does not touch the question. The point made here is, that this tax should not be limited in its operations; but should fall equally upon all forms and varieties of property. I think that point is well taken. I think it is worthy the consideration of the House. Why should the agriculturist be taxed for his quarter section of land, when the man holding merchandise or bank property of equal value is not taxed for it? Why should land be thus burdened, and property of other sorts exempted from taxation?

The chairman of the Committee of Ways and Means says that personal property is taxed. I grant you that it is taxed, in the form of an excise, to a certain extent; but only certain selected articles of personal property are taxed, and not personal property of all kinds, as it ought to be. This tax, as it is now framed, would fall almost exclusively upon the agricultural classes. Is that right, sir? Is it just? The man who owns $50,000 to-day in merchandise goes scot free; to-morrow, having invested it in real estate, he is liable to be taxed. Is there any equity in that discrimination? Do not all political economists tell us that taxes imposed upon realty are the most onerous and oppressive, and the most injurious to the community, of all forms of taxation? And yet, that is the character of the taxes imposed by this bill. I hope the bill will be so amended that this tax will fall with equal effect on all kinds of property, real and personal. Not until that is done will it be just and equitable.

Mr. STEVENS. I wish to make a suggestion to the House. It is evident that this bill has not been read; and I do not wonder at it, for the printed bill was only brought in this morning, and it is a very long bill. We cannot discuss it so as to understand each other at all until gentlemen have read it. I see, therefore, a necessity for the committee to rise, and let this bill go over until to-morrow. Gentlemen all around me tell me that they have had no opportunity of reading it; and I know they have not. I move that the committee do now rise.

Mr. WASHBURNE. I hope we shall go on and consider the bill now. I do not believe it will be read if we postpone it.

Mr. ASHLEY. I appeal to the chairman of the Committee of Ways and Means to let the bill be recommitted to his committee.

Mr. STEVENS. That cannot be done here in the Committee of the Whole.

Mr. ROSCOE CONKLING. I appeal to the chairman of the Committee of Ways and Means to let a vote be taken on the resolution which I send to the Clerk's desk, and which will test the sense of the committee upon this very question.

The Clerk read the resolution, as follows:

Resolved, That House bill 71 be recommitted to the Committee of Ways and Means, with instructions to amend so as to provide that the tax on real and personal estate provided therein shall be levied, assessed, and collected in the several States, Territories, and in the District of Columbia, in the same manner as the State, territorial, and District taxes are, by local law, assessed and collected therein.

The CHAIRMAN. That motion is not in order.

Mr. ROSCOE CONKLING. I propose that the committee rise, for the purpose of enabling me to offer the resolution in the House.

Mr. STEVENS. I have moved that the committee rise; and after we go into the House the gentleman can offer his resolution.

The question was taken on Mr. STEVENS's motion; and it was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BLAIR, of Missouri, reported that the Committee of the Whole on the state of the Union had had under consideration the special order, being House bill No. 71, to provide additional revenue for defraying the expenses of Government and maintaining the public credit by the assessment and collection of a direct tax and internal duties, and had come to no resolution thereon.

Mr. ROSCOE CONKLING. I offer the following resolution:

Resolved, That House bill 71 be recommitted to the Committee of Ways and Means, with instructions to amend so as to provide that the tax on real and personal estate provided therein shall be levied, assessed, and collected in the several States, Territories, and the District of Columbia, in the same manner as the State, territorial, and District taxes are by the local laws assessed and collected therein.

Mr. COLFAX. I move to amend the instructions.

The SPEAKER. The Chair will first ascertain if the resolution is entertained by the House. If there be no objection, it will be received. The Chair hears none.

Mr. WICKLIFFE. I suggest to the mover of the resolution that he make it an order that the Committee of the Whole be discharged from the further consideration of the bill; and that it be recommitted to a select committee. He has a right to make that motion without the leave of the House.

Mr. ROSCOE CONKLING. I should be very sorry to take the responsibility of moving to refer the bill to a select committee. I think it is in the hands of the proper committee.

The SPEAKER. The Chair will state that the proper form of the motion is to discharge the Committee of the Whole on the state of the Union, and recommit the bill, with the instructions.

Mr. ROSCOE CONKLING. I care nothing about the form of the motion. My object is simply to have the bill recommitted to the Committee of Ways and Means.

Mr. COLFAX. I offer the following, in lieu of the instructions proposed by my friend from New York:

To strike out the direct tax of $30,000,000; and to provide for a tax on stocks, bonds, and mortgages, money at interest, and income tax, in addition to the other personal taxes now provided for in the bill.

Mr. Speaker, one single word in explanation of that proposition. I will go with the chairman of the Committee of Ways and Means or any one else—with him who goes furthest—on this question of taxation, just as fast as we need money; but I think we had better, as we are going now into a new field of experiment in taxing the people, make haste slowly. We should let the people understand that the burdens of war are to fall, in the first place, upon those who are best able to bear them—the wealthy men of the country; but if, in consequence of a continuance of the war, we require more money, then we must come to the direct tax which the Committee of Ways and Means recommend. We meet again in four or five months at furthest. I think what is suggested now of personal tax, with that proposed by the Committee of Ways and Means on whisky, carriages, watches, &c., will be sufficient for this session. If, when next session comes, this war still continues, and these States are still in rebellion, and we have to go to the people and say, "You have to give us your money, even to the last dollar, to put down this revolution," you shall have my last dollar, and the last dollar of my constituents, if necessary; but do not let us take it until we find it needed. Let us first put this burden upon the men who are best able to bear it.

Mr. KELLOGG, of Illinois. I do not know that I exactly understand the purport of the amendment of the gentleman from Indiana. As I understand it, from hearing it read at the Clerk's desk, it is in substance that real estate shall not be taxed.

Mr. COLFAX. I will repeat it to the gentleman. The Committee of Ways and Means have recommended a direct tax of $30,000,000, apportioned among the various States—a little over $20,000,000 among those States which are expected to respond—and also a system of assessing and collecting the same. They also provide for a license tax, and a tax on whisky, beer, ale and porter, carriages, promissory notes, and bank bills. I do not propose to interfere with these taxes, but to instruct the committee to strike out the direct tax—a large proportion of which everybody knows will not be collected in the disloyal States—and confine itself, for the present, to taxes on stocks, on bonds, on mortgages, on money paying interest, and to income tax.

Mr. KELLOGG, of Illinois. That is about as I understood the gentleman. The purport of it, then, is this: that the direct tax which is to be realized from the taxation of real estate, is to be suspended by the operation of the gentleman's proposition, and put, substantially, an income and personal-property tax in its place. Now, what I object to is, that the tax should not be exclusively levied on what is known as personal property. It may seem a little strange that a member from a western State—an agricultural State—should be opposed to any relief from taxation on real estate. But yet it will not appear strange when it is recollected—and I wish to call the attention of the gentleman from Indiana to the fact—that a large amount of the real estate in the western country is held by non-residents. The effect of the gentleman's proposition would be to relieve from taxation non-residents who hold millions of property in the West, and to impose taxation on the residents. A taxation on real estate, as well as personal property, would be more just, more equitable, more reasonable, and would fall alike on resident and on non-resident property holders. I want to tax the non-resident landholder—the man who has invested his money, and who holds property which is becoming valuable by the efforts and energies of those who live in the western country. I want to tax his interest equally with the interest of those who live on their land, and by their improvement of the country make the non-residents' investment really valuable. I wish to equalize and make just the taxation which is necessary to carry on the war and to raise money for the support of the Government, and do not wish to screen any particular interest. Therefore I am opposed to the amendment of the gentleman from Indiana.

Mr. BINGHAM. If I understand the proposition of the gentleman from Indiana, it is to strike out the first section of the bill. That section lays a direct annual tax of $30,000,000 on the United States, and apportions it among the several States. This tax of $30,000,000 is laid on land and on slaves. While I may have no objection, Mr. Speaker, when we come to consider that portion of the bill which relates to what the Committee of Ways and Means are pleased to term "internal duties"—perhaps very correctly—to increase the number of articles or kinds of property to be taxed under that branch of the law, I do object to any attempt on the part of the House here, on the mere suggestion of gentlemen, to depart from the established precedent, the established construction, and true meaning of the terms used in the Constitution in its grant of power to Congress to levy and collect taxes, duties, excises, &c. The uniform construction has been that the power to levy and apportion direct taxes could be rightfully applied only to lands and slaves. I think that this is not the time for the friends of the country and of the Constitution to undertake to establish a new construction, in the face of judicial construction, of the legislative construction, and of the cotemporaneous construction given while this very article of the Constitution was under consideration in the national and State conventions. I undertake to say that the uniform construction of that clause of the Constitution is this: that, under the head of direct taxation, as provided for in the Constitution, to be apportioned among the several States, according to the ratio of representation, there is nothing to be taxed except land, tenements, and slaves as appurtenant to land, unless it be a direct capitation tax on the person, without respect to his property or to his income. The provision of this bill which is proposed to be stricken out does not impose a capitation tax, but it does lay a direct tax on the land of the country. Land ought to be taxed, for it is the basis of all the wealth of the country. If you do not tax it, you may as well stop your war. You may as well abandon the idea of ever raising the moneys needed to restore the Government of the country to its supremacy, if you are going to exclude land from direct taxation. What is there in the rebel States to tax but land and slaves? The direct tax laid by the act of 1813 was imposed on land and slaves. This bill follows that precedent.

I desire to call the attention of the House to some things that have been said in this connection touching the limitation of the words "direct taxation," as used in the Constitution. I quote from Story on the Constitution:

"SEC. 952. Taxes on lands, houses, and other permanent real estate, or on parts or appurtenances thereof, have al-

ways been deemed of the same character, that is, direct taxes. It has been seriously doubted if, in the sense of the Constitution, any taxes are direct taxes except those on polls or on lands. Mr. Justice Chase, in Hylton *v.* United States, (3 Dall. R. 171,) said: 'I am inclined to think that the direct taxes, contemplated by the Constitution, are *only* two, viz.: a capitation or poll tax simply, without regard to property, profession, or other circumstance, and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term, direct tax.' Mr. Justice Patterson, in the same case, said: 'It is not necessary to determine whether a tax on the produce of land be a direct or an indirect tax. Perhaps the immediate product of land, in its original and crude state, ought to be considered as a part of the land itself. When the produce is converted into a manufacture, it assumes a new shape, &c. Whether "direct taxes," in the sense of the Constitution, comprehend any other tax than a capitation tax, or a tax on land, is a questionable point, &c. I never entertained a doubt that the principal, I will not say the only, objects that the framers of the Constitution contemplated as falling within the rule of apportionment, were a capitation tax and a tax on land.' And he proceeded to state that the rule of apportionment, both as regards Representatives and as regards direct taxes, was adopted to guard the southern States against undue impositions and oppressions in the taxing of slaves. Mr. Justice Iredell, in the same case, said: 'Perhaps a direct tax, in the sense of the Constitution, can mean nothing but a tax on something inseparably annexed to the soil; something capable of apportionment, under all such circumstances. A land or poll tax may be considered of this description. The latter is to be considered so, particularly under the present Constitution, on account of the slaves in the southern States, who give a ratio in the representation in the proportion of three to five. Either of these is capable of an apportionment. In regard to other articles, there may possibly be considerable doubt.' The reasoning of the Federalist (Nos. 31, 36) seems to lead to the same result."

Now, Mr. Speaker, touching the other matter attempted to be accomplished by my excellent friend from New York, [Mr. ROSCOE CONKLING,] in the amendment which he has offered. It occurred to me, in reading the bill, that his end is accomplished already by the very terms of the bill; and I think that the object of my friend from Indiana [Mr. COLFAX] is also accomplished in the same way; that is to say, of the direct tax of $30,000,000, as apportioned among the several States, by the terms of the bill, any State may assume and pay its portion, and may collect it as the gentleman from New York suggests, and impose it upon the moneys and credits of its citizens, as the gentleman from Indiana desires. If this burden is not properly distributed in any State, it will not be the fault of this bill, but the fault of the people of the several States themselves.

The bill provides in the thirty-ninth section that each State may pay into the Treasury of the United States its quota of the direct tax imposed by this act for the first and any and every succeeding year; and in consideration of such payment the State will be entitled to a deduction of fifteen per centum on the amount of such quota.

Mr. McCLERNAND. That is very true; but suppose the State does not pay the tax: then the Federal Government must collect it; and the question arises, on what shall the tax be assessed?

Mr. BINGHAM. I have already suggested that my objection to the motion of the gentleman from Indiana was, because it struck out the first section of the bill, which subjects the taxable lands in the several States to taxation. He looks simply to raising this immense sum of money from an income tax or from an excise tax. Now, in answer to the gentleman's question, I say again, as I have intimated before, that if, for example, the $2,300,000 apportioned to the State of Ohio be not collected by way of an income tax as well as by way of a tax on land, it will be the fault of the people of the State; because the thirty-ninth section expressly provides that a State may assume payment of the tax, and she may, if she does so, provide ways and means in her own mode for reimbursing her own treasury.

Mr. HUTCHINS. I wish to state the objection that will be made in Ohio to assuming the tax. I admit that that would be the equitable way; because in Ohio we have endeavored to tax every man according to his wealth. If Ohio assumes this debt, as perhaps she ought to, it would be collected out of the property of Ohio; but capitalists will object to such assumption for the reason that, if they are rated according to Ohio law, their capital will have to help to pay it; while, if collected according to United States law, it will be exempt from it.

Mr. BINGHAM. My colleague does not seem to comprehend exactly my objection to the motion of the gentleman from Indiana. I have said that I thought the first section of the bill, as far as I have been able to read and understand it, was wise and necessary, and was demanded by the public exigencies. His proposition is to strike out that section. I say it ought not to be struck out; because land constitutes one of the chief subjects of direct taxation under the Constitution of the United States, and is, together with the tenements and slaves, by uniform construction, the only source of DIRECT TAXATION under that Constitution, save and except a capitation tax laid without regard to property.

Under the thirty-ninth section of this bill, there can be no valid objection to the direct tax on land, on the score on which objection is urged here; because it will be in the power of each State to take care of its own interest in that respect, and to see to it that capitalists shall pay their due proportion of the amount apportioned against the State. My colleague surely did not mean to intimate that the people of Ohio are not able to take care of themselves, and to see that justice is done between man and man in raising this revenue. If the State assumes the payment of a debt, the State will see to it that the money is raised, and raised properly; and the capitalists, whatever their murmurs may be, will be made to pay their just proportion of the taxes. Gentlemen may tell me that I am advocating what will prove a heavy burden upon the people of my State. Sir, the people of my State are loyal to the Constitution and to the Government; and they will respond without a murmur to the first section of this bill. They will pay promptly the $2,300,000, which is assessed as their proportion under the direct tax which is laid. They esteem the Constitution as above all price. I repeat, sir, that the people of Ohio will see to it, although, as my colleague suggests, capitalists of the State may murmur at it —though they may roar like the "bulls of Bashan"—that they shall pay their due proportion of the tax into the State treasury for this purpose. What complaint, then, is there to the first section of this bill?

Mr. DAWES. Do I understand the gentleman from Ohio to state that, by this method, the State can make a certain class of capital pay taxes which would not pay if assessed by the United States? I understand his argument to be that taxes cannot be laid by the United States upon personal property.

Mr. BINGHAM. I have not said so.

Mr. DAWES. I understand the gentleman from Ohio to state that to be the fact.

Mr. BINGHAM. I did not.

Mr. DAWES. Then it is my fault in being dull of comprehension; for if that was not the gentleman's statement, he has failed to make me comprehend the point of his argument.

Mr. BINGHAM. I have said that the amendment of the gentleman from Indiana [Mr. COLFAX] is to strike out the first section of the bill, which alone provides for direct taxes in terms. I have before said, and now repeat, in answer to the suggestion of the gentleman from Massachusetts, [Mr. DAWES,] that the constitutional power in Congress to lay a direct tax is, by the uniform construction, limited to a tax upon real estate and slaves, or upon persons. There is no power conferred by the Constitution to impose *direct taxes* upon personal property. That is what I said, and what I say now.

Mr. DAWES. Now, will the gentleman allow me to say a word?

Mr. BINGHAM. If the gentleman wishes to ask a question, I will yield; but not to make a speech.

Mr. DAWES. I do not ask permission to make a speech; I only wish to propound an interrogatory in connection with the statement the gentleman now makes. It is this: does the gentleman suppose the State of Ohio can impose a direct tax upon a species of property which the United States cannot tax?

Mr. BINGHAM. As a direct tax?

Mr. DAWES. Yes, sir.

Mr. BINGHAM. Unquestionably she can.

Mr. DAWES. If it is unconstitutional for the United States to impose a direct tax upon property other than real estate, has the United States the power to place the obligation upon the State of Ohio, and has that State the power to levy and collect a direct tax upon property other than real estate?

Mr. BINGHAM. Does not the gentleman from Massachusetts comprehend, that the law of the Congress of the United States places no obligation upon the State of Ohio? The bill authorizes, but does not oblige, the State of Ohio to assume and pay her quota of this tax. If the State does not pay, then the Federal Government collects it; not off the State, but off the citizens of the United States within the State. The bill simply apportions the tax among the several States in accordance with the requirements of the Constitution of the United States. That Constitution, I assert here, does not operate upon the power of a State touching the taxation of property within its limits, by State laws, to raise its own revenue. That is my answer to the gentleman. The people of the State of Ohio do not derive their power to tax the property within their own limits for the purpose of supplying the revenues of their own treasury, from any act of Congress, or from any provision of the Federal Constitution. It is a power inherent in the people of the State themselves, which abides with them, and which is exercised by their municipal authorities, by what is sometimes called State or municipal sovereignty, within their own State limits—a power which in some of the States it is not deemed necessary to provide for even by State constitutional provision, it being acknowledged as an inherent power of the people.

Mr. Speaker, I have risen not for the purpose of raising any captious objection to the amendment of the gentleman from New York, but for the purpose of raising objection to the amendment of my friend from Indiana, because his amendment contemplates an exemption of lands from direct taxation under the bill. That provision I trust the House will not strike out of the bill. Sir, taxes upon lands, as well as upon moneys, is the mode contemplated by the Constitution for raising revenue in any extraordinary emergency like this; and I stand here to say that if that provision which subjects the lands of the people of the Republic to taxation be stricken out, this Government cannot raise the revenue necessary to carry it through this emergency, for the reason that you cannot obtain loans unless you provide the certain means of future redemption of the principal and the present payment of the interest. You cannot do this if you exempt from taxation the lands of the people, the source of the nation's wealth.

Mr. STEVENS. If I understand the object of the amendment of the gentleman from Indiana, [Mr. COLFAX,] it is to strike out entirely that portion of the bill which provides for direct taxation. He does it upon the ground that we do not need the money now, and that it would be odious to tax the real estate of the country, upon which alone, under the Constitution, direct taxes can be imposed. Sir, let me tell the gentleman that all taxes are odious; and the statesman who is afraid to meet that odium when the Constitution of the country requires it to prevent its overthrow, is hardly fit for these times. Does the gentleman mean to say that we do not need the money? We have authorized the borrowing of $250,000,000; Our public debt already amounts to $100,000,000; making $350,000,000, if we can borrow the money. Beside the sum which we must pay for interest on this amount, we have to meet the ordinary expenses of the Government; and I ask the gentleman, for these ordinary and extraordinary expenses of the Government during this emergency, where is the money to come from? Where does the gentleman find the means for meeting these demands? He would put off the provision for six months. Sir, by putting it off six months, you also put it out of the power of the Government to provide arms and munitions of war for six months: and we are left without means of preparation for the great events that are on us. There is no man in this House at all acquainted with the financial concerns of the Government, who does not know that neither the capitalists in this nor any other country will ever lend the Government money when it makes no provision for its redemption; and I tell the House that, unless such provision is made, the loans you have already authorized will not be taken, and the Treasury will be left without a dollar.

You have authorized the calling out of half a million men to put down this bloody rebellion; and when you have authorized the President to do that, you are for taking from him the means which are necessary to furnish them for the field. I do not understand what the gentleman means.

Does he not expect that Congress will provide the necessary appropriations for the pay and equipment of the troops? Must we take from the Government all means of negotiating this loan? If this $30,000,000 is to be stricken out, $20,000,000 of it to come from the free States, then we will have left the internal tax, which cannot produce over $10,000,000. That, added to the revenue bill we have already brought in, and to the ordinary revenues of the Government, cannot produce enough to defray what were the ordinary expenses of the Government before this war arose, and to pay the interest on the public debt. It is as much as to say, when you have stricken down that provision, you have stricken down all the appropriations for this war. You have paralyzed the efforts of the Government. After you have ordered them to do certain things, you have taken away the means of doing it.

Now, the gentleman does not expect, I suppose, that this war is only to last for a few months, and that we will not need this money. He does not expect that it will cease of itself. I look upon it, as I have looked upon it ever since these States went deliberately into treason, as one which will be a protracted and bloody war. Some gentlemen have an idea that our enemies, being rebels, will surrender—will succumb in the course of a few months, and with little expense, and that they will not fight the battle they have undertaken. I flatter myself with no such hope. I believe that the battles which are to be fought are to be desperate and bloody battles; and that they are to be numerous. I believe that many thousand valuable lives will be lost, and that millions of money will be expended. The only question is, whether this Government is prepared to meet all these perils, and to overcome them. If they are, they must submit to taxes which are burdensome; which the people, I know, at any other time, would not submit to for a moment; but which I believe they will now submit to. I object to the amendment of the gentleman from Indiana [Mr. COLFAX] altogether.

As to the amendment of the gentleman from New York, [Mr. ROSCOE CONKLING,] if he could put it into the shape of an inquiry into the propriety of doing so, instead of an absolute order to do it now, when I do not think the House is ready to give that construction, I should not object to it. I have no objection to an inquiry into anything which the House may desire to have inquired into. If, on inquiry, some mode may be found of accomplishing what the gentleman from New York desires, then it can be presented to the House for its action.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had insisted on its disagreement to the amendment of the House to joint resolution of the Senate (No. 5) to pay the widow of the late Stephen A. Douglas the amount due to him as Senator at the time of his death; and had agreed to a committee of conference on the disagreeing votes of the two Houses, and had appointed Messrs. CLARK, DIXON, and JOHNSON of Tennessee, managers of said conference on its part.

Also, that the Senate had disagreed to the amendments of the House to bills of the Senate of the following titles:

An act (No. 3) to provide for the better organization of the military establishment;

An act (No. 20) authorizing the appointment of an Assistant Secretary of the Navy and fixing the salary of the same, and for other purposes; and

An act (No. 31) to increase the medical corps of the Navy, and for other purposes.

Also, that the Senate had concurred in the amendments of the House to Senate bill No. 14, for the better organization of the Marine Corps.

ADDITIONAL REVENUE—AGAIN.

Mr. SHELLABARGER. I understand the object of the amendment of the gentleman from New York [Mr. ROSCOE CONKLING] to be to admit of a collection of taxes by the State authorities. Let me inquire whether the States which so desire may not avoid the expense of additional officers by making the advances provided for in the thirty-ninth section? Is not the object of the gentleman from New York substantially accomplished by the bill as it now stands?

Mr. STEVENS. I think not. So far as the direct taxes are concerned, it is provided that the States may assume them without any machinery; but those taxes are contradistinguished from the internal taxes. That section does not provide for the latter.

Mr. SHELLABARGER. Have the committee had under consideration the propriety of assessing an *ad valorem* tax upon all property where that tax may be assessed? Direct taxes will be levied according to population. I understand the constitutional rule to be that when you come to levy a tax, not direct, it shall be assessed according to the value of the property of the citizens of the several States.

Mr. STEVENS. Congress has no constitutional power to assess taxes upon a State. It must assess it upon the individual. There is no mode of ascertaining the value of the personal property pointed out by the Constitution; and this machinery is for the purpose of ascertaining that fact; and it is the only mode I know of which is within the efficient control of Congress. If we knew how much each State possessed of personal property, if we knew the valuation of it, we might then give the States the opportunity of paying upon that and dispensing with this machinery. There is no mode by which that can be ascertained that I know of, and can be enforced, except the one now suggested. But I have no objection to inquiring into the expediency of adopting any other mode.

Mr. PIKE. Has the chairman or committee made any estimate of the amount of an income tax?

Mr. STEVENS. We have not had our attention turned to it.

Mr. COLFAX. I agree with nearly everything the chairman of the committee has said, and I am perfectly willing to go as far as any one in raising men and money for the purpose of putting down this wicked and unholy rebellion; but I wish now to call his attention to the second section of his bill, which provides that this machinery shall not go into effect until the next session of Congress. The appointment of the assessors is not to be made before then. This law, if it passes, will remain perfectly stagnant until then.

Mr. STEVENS. It absolutely provides for the $30,000,000 of taxes. We pledge ourselves to that for those who loan us the money we ask.

Mr. COLFAX. The bill is so framed that capitalists will understand that it will remain idle until next December. If these taxes are deemed necessary now, this bill should go into operation immediately. These assessors should be appointed and sent out to do their work, so that this money shall be raised as promptly as possible to sustain the credit of the country. If, however, we can wait for the appointment of assessors until next December, we can wait until then to pass this bill. I am perfectly willing to agree to the motion of the gentleman from New York, to recommit this bill. I am willing to change my instructions so as to meet the suggestion of the chairman, that the committee shall inquire into the expediency of these things. My object is the same as his. If it be necessary to raise $20,000,000, or $30,000,000, or $40,000,000, or even $50,000,000, by direct taxation, I will go with him as readily as any man here to raise it. When I saw the bill provided that it shall not go into operation before December next, I deemed it proper to make the suggestion I have. If we put the bill off until the next session, we will, I think, be then able to act more intelligently on these subjects.

Mr. WRIGHT. I concur most fully in the remarks made by the gentleman from Indiana, and I take this occasion to make an appeal to my worthy friend, the chairman of the Committee of Ways and Means, not at this time to press upon the country this question of direct taxation, which, of all others, should be avoided if it can be. Now the bills which we have passed authorizing loans to be made, and authorizing the issue of Treasury notes, certainly make every provision for any contingency which can possibly arise between this time and the next session of Congress.

Now, I agree with the gentleman from Pennsylvania, and also with the gentleman from Indiana, and am willing to go with them, whenever it becomes an absolute necessity, to any extent, in reference to the raising of money in order to put down this rebellion. I pledge them to do it; but at the same time, it seems to me, that in the feverish condition of the country, after we have imposed taxes upon a great many luxuries, as well as necessaries of life, this would be pushing the thing in hot haste; and it may affect disastrously that patriotism and liberality which has led the people to subscribe the men and money which it is absolutely necessary to possess at all times. Now, let me appeal to the gentlemen to postpone the consideration of this bill until we meet here again. As has already been said, the provisions of the bill do not take effect until after that time.

And, then, why is it necessary to send forth to the country the proposition of direct taxation when the attention of the country should be concentrated upon a more important matter? If there is any one thing of more importance than another, at this period of time, it is union of opinion and sentiment among the loyal men of the United States. If the levying of direct taxes at this time will prevent such union of sentiment and opinion, there is no one but will see that it is the worst policy that could be adopted. I ask the gentleman, therefore, as a friend of this Government and the Union, to postpone the consideration of this question until these momentous matters which we have on hand shall be terminated one way or the other—fortunately, in the name of God, I hope. Before resuming my seat, I move to postpone the consideration of this bill until the next meeting of Congress.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the House had passed the following bill and resolution; in which he was directed to ask the concurrence of the House:

A resolution (No. 9) relative to the exhibition of the industry of all nations, to be held in London, in the year 1862; and

An act to provide for the holding of the district and circuit courts in judicial districts during a temporary vacancy of the judgeship.

Mr. HUTCHINS. I move that the resolution of the Senate just received be referred to the Committee on Manufactures. I make the motion because the message of the President upon that subject has been referred to that committee, and the committee now have it under consideration.

The motion was agreed to.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled "An act to refund duties on arms imported by the States;" when the Speaker signed the same.

ADDITIONAL REVENUE BILL—AGAIN.

Mr. PIKE. I am opposed to a postponement, because I think we ought to consider the question of taxation now. But the suggestions of the gentleman from Indiana [Mr. COLFAX] do not obviate the objections to this bill. The trouble in this bill is in the apportionment of the amount to be raised—in apportioning the $30,000,000 according to the population of the country, irrespective of its wealth. We have already, at the suggestion of the Committee of Ways and Means, assessed a tax of $30,000,000—according to their estimate—*per capita*, upon the country. We have voted a tax upon tea, sugar, coffee, and molasses, which, in its results, comes as near a *per capita* tax as any that can be assessed. The proposition now is to assess an additional tax of $30,000,000. My idea about the matter is, that since we have provided for $30,000,000 in proportion to numbers simply, the next $30,000,000 of this extraordinary taxation should be levied upon the property of the country.

Now, it is objected by the gentleman from Ohio [Mr. BINGHAM] that we have no constitutional power to assess a tax upon personal property. Very well. That provision of the Constitution applies to the assessment of direct taxes, *eo nomine*, upon the States. Now, my proposition, which I submit to the consideration of the Committee of Ways and Means, is to assess such a tax as shall affect not only real property, but personal property. And still further, that it shall affect property only; and still further, following the example of the English income tax, that it shall affect

property held not only by people in this country, but by people abroad. It is very well known that English income tax, which is now seven pence on the pound on incomes exceeding £150, produces a large sum. The public debt of Great Britain, whether held at home or abroad, is assessed, and the governors and directors of the Bank of England are made commissioners for the purpose of collecting that tax; as also are the directors of the South Sea Company made commissioners for collecting the tax upon the bonds and indemnities of the South Sea Company. So of the managers of other corporations. If we levy an income tax of ten per cent., according to the recommendation of the Secretary of the Treasury, it will give us a large revenue from the officials. But let it go further. A tax upon incomes arising from estates, and from personal property, is assessed as directly upon the property of the country as any tax can possibly be. You have, then, this advantage from an income tax; you have it upon real estate and upon personal property.

There is also this further advantage: a large amount of the indebtedness of the States, and of the railroads of the country, is owned abroad—the greater portion in Great Britain. Let us make those persons who control that property help carry on this war. If five per cent. is not sufficient to give the requisite amount, make it ten; and if ten is insufficient, make it fifteen. By means of tables which can be readily furnished, the Committee of Ways and Means can estimate, with some considerable degree of correctness, the necessary tax to be assessed.

According to this bill of the Committee of Ways and Means, a dollar a head is assessed upon the population of the country. Rhode Island is assessed $175,000; but I have no doubt that if the assessment was made according to property Rhode Island would pay four times the sum per head that Wisconsin would pay, and perhaps five or six times as much as Kansas would pay; and the same disproportion of population and wealth exists elsewhere. Having already assessed the people of Kansas, Wisconsin, Maine, and other of the comparatively less wealthy States *per capita* for their proportion of the $30,000,000 upon tea and coffee, it is unfair to assess in the same manner another $30,000,000, when we have the ready and fair way of raising that sum, by an income tax upon real and personal estate.

Mr. MORRILL, of Vermont. The State from which I come is perhaps as much opposed to a direct tax as any other State in the Union. But, sir, they prefer a direct tax to giving up this Government. If that is the alternative, they will not hesitate which to choose.

These side motions and flank movements to defeat the bill, instead of a square vote to postpone it, in order that we may do nothing, are in effect the same as any motion would be to kill the bill. Now, Mr. Speaker, unless we pass this bill, or something equivalent, our entire meeting at this session of Congress will have been for nothing. We have come here and made a gigantic brag, and yet, when we are called upon now to face the battery of direct taxation, we are to retreat. It is utter folly to suppose that we have given the Government $500,000,000, or any number of millions of dollars, and five hundred thousand or three hundred thousand troops, unless we supply the sinews of war—the means of raising the money to bring the men into the field. You may authorize a loan; but you cannot get capitalists to lend their money unless you give them satisfactory security. It is not the rate of interest you mean to pay that draws out capital, but it is the rock-bottom security that capitalists are going to be paid the interest punctually and their principal when due. Now, in relation to the bill. As the gentleman from Maine [Mr. PIKE] has suggested, I think it would be well if it went even further, and embraced other items for taxation; but let us take it as good as far as it goes. I have no doubt we shall quite early enough come to the question of an income tax, and some other items which I should be willing to see embraced in this bill; but I question very much whether thereby we should secure more votes. We want to pass something now promptly; something that will enable the Secretary of the Treasury to negotiate a loan; and if we stand here and higgle about this bill, that it is not exactly right in this thing and that thing, and take off a cheese-paring here and a cheese-paring there, and finally end in a disagreement or postponement, in my judgment, the Secretary of the Treasury will not be able to negotiate a single dollar—not a dollar.

Now, Mr. Speaker, I hardly think the discussion should be confined in so narrow a space as at present it is with the motion to postpone hanging over us. I want to see gentlemen brought to a direct vote, whether they are willing to supply means for the Administration to prosecute this war, or whether they will proclaim, in the face of the enemy, that the troops are to be withdrawn from this capital; for a postponement of this bill—a failure to pass it—will be in fact a proclamation that we are to abandon the capital, and that very soon. I move the previous question.

The SPEAKER. The question is on the motion to postpone the further consideration of the bill until December next. The previous question will exhaust itself on that motion.

Mr. VALLANDIGHAM. Is it in order to move to suspend hostilities in the mean time?

The SPEAKER. It is not.

The previous question was seconded, and the main question ordered.

Mr. HOLMAN demanded the yeas and nays on the motion to postpone.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 43, nays 88; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Cooper, Cox, Cravens, Crisfield, Crittenden, English, Fisher, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Leary, Logan, Menzies, Noble, Norton, Nugen, George H. Pendleton, Reid, Richardson, Robinson, James S. Rollins, Smith, William G. Steele, Vallandigham, Vandever, Vibbard, Voorhees, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, and Wright—43.

NAYS—Messrs. Aldrich, Alley, Arnold, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Calvert, Campbell, Chamberlain, Colfax, Roscoe Conkling, Conway, Corning, Cutler, Davis, Dawes, Delano, Diven, Dunn, Edgerton, Edwards, Eliot, Fenton, Fessenden, Fouke, Franchot, Frank, Gooch, Goodwin, Granger, Hale, Hanchett, Harrison, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Lehman, Loomis, Lovejoy, McClernand, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Stevens, Stratton, Train, Trowbridge, Upton, Van Horn, Van Valkenburgh, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Windom, Woodruff, and Worcester—88.

So the House refused to postpone the consideration of the bill.

During the call,

Mr. RIDDLE stated that Mr. TRIMBLE was ill at his room.

Mr. UPTON stated that his colleague, Mr. BROWN, came here an invalid when the session was somewhat advanced, and was compelled to return to his home in Virginia on Saturday last.

The result of the vote having been announced as above recorded, the question recurred on the amendment proposed by Mr. COLFAX to the resolution offered by Mr. ROSCOE CONKLING.

Mr. BLAKE. I offer the following as an amendment to the amendment:

That the bill be recommitted to the Committee of Ways and Means, with instructions to strike out all after the enacting clause of the bill, and insert a provision authorizing the Secretary of the Treasury to issue Treasury notes to the amount of $59,000,000, in denominations of five dollars and upwards, bearing interest at the rate of three per cent. per annum.

Mr. LOVEJOY. I move the previous question.

The previous question was seconded, and the main question ordered.

ASSISTANT SECRETARY OF THE NAVY.

On motion of Mr. SEDGWICK, by unanimous consent, the House insisted upon its amendments to Senate bill No. 20, to authorize the appointment of an Assistant Secretary of the Navy and fixing the salary of the same, and for other purposes, and asked for a committee of conference on the disagreeing votes of the two Houses.

MEDICAL CORPS OF THE NAVY.

On motion of Mr. SEDGWICK, also, by unanimous consent, the House insisted on its amendments to Senate bill No. 31, to increase the medical corps of the Navy and for other purposes, and asked for a committee of conference on the disagreeing votes of the two Houses.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill of the House making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861, and agreed to the conference asked by the House; and had appointed Messrs. FESSENDEN, SHERMAN, and LATHAM the committee on the part of the Senate.

INCREASED REVENUE BILL.

The House then resumed the consideration of the resolution submitted by Mr. ROSCOE CONKLING in relation to the bill to provide additional revenue for defraying the expenses of the Government and maintaining the public credit by the assessment of a direct tax and internal duties, and the amendments pending thereto.

Mr. WASHBURNE. Is it too late to make a question of order on the amendment offered by the gentleman from Ohio, [Mr. BLAKE?]

The SPEAKER. The Chair thinks not.

Mr. WASHBURNE. Then I make the point of order that it is not in order as an amendment to this bill. It is a proposition to issue shinplasters.

The SPEAKER. The amendment proposes to instruct the Committee of Ways and Means to do what the House itself could not do, and the Chair therefore sustains the point of order. The House could not strike out the bill, and insert such a one as that.

The question recurred on Mr. COLFAX's amendment.

Mr. COLFAX modified the same, so as to make it directory to the Committee of Ways and Means "to inquire into the expediency," &c.

Mr. McCLERNAND demanded the yeas and nays on the amendment.

The yeas and nays were not ordered.

The amendment was disagreed to—ayes thirty, noes not counted.

The question recurred on the resolution submitted by Mr. ROSCOE CONKLING; and which was read, as follows:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of the House bill No. 71; and that the same be recommitted to the Committee of Ways and Means, with instructions to inquire into the expediency of so amending it as to provide that the tax on real and personal estate provided therein shall be levied, assessed, and collected in the several States, Territories, and the District of Columbia, in the same manner as the State, territorial, and District taxes are by local laws assessed and collected therein.

Mr. STEVENS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken on Mr. ROSCOE CONKLING's resolution; and it was decided in the affirmative—yeas 70, nays 61; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Ancona, Ashley, Joseph Baily, Beaman, Francis P. Blair, George H. Browne, Buffinton, Calvert, Chamberlain, Cobb, Colfax, Roscoe Conkling, Conway, Cooper, Cox, Cravens, Crittenden, Curtis, Dunlap, Dunn, English, Grider, Gurley, Haight, Hale, Hanchett, Harding, Holman, Johnson, William Kellogg, Law, Leary, Lehman, Logan, McClernand, McKean, McPherson, Mallory, Menzies, Mitchell, Morris, Noble, Norton, Nugen, Odell, George H. Pendleton, Porter, Robinson, Edward H. Rollins, James S. Rollins, Sedgwick, Shanks, Smith, William G. Steele, Vallandigham, Vandever, Vibbard, Voorhees, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Woodruff, Worcester, and Wright—70.

NAYS—Messrs. Babbitt, Baker, Baxter, Bingham, Samuel S. Blair, Blake, Burnett, Campbell, Clark, Corning, Crisfield, Cutler, Davis, Dawes, Delano, Diven, Edgerton, Edwards, Eliot, Fenton, Fouke, Franchot, Gooch, Goodwin, Granger, Harrison, Horton, Hutchins, Jackson, Julian, Kelley, Francis W. Kellogg, Loomis, Lovejoy, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Potter, Alexander H. Rice, John H. Rice, Riddle, Sheffield, Shellabarger, Sherman, Spaulding, Stevens, Stratton, Train, Trowbridge, Upton, Van Horn, Van Valkenburgh, Verree, Wallace, Charles W. Walton, E. P. Walton, Washburne, and Albert S. White—61.

So the resolution was agreed to.

Mr. VALLANDIGHAM moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had passed, without amendment,

an act relative to the revenue marine, to compensation of the officers thereof, and for other purposes.

And then, on motion of Mr. KELLOGG, of Michigan, (at five minutes before four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *July* 25, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

BILLS INTRODUCED.

Mr. CLARK asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 10) declaratory of the determination of Congress to maintain the supremacy of the Government and integrity of the Union; which was read twice by its title, and ordered to lie on the table, and be printed.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 47) granting public lands and a loan of the credit of the Government to the People's Pacific Railroad Company, to aid in the construction of a railroad from the Missouri river to San Francisco, on the Pacific coast; which was read twice by its title, and referred to the select committee on the Pacific railroad.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 48) providing a commission to examine and report as to the compensation of all officers of the Government and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. GRIMES, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 19) to establish a national armory on Rock Island, in the State of Illinois, reported it without amendment, and recommended its passage.

Mr. GRIMES, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 45) to make an appropriation for the rebuilding and repair of the Long Bridge, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 46) to provide for the construction of a bridge across the Potomac river; which was read twice by its title.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the petition of James Hamilton, praying that the Navy Department may be authorized to avail itself of an improvement made by him in machinery for curvelinear and compound bevel sawing, reported that its further consideration be postponed until the first Monday of December next; which was agreed to.

He also, from the same committee, to whom were referred resolutions of the Legislature of the State of Rhode Island, in relation to the establishment of the United States Naval Academy in that State, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Joseph Arters and others, citizens of Quincy, Illinois, praying the establishment of an arsenal and armory at that place, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of citizens of New Jersey, praying that the Naval Academy may be located at the city of Perth Amboy, in that State, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of V. Y. Ralston and others, citizens of Quincy, Illinois, praying the establishment of an arsenal and armory at that place, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of citizens of Pennsylvania, praying the establishment of a national armory at the Falls of Big Beaver river, in Beaver county, Pennsylvania, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. FOSTER, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795, reported it without amendment, with a recommendation that it do pass.

Mr. SUMNER. The Committee on Foreign Relations, to whom were referred resolutions of the Legislature of New York relative to the treaty with Great Britain, commonly known as the reciprocity treaty, have had the same under consideration, and have directed me to report it back, with the recommendation that this whole subject be postponed to the next session of Congress.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, from the Committee on Foreign Relations, reports that the subject-matter referred to be postponed until the first Monday of December next.

The motion was agreed to.

INSTRUCTIONS TO MINISTERS.

Mr. HOWE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate all instructions issued by the executive department to our foreign ministers, since the 4th of March last, in reference to the rebellion now existing in the southern portion of the Union, if, in his judgment, the publication of the same be not incompatible with the public interest.

CONSULAR FEES.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of so amending the law relative to consular fees as not to require the payment of fees to consuls for more than four trips in the year, by American vessels that run regularly, either weekly, monthly, or otherwise, between foreign ports.

DESTRUCTION OF NAVY-YARDS.

Mr. HALE. I am instructed by the Committee on Naval Affairs, to whom was referred a resolution inquiring into the circumstances attending the surrender of the navy-yard at Pensacola, and the destruction of United States property at the navy-yard at Norfolk and the abandonment of the same, to report it back with a recommendation that it pass, with two amendments, which I send to the Chair. I ask that the resolution be considered at this time.

The PRESIDENT *pro tempore*. The resolution and the amendments will be read.

The Secretary read the following resolution submitted on the 20th instant, and referred to the Committee on Naval Affairs:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the circumstances attending the surrender of the navy-yard at Pensacola, and the destruction of the property of the United States at the navy-yard at Norfolk, and the abandonment of the same by the forces of the United States, and to inquire especially if there was any default in either case on the part of any officer of the United States; and that said committee be empowered to send for persons and papers, and that they be authorized to sit during the recess of Congress; and further, that they be allowed to devolve all or a portion of these inquiries on a sub-committee of their own members, if they shall deem it expedient.

The first amendment of the committee was to strike out the words "Committee on Naval Affair," and insert "a select committee of three, to be appointed by the Chair."

The amendment was agreed to.

The next amendment was to insert at the end of the resolution, "and that they have power to employ a clerk."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

Mr. ANTHONY. I should like to hear the resolution read as it now stands amended.

The Secretary read it.

Mr. TRUMBULL. Is the resolution subject to further amendment?

The PRESIDENT *pro tempore*. The resolution is open to further amendment.

Mr. TRUMBULL. I suggest that, while we are inquiring into the destruction of property at the navy-yards at Norfolk and Pensacola, we also inquire into the destruction of property at Harper's Ferry. I move to insert, "and the armory at Harper's Ferry" in the proper place.

Mr. HALE. I have no objection to that amendment. The reason that we did not propose it was, that the Committee on Naval Affairs, from whom the resolution comes, did not consider themselves charged with any inquiry in relation to the military affairs of the Government. As it is to be devolved upon a select committee instead of the Committee on Naval Affairs, I have no objection to the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois is, after the word "Norfolk," to insert, "and at the armory at Harper's Ferry."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That a select committee of three, to be appointed by the Chair, be instructed to inquire into the circumstances attending the surrender of the navy-yard at Pensacola, and the destruction of the property of the United States at the navy-yard at Norfolk, and at the armory at Harper's Ferry, and the abandonment of the same by the forces of the United States, and to inquire especially if there was any default in either case on the part of any officer of the United States; and that said committee be empowered to send for persons and papers, and that they be authorized to sit during the recess of Congress; and further, that they be allowed to devolve all or a portion of these inquiries on a sub-committee of their own members, if they shall deem it expedient; and that they have power to employ a clerk.

INDEMNIFICATION OF STATES.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (H. R. No. 69) to indemnify the States for expenses incurred by them in defense of the United States, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. Its purpose is to direct the Secretary of the Treasury to pay to the Governor of any State, or to his duly authorized agents, the costs, charges, and expenses, properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TARIFF BILL.

Mr. SIMMONS. I am instructed by the Committee on Finance to report back the bill (H. R. No. 54) to provide increased revenue from imports, to pay the interest of the public debt, and for other purposes, with a substitute, to strike out all after the enacting clause; and if it is the pleasure of the Senate to consider it now, I will explain its provisions and purposes.

The PRESIDENT *pro tempore*. The Senator from Rhode Island, from the Committee on Finance, reports back House bill No. 54, for the raising of revenue, accompanied by an amendment in the form of a substitute for the whole bill, and asks for the present consideration of the bill.

Mr. HALE. Unless it is very urgent, I feel constrained to say that I do not like to vote on such a bill without having it printed, so that we can see what it is.

Mr. SIMMONS. It has been printed and laid on Senator's tables for about a week.

Mr. HALE. The substitute?

Mr. SIMMONS. The substitute was printed three or four days ago. However, I have no objection to its going over.

Mr. HALE. Let it lie over. I thought it was a new substitute.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire object?

Mr. HALE. I do, unless the Senator from Rhode Island says it is absolutely necessary to-day.

Mr. FESSENDEN. I suppose the Senator from Rhode Island can explain the objects, and then it can be printed. He desires to make some explanation in regard to it. I suppose there is no objection to that.

Mr. HALE. I withdraw the objection.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of this bill.

Mr. COLLAMER. It has been said that the substitute has been printed; but I desire to know

whether the substitute now offered is the same that was printed.

Mr. SIMMONS. There is a very slight amendment in reference to the first section of the bill; but it does not change the amount of duties scarcely at all; and I do not know that it does a cent.

The PRESIDENT *pro tempore*. No objection being made to the consideration of the bill at this time, it is before the Senate as in Committee of the Whole, the question being upon the amendment reported by the Committee on Finance; and upon that question the Senator from Rhode Island has the floor.

Mr. SIMMONS. I desire to present some of the considerations that induced the committee to change the character of the bill as it came from the House of Representatives. The bill of the House proposes additional specific duties upon three or four of the leading articles of consumption in the country, to wit: tea, coffee, sugar, and molasses, with some slight variation of the duties on spices, amounting, perhaps, in all, to $50,000, so far as these four articles are concerned. As near as the committee could ascertain the results of the bill as it came from the House, it would yield an additional revenue of $20,000,000 to what we now collect; and although I suppose it has not been of sufficient interest to the people generally to recollect what was said about the tariff that passed last spring, I will restate what the committee concluded that tariff would yield. It was supposed, when the duty on tea and coffee was in, it would yield $65,000,000 on an annual importation of $325,000,000; but the duty on tea and coffee being stricken out, there was a reduction of $5,000,000, leaving the bill, as it now stands upon the statute-book, to yield about $60,000,000 on an importation of $325,000,000. Three hundred and twenty-five million was taken as the basis, because that was the average importation of the four preceding years.

The substitute now presented levies very nearly, if not quite, the same duty on all the articles included in the House bill, except sugar. There we reduce. The duty on sugar by the substitute of the Committee on Finance is 2 cents a pound; by the House bill it is 2½ cents a pound on raw sugar, and 3 cents on clayed sugar; and, by the way, the importation of clayed sugar amounts to only 1,000,000 pounds. We did not think it worth while to make any distinction. Out of 700,000,000 pounds imported, there is only about 1,000,000 pounds of clayed sugar. That will make a reduction on what the House would have raised on these imported articles of about $800,000 or $1,000,000. To make that up and to get additional revenue we propose to add ten per cent. on all dutiable schedules, and to the free schedules, except the leading articles I have just enumerated. To these we add nothing; but on all the other articles on which duties are now imposed, we add ten per cent., unless where the addition of ten per cent. to the present duty would make it more than fifty per cent., and in those cases it is not added. The importation of the articles thus increased amounting to about $260,000,000, this would give us an additional duty of $26,000,000. Then deducting the $1,000,000 which we take off sugar, we have an addition to the House bill of $25,000,000; so that if these estimates are anywhere near correct, the substitute reported by the Committee on Finance, as an addition to the present law, will give an annual revenue of $105,000,000 on customs.

I do not know that the Committee on Finance has formally prepared any estimate of the expenditures of the Government. My own opinion is, that the annual expenses of the Government, when these troubles have subsided, will be $80,000,000, and that the interest on the public debt will be from $25,000,000 to $30,000,000, supposing them to be terminated, as I suppose they will be terminated, before a great while. That will make an annual expenditure of from $105,000,000 to $110,000,000; and to meet our expenses, and to pay the interest on the public debt, I believe the House of Representatives are maturing a plan for raising an additional amount of money for the public Treasury by different forms of taxation. I believe it is the duty of Congress to raise $20,000,000 in addition to what is proposed to be raised by this impost bill; and it is my deliberate judgment, having given this subject some considerable attention, that the only proper form, in addition to such a duty as we recommend, for raising these $20,000,000 or $25,000,000 is the form of a tax on incomes. Let us tax property, in the last resort, when we have to reach the poor as well as the rich, people of small means as well as those who have large; but I do not believe this country has come to a pass to be driven to a resource of such extreme measures. I think, with what we can collect by a moderate duty on importations and a moderate tax on incomes exceeding $1,000, we can meet all the exigencies of the public service, loaded down as it will be by this wicked rebellion.

Many people will believe—in fact, almost everybody believes, that the taxation we imposed last year was enormous. Such has been the current of the public press since that bill was passed, that unless the people have studied it carefully they have been misled with reference to the impositions contained in that law. I have taken some pains to ascertain what has been the history of our finances. In all the labor I have been able to bestow on the subject, I have been unable to find any table in a condensed form reaching back more than forty years. Now I want to state, that the public may know, if they will ever read what I do say, what has been our impost system for the last forty years in the history of this Government. We have had a great many changes in it. I will begin with the year 1821.

From 1821 to 1828, the average rate of duty upon the dutiable imports was 36.60 per cent.—a little over 36½; and upon the whole importations of the country, including the free list, 34.43 per cent. I suppose I may as well leave out these hundredths, for they are of no consequence. From 1828 to 1832, the duties were 41.16 per cent. on the dutiable goods, and 38.32 on the whole importations. From 1832 to the end of 1833, two years, the duties on the dutiable goods were 44.24, and upon the whole importations 33 per cent. Tea and coffee were made free in that tariff, which made a great disparity between the whole importations and the dutiable goods. From the 1st of January, 1834, to 1842, the period that was known as the operation of the compromise tariff, the average of duties on dutiable goods was 29.65 per cent., and on the whole importation 15.42 per cent. That act made a very large addition to the free lists. We had an overflowing Treasury, and the only object and purpose of that tariff act was to relieve the Treasury of that surplus. From 1842 to 1846, the average duties on the dutiable importations were 36.60, and on the whole importations, 26.73 per cent. From 1847 to 1857, including both years, the average was 26.03 on dutiable goods, and 22.88 per cent. on the whole importations. From 1857 to 1861, three and two thirds years, the average amount collected on the entire importation was 14⅜ per cent., and about 16 or 17 per cent. on the dutiable goods. I did not go into that calculation.

That, sir, is our actual experience. The rates of duty upon the entire importation for forty years have ranged from about 14½ to 38 per cent., some being more discriminating than others; and I say, notwithstanding what the newspapers write on the subject, that our present tariff act, with the addition proposed by the Committee on Finance, is a fair medium for the forty years. I have not ciphered it out, but I can tell pretty near by reading these figures over. The duties on the dutiable schedules under the tariff act of 1846, which lasted eleven years, averaged 30⅝ per cent.; and upon the whole importations 27 per cent. That was the rate specified in the schedules. We collected only 22 per cent., but that was the provision of the law. There were a great many evasions under it. Then, under the act of 1857, the imposition was 17¾ per cent., on the dutiable goods, and 16 per cent. upon the whole importations.

The tariff act now on the statute-book is composed of some specific duties, as well as *ad valorems;* and I will give a comparison of the rates, prefacing that the duties on brandies and spirits run in that bill from 33½, up to perhaps 66⅔ per cent.—making an average of 50 per cent. That is schedule A in the tariff. Then the wine duties are 40 per cent. That is schedule B under the act we passed last session. There is another schedule of 30 per cent., embracing silks; another of 25 per cent.; another of 20, 15, 10, and 5 per cent. The average of these duties on the dutiable goods is 24 per cent.; on the entire schedules, 21⅛ per cent. That is the bill of last year, which is called a bill of such dreadful duties. The committee propose to add on 10 per cent.—making 31⅛ per cent. The average rate of duty under the tariff bill of 1846, which was in operation for eleven years and against which there was no complaint, was 30 per cent. and a fraction—1 per cent. less than this with the fractions.

Now, the only purpose I have in making these explanations, is to show, by actual demonstration, that so far as rates of duty are concerned, this bill is a medium between the lowest point and the highest point, the lowest point being between fifteen and twenty, and the highest forty-four. Evidently, this is a fair medium, and yet, I suppose we shall be considered exceedingly extravagant in trying to replenish our Treasury.

I agree that that rate of duty is more than I should be willing to impose upon the consumption of the country for a series of years. It is not needed as an incidental benefit to any great leading interest of the country. I think that was sufficiently provided for in the original bill that was intended to raise $65,000,000, and therefore there is a provision in the second section of the substitute that, whenever the public exigencies shall justify it, this addition of ten per cent. shall be taken off by proclamation, so as to bring it down to where it is now, except the duty on tea and coffee, which I say will be permanent. I have no objection to taxing liquors as much as any gentleman suggests, and I have no particular choice about this bill. It is subject to amendment, and I shall not cavil about any that is offered. I merely designed to explain what were our views; and as I believe I have possessed the Senate of the principal points in it, I do not know that I need weary their patience with any further explanation.

Mr. HALE. How about works of art?

Mr. SIMMONS. If a work of art is accompanied by a certificate that the man who made it was an American, we allow it to come in free, if it is imported as a matter of taste, and not for sale. I tried to respect the feelings of the chairman of the Committee on Foreign Relations.

The exigencies that called upon the committee for this increase of indirect taxation are known to the country; and I believe the people will cheerfully bear this imposition. I was going to make some allusion to what has transpired since we have been here, showing the additional necessity of providing this revenue without much delay. I do not know what to call the sort of precipitate retreat from Centreville that some of our soldiers made the other night; but I believe it is going to make it much more difficult for us to negotiate loans than if they had stood their ground, which they would have done if they had not been ordered peremptorily from the field. Soldiers must obey orders, whatever their opinion may be of their propriety. I suppose I have done as all other Senators have done who had troops in the field from the States they represent. When the troops of Rhode Island returned, I repaired to the camp to inquire of their welfare; and the unvarnished tale of the unlettered soldier was precisely like the conversation of the scientific and accomplished officer. They all told the same story; and that was a story of valor and firmness and endurance that any men might be proud of. I have heard a great deal of criticism on this battle in the streets. I am not a military man; but if there is any parent mourning the loss of a child in the Rhode Island regiments, I shall say to them here, as at home: weep not, but rather rejoice that one who sprung from your loins has participated in this conflict, which was waged in defense of the most beneficent Government our race ever knew, and was worthy of Rome in her Fabian age, or of Lacedæmon in the days of Leonidas. It is to pay for services in such a cause that these exactions are made upon the people of the country. They ought to be resolved upon by Senators. They certainly will be responded to by their constituents.

We were told by nearly, if not quite all the press and the people of the country, before we came here, that it was our duty to pass all necessary laws, and go home in a week or ten days. I think that such a crisis as this demands of every patriot the study of every measure with the utmost attention.

There is not a man living on the face of the globe who has any experience in events of the magnitude we are considering; and I shall cheerfully stay here till I spell every word in all these bills that I could understand if I read them; such as I cannot, I will not read, but vote for upon the faith I have in those who examine them. Sir, this nation is entering upon a page of its history which, in my judgment, is destined to make it the most renowned the world has ever known.

This imposes upon us all, as individuals, as well as upon the nation, responsibilities among ourselves, as well as among the nations of the world, such as we have been unaccustomed to, and which no other circumstances would have laid upon us. Other nations will see with what alacrity three hundred thousand men have rushed to the defense of their flag. This may excite in rivals jealousy—possibly hostility. They will watch us with more eagle eyes, and look upon whatever we do with a sterner regard to our advancement; but I believe posterity will see here the greatest nation the sun ever shone upon. Believing this, I am ready to begin to provide for the obligation it will impose. When this is done, the Genius of Freedom will say to her votaries everywhere, in every country and in every clime, wherever our standard winnows the buxom air: "Be not afraid, it is I."

Mr. HALE. Mr. President, I am very glad to hear the remarks made by the honorable Senator from Rhode Island. I always listen to him with pleasure, and never with more pleasure than I have listened to him this morning. The honorable Senator took occasion to pay a just tribute to his fellow-citizens from Rhode Island who were engaged in the late battle. I think it was due to them, and I think it was handsomely done, as the Senator always does everything that he undertakes to do. But when such remarks are made—and I have no doubt they have all been made in a patriotic spirit—I think it is my duty to say a single word in reference to the only citizen of my State that commanded a regiment in the late contest. So far as I can learn, whatever of censure may have fallen upon anybody, none of it belongs to him or to his corps. I refer to Colonel MARSTON, the colonel of the second regiment of New Hampshire, who is also entitled to a seat in the other House of Congress. I believe he did everything that the most experienced veteran soldier could do on that occasion. He was wounded, as Senators doubtless are aware; his arm was shattered so that he expected he must submit to amputation. He was on foot when he was wounded, but he would not be detained from the head of his regiment; he told the surgeon to splinter up his shattered right arm in the best way he could, called for his horse, and in that condition mounted, his horse being led by a servant; and he was in his saddle at the head of his regiment some two or three hours after it was thus shattered, expecting as soon as the battle was over that the arm would be amputated. I cannot sit still here, or anywhere else, and hear remarks made which might, by implication—I know they were not so intended—reflect on a man who so nobly and gallantly performed his duty on that occasion; and I trust I shall not be out of place when I say, before I sit down, that I am happy to be able to say that the wound, it is hoped, will not prove so disastrous as it was once supposed it would, and that he is in a fair way of recovery.

Mr. SIMMONS. I must have been unfortunate if anybody supposed I intended to reflect on that gallant man.

Mr. HALE. No.

Mr. SIMMONS. I did not say anything about New Hampshire, because New Hampshire men can do it better than I can.

Mr. HALE. I did not so understand you.

Mr. SIMMONS. I did not say anything about any of them. I merely said what they told me of the whole of them that fought at all.

Mr. FESSENDEN. I was desirous that this bill should be taken up this morning merely for the purpose of hearing the explanation to be made by the honorable Senator from Rhode Island, who drafted the proposed substitute, who is the author of it, and who, therefore, understands it much better than anybody else. It was not with the design of having it finally acted on to-day; because with regard to a bill of this importance, I am perfectly aware that, although it may be printed and laid upon our tables, it is not the custom of Senators to examine it very minutely until it is actually brought before the Senate for consideration. I am, therefore, perfectly willing, in accordance with a suggestion made by the Senator from New Hampshire in the first place, and in fact rather desirous, in order that gentlemen familiar with the subject may have an opportunity to examine the bill more at their leisure, if they wish to do so, that the bill shall go over until to-morrow for further consideration.

I will add, while saying this, that the bill was adopted by the committee as a substitute for that which was sent here by the House of Representatives, because it appeared to be quite simple in its provisions, easily understood, easily to be acted upon, and because we believed it would add very much more to the whole revenue of the country; and yet there are some points of it which need consideration. I take this occasion to say that I agree with the Senator from Rhode Island that we shall have to do yet more before we adjourn, in order to place the credit of this Government where it should be placed in order to meet the present exigency. In what exact form that will come has not yet been determined upon by the committee. I am free to say, however, from all the consideration that I have given to the subject, that I am inclined very much to favor the idea of a tax upon incomes, for the reason that, taking both measures together, I believe the burdens will be more equalized on all classes of the community, more especially on those who are able to bear them. I am perfectly aware that, if we should resort to a tax upon incomes instead of those which are proposed in the bill which is now being acted on in the House of Representatives, and if Congress should finally come to that conclusion, the burden, if burden it is, will fall much the most heavily on the Atlantic and Middle States. I am willing that it should be so, although I am an inhabitant of one of those States, for the simple reason that I believe, in money matters at the present time, they are much more able to bear it, and that that tax will be more lightly felt by the people generally; at all events, it would fall on those most able to bear it.

I have not, however, come to any definite conclusion; neither has the committee, for the matter has not yet been brought properly before us; we have no bill on the subject, and have not seen what the House of Representatives may choose to do, and therefore our minds are open to conviction. But I have mentioned the subject in order that it may be brought to the consideration of Senators, following up the line of remark which has been adopted by the Senator from Rhode Island, in connection, also, with remarks by other Senators who think we should not talk about adjourning in a hurry.

I said some days ago, that we were here at our own expense, and therefore we were doing the people no injury by attempting to do their business deliberately and well. There are many contingencies arising in this state of things, from day to day, that require not only the consideration of the executive government, but may require the consideration of Congress; and we should be ready to meet the issue and stay here just so long as our services can by any possibility, or in any probable event, be required in order to sustain the Government. I am exceedingly anxious, as every one of the members of Congress undoubtedly is, to get through with my share of public duty and return home; but I am not so anxious to do that, as to be disposed to forget for a single instant that it is a duty we are performing, and that we cannot perform it in haste or in impatience. Patience is a great virtue, and one which, I fear, many of us have been recently inclined to forget. Now is the time to remember it, and to practice upon our knowledge of its necessity. Therefore, sir, although I believe that, with proper attention, we can finish the business now before Congress in the course of a part of next week, (perhaps it may take the whole of it,) I hope Senators will be disposed to consider this bill, and any other that may be brought before them with reference to obtaining the means to carry on this war, with deliberation and calmness, and with no disposition to pass over anything without giving to it all the attention which the importance of the subject and the crisis demands.

I am not one of those who are disposed to find fault with anybody who is acting with me in this great crisis. We are made up differently, as we ought to be—men of different degrees, different courses, different inclinations, different judgments—and some of us, perhaps, have more command over ourselves than others. We must make allowances for everybody. I believe all this nation is disposed to do its duty—the Congress, the Executive, the members of the executive government, the Army, the Navy, the people. And, sir, if we keep on in that line, although we may make mistakes and commit errors and fall short of our duty, as human nature always must, from its imperfections; yet, bearing with each other, making proper allowances for each other, retaining the same spirit with which we began, I have no question that we shall come to a fortunate and successful issue; and that is all, sir, that we can demand. Whether the time is near or distant, must be left for future events to determine. I am disposed to wait for them calmly and patiently, and not to find fault with others if they will not trouble themselves about me.

Mr. SIMMONS. I suggest, if this bill is to go over, that there are a few alterations in pencil, and I should like to have it printed with those amendments inserted.

Mr. FESSENDEN. That can be made part of the motion.

Mr. SIMMONS. I want you to make the motion.

Mr. FESSENDEN. I move that the bill be postponed until to-morrow, and printed with the amendments.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House insists upon its amendment to the bill of the Senate (No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and for other purposes, disagreed to by the Senate, asks a conference on the disagreeing votes of the two Houses thereon, and appoints Mr. CHARLES B. SEDGWICK of New York, Mr. ALEXANDER H. RICE of Massachusetts, and Mr. JAMES E. ENGLISH of Connecticut, managers at the same on its part.

The message further announced that the House insists upon its amendments to the bill of the Senate (No. 31) to increase the medical corps of the Navy, and for other purposes, disagreed to by the Senate, asks a conference on the disagreeing votes of the two Houses thereon, and has appointed Mr. CHARLES B. SEDGWICK of New York, Mr. ALEXANDER H. RICE of Massachusetts, and Mr. JAMES E. ENGLISH of Connecticut, managers at the same on its part.

The message further announced that the House had passed the joint resolution of the Senate (No. 9) relative to the exhibition of the industry of all nations to be held in London, in the year 1862.

ASSISTANT SECRETARY OF THE NAVY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No 20) authorizing the appointment of an Assistant Secretary of the Navy, and for other purposes, disagreed to by the Senate, and insisted on by the House; and

On motion of Mr. HALE, it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the said bill, insisted on by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. HALE, Mr. GRIMES, and Mr. MCDOUGALL, were appointed.

NAVAL MEDICAL CORPS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No. 31) to increase the medical corps of the Navy, and for other purposes, disagreed to by the Senate, and insisted on by the House; and

On motion of Mr. HALE, it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the said bill, insisted on by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. HALE, Mr. GRIMES, and Mr. McDOUGALL, were appointed.

LEGISLATIVE APPROPRIATION BILL.

Mr. FESSENDEN, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House of Representatives recede from their disagreement to the following amendments of the Senate, and agree to the same: second, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, eighteenth, and nineteenth.

That the Senate recede from their third amendment.

That the House recede from their disagreement to the Senate's first amendment, and agree to the same with the following amendment: after line twelve, insert:

"For stationery, $4,600.

"For pages and temporary mail boys, $4,840.

"For laborers, $1,917.

"For furniture and repairs, and boxes for members, $5,000.

"For reporting proceedings of the called session of the Thirty-Seventh Congress, at the rate per column fixed by law, $8,000: *Provided*, That the said proceedings shall be reported with, and bound in, the Congressional Globe and Appendix of the first regular session of the present Congress."

That the House recede from their disagreement to the Senate's fifteenth amendment, and agree to the same with the following amendment: after line one hundred and fifty-three insert:

"For salaries and commissions of registers of land offices and receivers of public moneys, $2,500.

"For incidental expenses of the several land offices, $2,000."

W. P. FESSENDEN,
JOHN SHERMAN,
MILTON S. LATHAM,
Managers on the part of the Senate.
J. S. MORRILL,
ERASTUS CORNING,
EDWARD McPHERSON,
Managers on the part of the House.

Mr. FESSENDEN. I ask that the report be adopted. I shall make any explanations that may be required by any member, but the matter is so simple that it will hardly require any. The other House, I believe, have concurred in the report.

The report was concurred in.

ARMORED SHIPS.

Mr. GRIMES. There is a bill on your table, sir, standing, I believe, upon a question of disagreement between the two Houses: a bill making an appropriation for the construction of iron-clad vessels. The Senate refused to concur in the amendments of the House of Representatives; and then a motion was made by the Senator from New Jersey [Mr. TEN EYCK] to reconsider that vote, and that motion was postponed until to-day. I move that it now be taken up.

The motion was agreed to; and the Senate resumed the consideration of the amendments of the House of Representatives to the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; the question pending being on the motion of Mr. TEN EYCK to reconsider the vote by which the House amendments were non-concurred in.

Mr. TEN EYCK. As I understand, Mr. President, the disagreement was to the introduction of the word "completion" with respect to vessels of war and steam batteries. The striking out of the word "completion," inserted by the House of Representatives, restricts the operation of this bill exclusively to vessels or batteries that are hereafter to be constructed. My object in moving the reconsideration is, that the board of commissioners designed to be created by this bill may be authorized to examine not only the plans and specifications for the construction of vessels of war and steam batteries, but may also be authorized to examine the plans and specifications of vessels and batteries already partly constructed; and I can see no earthly reason why that should not be done. If we have vessels and batteries partly constructed which will be of service at the present time, why should they not be examined by this board and reported on? Why should they be restricted in their examination to the plans and specifications of vessels that have not been commenced? Many vessels and batteries may be nearly completed, and some of them may require a greater or a less appropriation to finish their construction; some already nearly completed may be ready to put in the service at the end of a month or two months; and my belief and expectation is that they may be required.

This bill furthermore authorizes an appropriation, to be applied, under the direction of the Secretary of the Navy, to the construction and completion of vessels that may be reported on favorably by the board provided for in the bill. I desire that the province and duties of this board shall be extended over the whole subject; and as they may report, so let the action of the Department be.

Mr. GRIMES. The bill, as it originally passed the Senate, appropriated a million and a half of dollars for the construction of iron-clad ships of war, and batteries, if a commission of scientific officers, hereafter to be appointed by the President or the Secretary of the Navy, should decide that the public interest would be promoted by the expenditures of that amount of money for such purposes. Several years ago—twenty years ago—Congress appropriated, at the instance of Mr. Robert L. Stevens, a large amount of money, over four hundred thousand dollars; which he at that time said would be sufficient to complete a floating battery for the defense of New York harbor. We have been going on appropriating money from time to time up to the amount of $750,000, which has already been expended, I believe. I think that is the amount—certainly somewhere in that vicinity. It is now asked that we shall appropriate $812,000 more; and if should be used in the completion of that battery, and should be enough to complete it, (which I exceedingly doubt, and indeed do not believe,) then more than half of the appropriation that is contained in this bill would be exhausted in the completion of one battery alone for the protection of one harbor. Now, sir, in Stevens's battery the great expenditure is in the engines. They tell us it is to be six thousand horse power, I believe.

Mr. TEN EYCK. Over eight.

Mr. GRIMES. Over eight thousand horse power. It is to be used as a ram—a machine which has been condemned by every naval officer in England. Some few years ago the British Government undertook to build some of these steam rams. Some of them are now completed, and others are in process of completion; but there is not a skillful and scientific officer in the whole service, according to the representations of the United Service Journal, that does not condemn them, and say it is impossible for them to be of any service to the Navy.

The Naval Committee are informed that for one hundred and forty or one hundred and sixty thousand dollars a steam battery can be completed for the defense of our harbors on the Atlantic, that will carry nearly, if not quite, as heavy an armament, and be as serviceable in defense of these harbors, as Stevens's battery will be when it is completed at an expense of $1,500,000; therefore, they do not propose, and do not desire, that this whole amount of money should be thrown away upon this work, but that the money should be expended—if it is discovered that batteries are serviceable—in the construction of batteries for the various harbors on the Atlantic coast. They desire that Philadelphia shall be protected in the same way; that New York shall be protected with two batteries in place of one—one on the East river and one on the North river; that Boston shall be protected, and Portland, and Baltimore, and the other cities of the Union, and not expend the whole or nearly the whole amount of money upon this one single battery.

We have already authorized the appointment of a commission by the Secretary of the Navy, to inquire into the condition of this battery. I am not authorized to state what I know in regard to it; but I know, and I will state it here, that one of the most skillful officers belonging to the American Navy, the last one who was in charge of it, Commodore Gregory, pronounced it utterly useless for all purposes connected with naval defense. As he stated it publicly, I may repeat it. We have authorized a commission to examine into its condition and report to the next session of Congress. It is practicable, I apprehend, to wait until that session of Congress for us to act upon it, and in the mean time let us go on, and if it is deemed advisable by the proper authorities to construct these floating batteries let them do it, but do not exhaust this appropriation by applying it to Stevens's battery.

Mr. TEN EYCK. In the absence of my colleague, who is specially charged with this matter, and who is now detained at his residence by illness, I feel myself called upon to submit a few words, by way of reply to the Senator from Iowa; and I trust I can do so in a perfectly calm manner, and without excitement.

I have no interest in this question, except the great interest which we all have in the protection of our commerce, and putting an end to this rebellion and insurrection. Now, what is the matter before the Senate? There is nothing like distinctly understanding the point. All that this bill asks, as amended and passed by the House of Representatives, is that a board of competent officers be appointed to examine the specifications and plans, not only of vessels and batteries hereafter to be constructed, but of such as are now partly constructed, or in process of construction. If they, upon their examination of both classes of this description of vessels, should be of opinion that they are beneficial, they will so report. If they should be of opinion that both, or either class, or many of the kinds of vessels and batteries that may be submitted to their inspection, are worthless, they will so report. The board, I presume, will be composed of honest, honorable men, who will not be subject to any improper influences. I do not myself suspect them of such a thing.

Mr. President, I am in favor of strengthening in the present exigency the naval arm of our public service. I believe it to be indispensably necessary. I believe our safety as a nation depends on it. I am no soldier; I am not familiar with war, and the method of carrying on warfare; but it strikes me, as a common sense view, that many of our effective and important operations are to be carried on by sea. We may organize two hundred regiments of as brave soldiers as ever stood before the cannon's mouth; we may send five hundred thousand men to storm the heights of Manassas Junction, and they may stand there in the face of a fire which, like the lightnings of Egypt, ran along the ground, and yet, sir, we may not be able to march upon Richmond; and if we are not able very soon to march upon Richmond, the season that is coming upon us will prevent our marching upon Richmond, or proceeding any further south, until the frost shall have rendered it safe and proper for our armies to go there. In the mean time, what is to become of our vessels and of our coasts and of our towns and of our commerce? My idea is to hold the Army of the center and its wings more or less stationary; to keep what we have, and move when we are ready; and, in the mean time, to protect the coast and the revenue, and do it by strengthening the Navy in every suitable way that the Navy is to be strengthened. We need a more effective blockade. There are two ports now open in North Carolina, where, as I said yesterday, scoundrels North, as well as scoundrels South, are carrying on an unlawful trade in fraud of our revenue. We need to capture pirates and sea-rovers, who, during the course of last week, seized seven of our merchantmen and burned one up. We need to retake the harbors and forts that have been seized by the strong hand of rebellion and taken from beneath the jurisdiction of the stars and stripes. We need to protect our commerce. Thousands of vessels are now idle, their owners not daring to send them to sea in the pursuit of their lawful business. There are hundreds of them now lying on the coasts of New Jersey rotting at their docks, unable to pursue their ordinary avocations. And, sir, we need them for the defense of our harbors—New York, Boston, and other cities on the sea-coast.

Let us look abroad. Suppose England, in her love for cotton, should forget the duties which she owes to mankind and attempt to break our blockade, and we should get into trouble with her: what is to become of our northern cities and our cities upon the coast? I believe to-day that the harbor of New York is defenseless against

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. FRIDAY, JULY 26, 1861. NEW SERIES....No. 17.

the navies of Great Britain, or of France either. I shall make no unnecessary exposure, because I am a friend of my country, and will not expose its weakness; but, at the same time, I want to protect it and to preserve it in all its parts. I believe, from what I have heard, that this same marine steam battery of Edwin A. Stevens is calculated, in a very great degree, to effect the purposes we desire at this time. It has over eight thousand horse power, and it is calculated to run at a speed of twenty-one miles an hour. It is a terrible engine of defense and attack. It is believed that it can run between the forts in Charleston harbor with perfect impunity, and, if necessary, destroy that town; it is believed that it can stand before New Orleans and hold it in subjection; and thus bring these men to reason in the places and at the points where they are the most vulnerable, and where they can be assaulted and assailed and brought to reason.

It has been pronounced to be unfit by scientific men, it is said. I know that it has been examined by scientific men, and I know that they have pronounced in favor of its character; and I know that the genius which designed and devised it, although now gone, will rest in the memory of scientific men forever.

Another objection is, that $500,000 have already been expended upon it. Sir, that is a reason cogent and strong to my mind why this board should examine it. If we have expended $500,000 upon this work, let us not abandon it without further inspection. Let us make the necessary additional appropriations if it is desirable and worthy; if unfit, let it be entirely put an end to and abandoned on the report of a competent investigating committee. Suppose it should prove to be valuable and desirable, and should cost $800,000 to finish it. One of your two or three hundred regiments alone costs $1,000,000 a year. After all, I ask, can it do any harm to have this work examined by a competent board of officers? If it is unworthy they will condemn it, and no harm will come of it; if worthy, it is taking a step towards making a necessary defense of our coast, and perhaps of carrying "the war into Africa."

Mr. FESSENDEN. Mr. President, the simple question before the Senate is this: whether they will authorize a board of officers to spend nearly a million dollars on this old concern which was begun nearly twenty years ago. The Senate, the other day, on consideration of the whole subject, decided that they would not authorize anybody to spend any money on this battery before they knew something about its condition. They were willing, on the suggestion of one of the Senators from New Jersey, to have a commission appointed to report on the subject. That they agreed to, as it was urged; and that has passed both Houses, I suppose. It passed this body without any difficulty, and I believe it passed the other. I am ready to stand to that. Let a board be appointed to examine this work and report to Congress, and then let Congress have the power to say whether they will spend the money.

Not satisfied with that, the friends of this work wish that the board we have appointed to examine and spend money with regard to small steamers comparatively, shall have the power, if they see fit, to spend more than half of it in completing this vessel. I will give no such power to anybody on a work which was begun twenty years ago, and has been abandoned almost as long. As to the fact that we have spent $500,000, and therefore ought to complete it, it is an old rule that no wise man sends good money after bad; and if we have wasted $500,000, it is no reason why we should now throw away $1,000,000 on this work.

Mr. TEN EYCK. Let us inquire.

Mr. FESSENDEN. I am willing to inquire, but I want to inquire first, before expending any more money. Now, what will be the object? What will be the result? These men have but a single duty to perform. They are to inquire whether we can build certain smaller classes of iron-clad steamers; an experiment that has been tried, I believe, and found feasible; and if so, to do it. That we have authorized; that I am willing to stand to; but if we confer this additional power on them, instead of having their attention confined to that single thing which we wish to have done as soon as possible, they will be beset and bedeviled by all the appliances that can be brought to bear on them by this twenty-years-old concern, which nobody, who has a reasonable degree of judgment on the subject, has believed to be good for anything up to this time. Sir, I am opposed to the whole thing. I never will agree to give any set of men the power to spend $1,000,000 on a matter which has been condemned by public opinion and the voice of Congress for so many years. Let us have it, at any rate, before ourselves again before we proceed to action.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The question is on the motion to reconsider the vote disagreeing to the amendment of the House.

The motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House insisted on its amendment to the bill of the Senate (No. 3) providing for the better organization of the military establishment, disagreed to by the Senate, and asks a conference on the disagreeing votes of the two Houses thereon, and has appointed Mr. FRANCIS P. BLAIR, jr., Mr. JOHN J. CRITTENDEN, and Mr. ABRAHAM B. OLIN, managers of the same on the part of the House.

The message further announced that the House had passed the bill of the Senate (No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," with an amendment; in which the concurrence of the Senate was requested.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore, to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

The message further announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 14) for the better organization of the Marine Corps;

A bill (S. No. 42) in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved 22d July, 1861; and

A bill (H. R. No. 53) relative to the Marine Corps, to fix the compensation of the officers thereof, and for other purposes.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Private Secretary, announced that the President had approved and signed, on the 24th instant, the following bills:

A bill (S. No. 21) for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes; and

A bill (S. No. 32) to provide for a temporary increase of the Navy.

OBJECT OF THE WAR.

Mr. JOHNSON, of Tennessee. I move that the resolution which I introduced yesterday be now taken up, and considered by the Senate.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

Mr. POLK. I indicated yesterday, on hearing the resolution read, that I would probably offer an amendment to it. I now move to amend the resolution by striking out all after the word "southern," in the second line, down to the word "capital," inclusive in the third line, and to insert in lieu thereof the words, "and the northern States;" so that it will read:

"That the present deplorable civil war has been forced upon the country by the disunionists of the southern and the northern States," &c.

Mr. JOHNSON, of Tennessee. I trust this amendment will not be adopted. The resolution does nothing but set forth a single fact particularly, as it has occurred since this contest commenced. I hope the Senate will reject the amendment, and pass the resolution just as it is.

Mr. POLK. As the yeas and nays were ordered on the resolution yesterday, I hope the Senate will indulge me with the yeas and nays on this amendment. I think it contains a truth that ought to be embodied in the resolution.

The yeas and nays were ordered.

Mr. HALE. As I want to vote understandingly, I would be obliged to the Senator from Missouri if he would tell us of any northern States in revolt against the constitutional Government; because, with his amendment, it will read:

"That the present deplorable civil war has been forced upon the country by the disunionists of the southern and northern States now in revolt against the constitutional Government, and in arms around the capital."

Mr. POLK. No, sir; those words are proposed to be stricken out; so that it will read:

"That the present deplorable civil war has been forced upon the country by the disunionists of the southern and the northern States; that in this national emergency," &c.

Mr. COLLAMER. I really desire to have the gentleman inform us whether he knows of the existence of any disunionists in the North? I think we ought not, impliedly even, to assert that of which there is no foundation of belief. Now, I do not know, and never heard of the existence of any disunionists in the northern States—in revolt, I mean,

Mr. POLK. The Senator asks me if I know of any such persons, and then he asks if there is any ground of belief. There is a difference betwixt knowledge and a ground of belief.

Mr. COLLAMER. I mean in revolt.

Mr. POLK. That part is not in the resolution at all as I purpose to amend it. If the Senator had paid attention to the amendment he would have seen that that is not in it. I believe there are disunionists in the North as well as in the South; and I have seen what purport to be speeches made in different places on the 4th of July, by gentlemen who were congratulating the country upon the fact that there was now to be a dissolution of the Union. I ask that the resolution, as it will read if the amendment be adopted, be read.

The Secretary read it, as follows:

Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the southern and the northern States; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from

Missouri, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. RICE (when his name was called) said: I ask the Senate to excuse me from voting for any measure that may be brought before the Senate that is not of a legislative character.

The result was then announced—yeas 4, nays 33; as follows:

YEAS—Messrs. Johnson of Missouri, Kennedy, Polk, and Saulsbury—4.

NAYS—Messrs. Anthony, Bingham, Browning, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, Morrill, Nesmith, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—33.

So the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the resolution.

Mr. TRUMBULL. Mr. President, there is a portion of the phraseology of this resolution which does not exactly meet my approbation. It now reads:

"That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government, and in arms around the capital."

Now, the persons who brought on this revolt are not in arms around the capital. I think the head and front of it was at Charleston, South Carolina. Another thing: I do not care to put it on the records of the country that anybody is in arms about the capital. I am sorry they are as near the capital as they are supposed to be. I think those words, "and in arms around the capital" had better be stricken out.

There is another portion of the resolution which does not meet my approbation, which declares:

"That this war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest or subjugation."

Now, sir, I trust this war is prosecuted for the purpose of subjugating all rebels and traitors who are in arms against the Government. What do you mean by "subjugation?" I know that persons in the southern States have sought to make this a controversy between States and the Federal Government, and have talked about coercing States and subjugating States; but, sir, it has never been proposed, so far as I know, on the part of the Union people of the United States, to subjugate States or coerce States. It is proposed, however, to subjugate citizens who are standing out in defiance of the laws of the Union, and to coerce them into obedience to the laws of the Union. I dislike that word in this connection. In its broadest sense I am opposed to it. If it means the war is not for the purpose of the subjugation of traitors and rebels into obedience to the laws, then I am opposed to it. I trust the war is prosecuted for that very purpose. I move to strike out the words "and in arms around the capital," and also the words "or subjugation."

Mr. JOHNSON, of Tennessee. Mr. President, I hope those words will not be stricken out. I think the resolution sets forth what is literally true. Are not these revolted States in arms around the capital? No longer ago than last Sunday the capital was within the sound of the roar of their cannon. Does not that seem as if they were around the capital? The resolution simply states a fact, and that the intention is to preserve the Constitution, to enforce the laws, and to preserve the Government. They are now in arms around the capital, and the roar of musketry and artillery is almost within our hearing, or has but scarcely ceased. It was heard no longer ago than last Sunday.

The intention of the resolution was to state what is literally true. If the Constitution is supreme and is sustained, and the laws made in pursuance thereof are enforced, everybody must comply, and rebels will be made to know their places and to take their true position in the country. If you assert the supremacy of the Constitution and the laws made in pursuance thereof, of course all those in rebellion against them must submit, and they are subjugated. Of course, the resolution contemplates the enforcement of the laws and a submission of the rebels to the laws and the Constitution. The resolution simply states that we are not waging a war for the subjugation of States. If the Constitution is maintained and the laws carried out, the States take their places and all rebel citizens must submit. That is the whole of it.

Mr. COLLAMER. If it would be acceptable to the gentleman, I should like to strike out the words "and in arms around the capital," and insert "in arms against the Government." I do not desire to have it understood that the war is to subdue those who are in arms around the capital. I am for subduing them everywhere.

Mr. JOHNSON, of Tennessee. I accept your amendment.

Mr. COLLAMER. With that amendment, I am content with the resolution.

Mr. JOHNSON, of Tennessee. I am willing to substitute those words.

Mr. COLLAMER. Mr. President, in regard to this word "subjugation," I know that words are frequently used in political parties as a sort of catch-words. I can cite you a great many instances in which words have a sort of technical meaning in parties. Some of them have one meaning with one party, and another with another party; some of them have one meaning in one section of the country, and another meaning in another section. They are used for trick, and it is difficult to meet them. Gentlemen who talk against "subjugation" and against "coercion," have got a sort of technical meaning of those words on which they ring changes, and by which they excite the community. You cannot get rid of that. We use the same word, with the meaning ordinarily attached to it.

Now, sir, there are gentlemen who insist upon it that you cannot subjugate a State; and if you go on to subjugating the people, do not you subjugate the State? In one sense you do; and in another you do not. You do not meet it in its corporate capacity as a State, but you meet the people of the State. Now, if these words are stricken out—and you say you do not mean subjugation—you do it to avoid getting into a false meaning, which it is utterly impossible to avoid. You can never do it. The idea started by these gentlemen—I do not propose to argue it over—is, that you cannot make war upon a State; and they undertake to argue that, by citing (and we have had it cited over and over again at the last and the present session of Congress) what was said by Mr. Hamilton, Mr. Madison, Mr. Elsworth, and other distinguished gentlemen in the convention that formed the United States Constitution, wherein they used those expressions, "that a State could not be subjugated," &c. Mr. President, I do not think any people in the world were ever more deluded with quotations than the people of this country have been with those quotations. Those expressions were used in this way: under the old confederation the General Government had no power to make a law at all; they could collect nothing in the form of money, except through the agencies of the States, and a part of them would do it, and a part of them would not; and when our fathers got together in convention, to form a constitution, and revise their form of government, the first question was, whether they could patch up an arrangement of those old Articles of Confederation, so as to make them effective as a Government. The great question was, whether they were going to make a Government, or whether they were going to mend the one they had, such as it was. Mr. Hamilton, and these other distinguished men, used all the expressions which are now quoted, for the purpose of showing that you could not mend that confederation so as to make it practicable. They said, so long as the General Government had to use, and was dependent on, the agencies of the State, it would be, and must be, a failure. Can we, they asked, constrain these States to furnish their contributions? If you do constrain them, it must be by arms; and that is a civil war at once, and will be the end of the very Government you are trying to carry into effect. All these quotations that are made from those men were used to persuade the convention to abandon the idea of sustaining and mending those Articles of Confederation; and to those alone are they applied. They did have their effect. Our fathers abandoned that idea. They made an independent Government, with power to make its own laws, and execute them upon individuals; and now these quotations are wrested from their places—perverted from their purposes for the purpose of applying them to this form of Government, made to avoid that very contingency. There is the perversion in which they are used. They have nothing to do with the present form of Government. They were made to induce them to avoid the imperfect form of the old confederation, and to form this one of an entirely different character. Our Government has nothing to do with the agencies of the States to carry out the decrees and laws. It carries them out, operating upon the people through its own agencies, its own organs.

Now, when gentlemen cavil and talk about this word subjugation, they mean subjugation of States; they mean that their people shall thus understand it, so that they can avail themselves of these perverted quotations. Mr. President, I am for subjugation, in the sense in which that word is ordinarily received. I do not mean its classic meaning. I know its literal, classic meaning is to pass under the yoke, *sub juga*. I propose to pass nobody under the yoke; but in the ordinary and popular acceptation of that term, I do use it; that is, that all the people of the United States shall submit to the laws and Constitution of the United States everywhere; not merely around this capital.

Sir, we have come to this crisis under the idea that this Government can be frustrated by any State and every State, and this talk of secession. I am not going into that subject; but I merely wish to state one short view of it, which seems to me not to have been made sufficiently prominent. We know of but one way in which the people of this country—that is, the people of the States of this country—ever can act in relation to a Government, and that is by the alteration and change of their State constitution. There is no other way the people can act. Whenever they form their constitution of government, then the State acts through its organs, through its legislative and executive powers. That is the action of the State. The people of a State can act in no way but in the forming or changing of their constitution. Now, when we turn to the Constitution of the United States, we find it is provided that "this Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding." In plain English, that is precisely this: the Constitution and the laws made in pursuance of it shall be the supreme law of the land, notwithstanding anything the State Legislatures can do, and notwithstanding anything the people of the States can do. Those are almost the very words of it—notwithstanding anything in the laws of a State; that is, the action of the Legislature; and notwithstanding anything in the constitution of the State to the contrary. The plain, simple sense is, that neither the State Legislatures nor the people of the States themselves, separately, can do anything which would contravene the superior power—the Constitution of the United States and the laws made under it. There is the end of the whole question of the right of secession.

Mr. President, I have been led to say this much, though I am sorry to occupy the time of the Senate on the subject at all, because of the use of this word "subjugation," and this idea of the subjugation of the States which enters not at all into the subject. I am therefore content with the resolution as it is, for I take that word in the resolution with the context, the whole of it together, which clearly explains our purpose, and that is, that we are for carrying into effect that Constitution and these laws everywhere within the United States.

Mr. HARRIS. Mr. President, I am in favor of this resolution precisely as it is printed. Each expression of it I think is apt and appropriate. It commences by declaring that we are in a deplorable civil war. That is the fact stated. It proceeds to state how we came into the war. It has been "forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government." That I take to be true. We have the fact of a war, and we have it stated how we came into this war; that it is because of the "disunionists of the southern States now in revolt against the constitutional Government, and now in arms around the capital." That is sufficiently true for my purpose; they are in arms around the capital.

Mr. COLLAMER. The Senator has amended

that, so as to say "in arms against the Government."

Mr. HARRIS. I am in favor of it just as it stands. The resolution proceeds to state certain facts: "That in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country." That is my desire. It then proceeds to state certain things negatively, very properly. "That this war is not prosecuted upon our part in any spirit of oppression"—all will agree to that—"nor for any purpose of conquest or subjugation." I agree to that most heartily. It is not the purpose of this war to conquer or to subjugate. I hope it will be the result that these disunionists will be conquered and subjugated; but it is not our purpose. If, as a consequence of this war, these men called in this resolution disunionists, are conquered and subjugated, I shall rejoice.

The resolution proceeds further to state, negatively, "nor purpose of overthrowing or interfering with the rights or established institutions of those States." Slavery is meant. If slavery shall be abolished, shall be overthrown as a consequence of this war, I shall not shed a tear over that result; but, sir, it is not the purpose of the Government to prosecute this war for the purpose of overthrowing slavery. If it comes as a consequence, let it come; but it is not an end of the war.

The resolution now proceeds to state, affirmatively, what is the purpose of this Government:

"But to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease."

Now, I agree to every word there is in this resolution, as it stands printed.

Mr. KENNEDY. Is it in order to ask that this resolution may be divided?

The PRESIDING OFFICER. The question is on the motion made by the Senator from Illinois, to amend the resolution by striking out certain words.

Mr. FESSENDEN. I rise merely to say that, with the Senator from Illinois, I do not like the expression, come from where it will, "in arms around the capital;" because it is calculated to convey a false impression.

Mr. COLLAMER. That has been amended.

Mr. FESSENDEN. I understand it has; but I suggest to the Senator to change the phraseology from what is proposed, because I think it a better mode of expression: "now in revolt, and in arms against the constitutional Government." I think that would be better than to say, "in revolt against the constitutional Government, and in arms around the capital." The expression would be a little more to my taste, and would mean the same thing precisely.

With regard to the other point, I agree entirely with my friend from Vermont. This word "subjugation" is used for the mere purpose of claptrap, and will have, as it has had, its effect undoubtedly in some of the States; but, sir, it has no sort of effect upon me. I know precisely what I mean, and I am not afraid but what the people will understand what we mean. It simply says that we are not carrying on this war for the purpose of oppressing or subjugating anybody. That is not my purpose; that I am perfectly willing to allow; and I am willing to use one word just as much as another. An importance has been given to the word "subjugation," to be sure, as I said before, in some quarters; but it has no importance to me any further than it conveys an idea. I do not want to carry on this war for the purpose of subjugating the people of any State in any shape or form; and it is a false idea gotten up by bad men for bad purposes that it ever has been the purpose of any portion of the people of this country. I am willing therefore to meet them face to face and say I never had that purpose, and have it not now. But we say, notwithstanding we have not that purpose, and distinctly avow it, we have a purpose, and that is to defend the Constitution and the laws of the country, and to put down this revolt at whatever hazard; and it is for them to say whether it is necessary for us in the course of accomplishing a legitimate and proper object to subjugate them in order to do it. I hope not; and if it is necessary and we could do it, I should want to keep them subjugated no longer than was necessary to secure that purpose. That far it must go, and no further. To that it must go at all events and hazards. As to the word, sir, I would as soon take that as any other. It expresses the idea clearly, and I am satisfied with it.

Mr. DOOLITTLE. I beg to suggest that instead of the word "around," the word "near" should be inserted, and it will then state precisely the facts as they exist. They are not in fact around the capital. They are not in arms in Maryland; but they are in arms near the capital. There is no doubt about that, and that will express the precise fact; and if we are going to state facts, I hope we shall state them precisely as they exist.

Mr. COLLAMER. We desire to know how the resolution stands now as the gentleman from Tennessee has it; in what form it has his approbation?

Mr. JOHNSON, of Tennessee. I will frankly state to the Senator, that I would prefer to have the resolution passed in its orginal words. It simply incorporates a plain statement of facts; and I would prefer to have it in that way.

Mr. DOOLITTLE. Then, in relation to this word "subjugation," I beg to say to my friend from Illinois, [Mr. TRUMBULL,] that, as the word stands here, the fair intendment of the resolution is this: we deny that it is our purpose to make a conquest or subjugation of those States. The whole resolution is speaking about States:

"That this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease."

The whole resolution is speaking of the States; and this word "subjugation" being used in this connection, does not imply that it is not our purpose to compel the disunionists to submit to the laws and the Constitution of the land, call it what name you please—subjugation or capture, trial or hanging, if necessary. Names are nothing if you get at the substance; and the substance of the whole resolution is, that we declare it to be our purpose to defend and maintain the Constitution and the laws passed in pursuance thereof, and to preserve this Union, with the rights and dignity of the States all unimpaired, and to defend it by every power and all the energies of this Government and this people.

Mr. President, in my humble judgment, while this is the duty of every patriot in the land, if that duty rests more solemnly upon any one class of men than upon another, it rests upon the Republican party, with which the honorable Senator and myself have acted; for in its very organization, in the very first resolution and address which it ever published to the American people, it used precisely those words, that it was our purpose, and we had no other purpose, to defend and maintain the Constitution and its supremacy, and all laws passed in pursuance thereof. Those are almost precisely the very words published in its first address.

Mr. President, I said the other day, and I repeat it now, I am for deeds rather than for words. I regard this resolution as an act not altogether legislative in its character, but as a declaration of the purpose of this Government. It is a deed, in that sense, which is to have its effect upon the American people; and I desire that it shall be passed in the language in which it has been presented, with that slight modification in relation to the fact. I do not think they are in arms around the capital, unless you use the word "around" as a kind of figure of speech; but they are very near it, within thirty miles I suppose. I understand, however, that that portion of it has been proposed to be amended in some form which is not unacceptable to the mover of the resolution.

Mr. WILLEY. Mr. President, I hope the Senate will indulge me but for a moment. I fear, if this amendment passes, that it will be subject to misconstruction. With the explanations of honorable Senators, I could see but little difference between the resolution, as it now stands, and the resolution with the word "subjugation" stricken out of it. But, sir, there is great sensitiveness in the State which I have the honor, in part, to represent, in respect to this very matter. There is a fear among many, there is a prejudice wide extended in the public sentiment of Virginia, that the design of this war is subjugation; that the design of this war is to reduce the Old Dominion into a province; that the design of this war, literally, in the language of the honorable Senator from Vermont, is to pass our people under the yoke.

Sir, I do not understand such to be the purpose of this war. The Legislature of the State which I represent does not understand such to be the purpose of this war. My constituency are for the preservation of the Union, the vindication of the Constitution, and the execution of the laws. We believe that in the success of this war, in carrying out these legitimate purposes, is involved the great question of constitutional liberty itself now and forever among our people, and among all people; and I here, from the Old Dominion, as an humble member on this floor, am instructed by my Legislature, and am prepared to vote for every necessary measure, and for every necessary man, without stint, let, or hinderance, to carry on the war until all resistance to lawful authority is put down; until the Constitution is vindicated, and restored to all its legitimate supremacy; and until the Union is reëstablished on a basis never to be overthrown.

But, sir, candor constrains me to say, that if any different purpose shall be avowed, if it shall ever be intimated or declared that this is to be a war upon the domestic institutions of the South, and upon the rights of private property, every loyal arm on the soil of the Old Dominion will be instantly paralyzed. Sir, pass this resolution in the language in which it is printed, and you give muscle and vigor to every loyal arm in the Old Dominion, and you will multiply the friends of the Union by thousands whenever our people are disimbued of the prejudices that exist in their minds. We are acting upon the understanding that this is not a war of subjugation; and acting upon that understanding, loyal men of the section of the State that I represent are freely mingling their blood with the noble sons of Indiana and Ohio who have come to our rescue all over our green hills and around our fire-sides. Sir, I trust that there will be no amendment made to the resolution, but that it will go to our people in the precise language in which it is reported.

Mr. TRUMBULL. Mr. President, I cannot vote for the resolution in the shape in which it is presented, and I trust it may not pass in that form. The very fact that there is such a persistency in the use of these terms shows that those who persist in it have an object. Now, sir, it is not true in point of fact that the persons who initiated this civil war are in arms around the capital. I do not wish such a record to be made for posterity. I do not wish it to go down upon the annals of the country that this capital is surrounded by the men who initiated this procedure. It was initiated at a distance of hundreds of miles from here by disunionists in the South, who are not the men who are in arms, even near the capital, as my friend from Wisconsin states. Virginia herself went into it at a later day. The war was forced upon the country by whom? Not by the States—that is not the resolution; by the disunionists of the southern States; and then when you come to the word "subjugation," what does it have reference to? It has reference to the disunionists. That is the literal grammatical construction of the resolution, and it can have no other.

The Senator from Wisconsin says that if you take the subsequent portions of the resolution you will find that the word "subjugation" has application to States. Not so. The very form of the sentence, its grammatical construction, shows that the word "subjugation" applies to the disunionists, and not to the States. The language is, that the war is not prosecuted for any purpose of subjugation; and then it proceeds to say, "nor purpose of overthrowing or interfering with the rights or established institutions of those States." It is not for the purpose of interfering with the established institutions in the southern States, nor is it for any purpose of subjugation. It is as strong as language can make it.

Now, sir, I think it would be much better to strike out those words, "and in arms around the capital," and insert the words suggested by the Senator from Maine, after the world "revolt," or insert the modification suggested by the Senator

from Vermont; but, as the resolution now is, it cannot receive my support.

Mr. HALE. I am willing to vote for the resolution as it is. I think it will be impossible to frame a resolution that would suit the tastes and the discrimination of every mind in the body; but I look at the general scope of it, and I am willing to indorse it; and while I am up I want to say a word on this subject.

I think there has, ever since I first came into Congress, been a great deal of misapprehension and misunderstanding upon this subject; some of it honest and some of it willful. I remember, during the first time I was a member of the other House, some eighteen years ago, I was called upon by a friend of mine, then a Representative from the State of North Carolina, who asked me with a serious face, if the anti-slavery men, or Abolitionists of the North, as he was pleased to call them, really intended to interfere with slavery in the States by Congress. I told him no, of course not. He said he would be obliged to me if I would take an occasion on the floor to make that declaration. I told him I would not do it, for I had no idea of rendering myself ridiculous at home; and that the people who sent me there would set me down for a fool if I thought it was necessary to avow any indisposition on their part to interfere with slavery in the States.

Sir, from the earliest organization of anti-slavery societies in the eastern States, even of the most radical of them, as long ago as 1835, when they first started, twenty-six years ago, some of their first resolutions were to declare, in the strongest language they could command, their indisposition, and their want of power to interfere with slavery in the States. They disclaimed it, and have constantly done so from the first, even the most radical Abolitionists. I, for one, have repeatedly, here and elsewhere, certainly as long as I have been in Congress, and before that, avowed my sentiments to be that the Government had no more right, no more legal or constitutional authority to interfere with slavery in the States than they had to interfere with the condition of the serfs in Russia, or with the rights and wrongs of the laboring classes in England. I said that when I acted—I was going to say with the party out of power; but when I acted out of power, without a party—when I acted as the soldier did, fighting upon his own hook. That has always been my sentiment. I have always proclaimed it, whenever I had occasion to speak upon it; and acting with the party that is in power to-day, I am willing to stand by the profession that I made when I was out of power. I believe that the General Government have no power upon this subject at all, and that they cannot have under the Constitution.

There may be something in the suggestion that was made by the late Mr. Adams, of Massachusetts, on the floor of the House of Representatives many years ago—his speech is printed, and gentlemen can read it if they see fit—that there might be, incidental to the war power belonging to any Government, some control over this subject of slavery. He did not gather it or infer it from any grant of the Constitution, but he gathered it as one of the incidents that belonged to the war-making power.

Now, sir, I think it is due to our friends who are situated as the Senator from Virginia is, if these are our sentiments—and they are mine; I have not altered my views upon the subject at all—that we have no right, no constitutional power to touch this subject of slavery, I think we ought to say so, particularly if it will ease the fears and quiet the apprehensions of those who are acting with us. If I were going to draw up the resolution, I do not know that I should draw it precisely in this way. Probably I should not; because I do not think it is incumbent upon us to say what our object is in prosecuting this war. Sir, we did not commence the war. It is not an aggressive war with us. It is a war that is made upon us, and we are prosecuting it because we cannot help it. We must prosecute it for some purpose; and I think the criticism of the honorable Senator from Illinois loses something of its point when it comes to the concluding sentence of the resolution. The resolution goes on to say what the war is not prosecuted for, and then it goes on affirmatively to say what it is for; and I think the affirmative should prevail over the negation. The affirmative of what the war is carried on for is that it is "to defend and maintain the supremacy of the Constitution." Well, sir, I trust we all believe that. The resolution continues: "and all laws made in pursuance of it." Well, sir, by the Constitution itself, laws made in pursuance of the Constitution are as obligatory and binding as the Constitution itself. "And to preserve the Union with all the dignity, equality, and rights of the several States unimpaired." Now, sir, I apprehend that there is not a solitary gentleman on this floor belonging to any party who will not agree with the affirmative part of this declaration, that the war is carried on for the purposes there enumerated—for the maintenance of the Constitution and the supremacy of the laws enacted in pursuance of it, and the preservation of the Union, and the maintenance of the rights of all the States, with their dignity, equality, and rights unimpaired. If that suits everybody, it seems to me it is hardly wise to find fault with these mere negations. Let me say to my friend from Illinois, and to others who have found fault with the phraseology of this resolution, that it is utterly impossible to frame a resolution that shall exactly express the views and sentiments of every individual mind; but if, in its general tenor and import, it does set forth, with distinctness and clearness, what we do intend, I trust that we shall not be prevented from voting what we do intend, because the negations are not expressed in exactly the manner we would have them.

For these reasons I shall vote for the resolution as it stands. It is not for me to advise others how they shall vote; but for myself, I think I shall best discharge my duty in this emergency by voting for the resolution as it is presented.

Mr. KENNEDY. The only objection I have to voting for this resolution is, that, in my judgment, it does not state fully the causes of this deplorable war. I indicated by my vote a few minutes ago that my opinion is that this deplorable civil war has been forced on the country by the disunionists of the southern and northern States. I wanted to go no further, but merely to express that idea. I am not prepared to admit that it was brought on exclusively by the southern States; because it will be very well recollected by gentlemen here that there were propositions of peace offered at the last session of Congress, in the very closing days of that session, which, if they had been accepted at that time by the majority party in the Senate, would have avoided the war which is upon us to-day.

I do not care to go into the discussion as to the causes of this very deplorable state of things, further than to indicate my own view of those causes. It was the refusal in part of the majority party to accept of measures of conciliation and peace before Congress adjourned last spring. It is also perfectly true that if the members of the southern States who vacated these seats long before Congress adjourned, had remained here, there would not have been war. I believe that if the majority party had pursued a different course before Congress adjourned than the one that they elected in rejecting every overture and every proposition for peace, we should have been to-day without the sad calamity that has befallen us.

I did vote the other day, in substance, for the latter part of this resolution, when I sustained the proposition offered by the honorable Senator from Kentucky, [Mr. POWELL;] and if I cannot get a division of the question, so as to have a vote on the proposition declaring that this deplorable civil war has been brought upon the country by the disunionists of the southern and the northern States, I will vote for the resolution as a whole, with my protest against its simple declaration as to the cause of this deplorable civil war.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The words which it is proposed by the mover of the amendment to strike out, are "and in arms around the capital."

Mr. JOHNSON, of Tennessee. I hope the Senate will pass the resolution in the words in which it has been presented. The amendment is a mere play upon terms. The assertion of the resolution is literally true. "Near the capital" or "around the capital," conveys the idea that arms are raised against the Government near the capital and around the capital. It is not only on one side of it, but on more than one side, and almost in it. We are pretty near having some in the capital who are in arms against it; almost in this Chamber.

Mr. CLARK. I intend to support this resolution as it is; I intend to oppose any amendment to this resolution, not because I like its phraseology, nor because I would have drawn it precisely as it is, but because it has been drawn by the honorable Senator from Tennessee in a way and manner and shape that suits him and suits the region from which he comes. That honorable Senator has to contend with difficulties of which we know nothing. The honorable Senators from Virginia have to contend with those difficulties; and when they come in here and offer this resolution as the resolution with which they will contend with these difficulties, I will not mar it or alter it, but will let them have it, and bid them God-speed to contend with these difficulties as they may.

I will say that it is necessary in prosecuting this war that we should use all the means which have been put into our power to compel the rebels to submit to this Government. I am ready to do it, but I am willing to pass this resolution as it is without amendment. I have no captiousness about it, but will let these gentlemen and that region have it in a way which shall suit them.

The PRESIDING OFFICER. Is the Senate ready for the question on the proposed amendment to strike out the words "and in arms around the capital?"

The amendment was rejected.

The PRESIDING OFFICER. The next amendment proposed is to strike out the words "or subjugation."

The amendment was rejected.

The PRESIDING OFFICER. The question is on the resolution.

Mr. HOWE. I am very well satisfied that my own purposes, individually, in the prosecution of this war, do not differ at all from the purposes of the Senator from Tennessee; and therefore when he gives adequate expression to his own purpose, he will hit the expression of my own. I will not submit a motion to amend this resolution, but I will ask the Senator from Tennessee if he has the slightest objection to inserting the words "of the United States," after the word "Constitution," near the close of the resolution, so that it will read: "the supremacy of the Constitution of the United States?"

Mr. JOHNSON, of Tennessee. I do not see any objection to that.

Mr. FESSENDEN. It cannot mean anything else now.

Mr. JOHNSON, of Tennessee. That is what it means now.

Mr. HOWE. It is precisely what we all mean by it, undoubtedly.

Mr. POLK. I should like to know if the resolution is not capable of division. It strikes me that it is. The first part of the resolution, closing with the word "capital," I cannot vote for; because, as was indicated by an amendment which I offered, I do not think that it goes the whole length of the truth in the case. The last part of it I am for. I think the resolution is capable of division; and if so, I ask that it may be divided, and the vote taken separately on each branch.

The PRESIDING OFFICER. Will the Senator indicate the point at which he wants a division?

Mr. POLK. The first branch of the resolution is, "that the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government and in arms around the capital." I think that is a proposition which is capable of being divided from the proposition that succeeds it in the resolution. I ask, therefore, that the question on that proposition may be taken separately. On that, I shall be compelled to vote in the negative. On the last part of the resolution, I shall be compelled to vote in the affirmative.

The PRESIDING OFFICER. The Chair will submit the question to the Senate. The Senator from Missouri asks that this resolution may be divided, and that the question may be taken first on the first clause, stopping at the word "capital," and then on the residue of the resolution by itself.

The question being put, the Senate refused to divide the resolution.

Mr. BRECKINRIDGE. Mr. President, I do not propose to detain the Senate for more than a few minutes. I cannot vote for this resolution, because I do not agree with the statement of facts contained in it. I do not propose to argue it at any length, nor to interfere with the purposes of the Senate in the passage of the resolution.

The first statement of fact is, that "the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional Government, and in arms around the capital." I do not intend to go into the antecedents of this unhappy difficulty. My own opinion is, that there have been errors upon both sides; my own opinion is, that these sectional Federal difficulties might have been settled last winter; my opinion is, that the present condition of affairs is due principally to the absolute refusal of the majority in this Chamber to agree to any proposition of adjustment, as I have taken occasion to state, and tried to show heretofore; and I think to that persistent and obstinate refusal, more than to any other cause, is due the present condition of public affairs.

I do not consider that the rupture which took place in the harbor of Charleston, the firing upon the Star of the West, and the collision at Fort Sumter, justified the proceedings which took place upon the part of the President of the United States, that have made one blaze of war from the Atlantic to the western borders of the Republic. I do not believe that he had a right to take that step which produced this war, and to call, under executive authority alone, the largest armies into the field ever assembled on the continent, and the largest fleet ever collected in American harbors. I believe that after that difficulty, which was then a local one, there was still an opportunity for considerate and thoughtful men, who desired to preserve the Constitution and Union of their country, in the border slaveholding States, and in the conservative portion of the northern States, to mediate and produce a settlement; and it might have been done, but for the proceedings of the President of the United States and his constitutional advisers.

I believe, therefore, that, first, the gentlemen who represented the majority in this Chamber and the House of Representatives were responsible for the failure to produce a just and reasonable settlement; and secondly, the President of the United States is chiefly responsible for the broad, general war that is upon us. The resolution proceeds:

"That in this national emergency, Congress, banishing all feeling of mere passion and resentment, will recollect only its duty to the whole country."

I do not think the Congress of the United States has recollected only its duty to the whole country. I think the Congress of the United States—perhaps, sir, I have no right to speak of the other House in my place here; but I believe that the Senate of the United States is influenced to a considerable degree by those considerations which do not touch the interests of the whole country, and that to some extent it is influenced by passion and resentment.

"That this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights and established institutions of those States"—

I think, sir, that this war is prosecuted, according to the purposes of a majority of those who are managing the legislation that leads to its prosecution, for objects of subjugation. I believe that, unless those States which have seceded from the Federal Union lay down their arms and surrender at discretion, the majority in Congress will hear to no terms of settlement, and that those who may attempt to mediate will speak to the winds. I believe, therefore, that the war, in the sense and spirit entertained by these gentlemen, is a war of subjugation. The eminent Senator from Ohio, [Mr. SHERMAN,] not less conservative than a majority of the organization with which he is connected, went so far, in the warmth of his feelings, the other day, as to declare that, unless the people of certain States in the South yielded willing obedience, he would depopulate them and people them over again. That I call not only a war of subjugation, but a war of extermination.

"nor for the purpose of overthrowing or interfering with the rights or established institutions of those States."

On the day before yesterday, I think, sir, an amendment offered by the Senator from Illinois [Mr. TRUMBULL] to one of the general bills before the Senate received the vote of an overwhelming majority of this body, which declared that any person held to service or labor who should be employed to aid the rebellion in any form should be discharged from service and labor. These were the general vague terms of that proposition. I think I have the very words. Now what have the President of the United States, and the Secretary of the Treasury, and his other advisers, construed to mean aiding and promoting? The furnishing of provisions and raising of supplies they construe to be aiding and promoting. They have even cut off from the Union people of the southern States the very necessaries of life. Quinine for the sick, medical stores for women and for children, the old and feeble and the young have been cut off from those States by an act of executive usurpation. A cordon has been drawn around them; they have been environed, blockaded, and even the necessaries of life and those medical necessaries which are essential to the sick cut off, alike from the Unionists and disunionists, from all; and that because they would be used in an indirect way for aiding and promoting this resistance to the Federal Government.

I consider that amendment passed by a vote of the Senate, so far as the vote of this Senate can go, a general act of emancipation. I should like to know if those held to service or labor who are employed as agricultural laborers in the South in raising cotton, in raising corn and other products, which are used by the mass of the population, cannot readily be considered by a rampant and fanatic spirit as being employed in aiding the rebellion. Certainly as readily as every means of subsistence can be cut off from that whole country by the act of the Executive, approved by the legislative department of the Government.

The resolution proceeds:

"But to defend and maintain the supremacy of the Constitution, and all laws made in pursuance thereof"—

The conduct of the war up to this time has not been characterized by any purpose to maintain the supremacy of the Constitution; on the contrary, it has been deliberately trampled under foot in every step of the procedure. I have undertaken to show, and other gentlemen have undertaken to show, that the Constitution has been deliberately, frequently, and flagrantly violated. We have heard violent, denunciatory, stirring speeches made in opposition; but we have heard no arguments to meet those we have had the honor to adduce before the Senate. While they stand unanswered, I maintain that the war, in its inception and in its progress, is not to maintain the Constitution, but is in derogation of that instrument. It is not enough to tell me that it has been violated in the first instance by others. The adhering States of this Union have the right to demand that the Constitution shall be the measure of Federal action; and the violation of the Constitution (conceding the point) by any number of individuals, or any number of States, does not justify the Federal Government, in opposition to the rights of loyal and adhering States, in violating that instrument, which is the bond of their connection with the Federal Government and the measure of their allegiance to it. Then, sir, in my opinion, it is not to defend and maintain the Constitution.

"and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired."

I believe, sir, in point of fact, that if this war continues, the equality and dignity and rights of the several States will not be preserved unimpaired, either of those which have withdrawn or of those that remain. I believe the prosecution of this war for twelve months, if waged successfully, will be the grave of constitutional liberty upon this continent. That is my humble judgment. I believe it is no remedy for the present difficulties. I believe, when you array ten or twelve million people on one side, and some eighteen or nineteen million people on the other, and when you put aside the Constitution of your country, and they wage war like two nations, it is a war of subjugation, and it will terminate in the conquest of one or the other; and, however it may terminate, be equally disastrous to both.

I am quite aware, sir, that I stand here, in uttering these opinions, almost alone. They are my opinions. I am responsible for them in my place, and under the Constitution of my country have a right to utter them in my place. I know that the rampant spirit of passion is abroad over the land, and I know there are many here and elsewhere who have staked their all upon inflaming it, and keeping it inflamed to the frenzy point. The day is not yet, but it draws nigh, when a terrible accountability will be rendered by those who are plunging their country into the vortex of ruin, under the pretense of maintaining the Constitution and the laws. Peace, sir, peace is what we want for the restoration of the Federal Union and the preservation of constitutional liberty.

I will not, however, be drawn into a further discussion of the resolution. I simply rose to express, in brief, the reason why I cannot vote for it.

Mr. SHERMAN. Mr. President, the extraordinary remarks made by the honorable Senator from Kentucky, I know, will excuse even the youngest Senator on this floor for saying a few words in reply. The State of Ohio and the State of Kentucky stand side by side. They have always been friends. In the early stages of our history, from the earliest settlements to this hour, they have been friends—in most cases casting their electoral vote together. But if the Senator from Kentucky speaks the voice of Kentucky, then Kentucky and Ohio will, I fear, soon be enemies. I feel confident the views now spoken by the Senator from Kentucky do not meet a response from the people of his own State. I feel authorized, from the latest voice heard from Kentucky, to say that he does not speak the sentiments of her patriotic citizens.

He says that the President of the United States has brought on this war—that by issuing the proclamation of April last he commenced and inaugurated this war. I ask the honorable Senator from Kentucky who fired upon our flag at Charleston? Was not that an act of war? Would a brave son of Kentucky submit to it without resenting it? Who assaulted our fort at Sumter? Who fired upon one of Kentucky's distinguished citizens, and even fired upon him after he had raised a flag of truce—fired upon him when the buildings were burning around his head? Was this no act of war? Who stole the mint with the money of your Government at New Orleans? Who captured your army in Texas? Who betrayed his country there? General Twiggs, now made a hero! Who attacked your soldiers on the plains of Texas? Who did act after act of war upon this country? Who organized, in plain violation of the Constitution, a new government, denying the authority of the old, and subverting the old by physical force? And yet nothing is said by the Senator from Kentucky of all this. The distinguished citizen who had the honor of beating him for the highest station before the people of this country, is the man who he says brought all these evils upon us, when, according to my judgment, no other with his authority ever forebore so long.

The truth is, the people of these States have forborne with the disunionists of the southern States too much and too long. The honorable Senator says that we refused to grant them terms of compromise. Our fathers, yours and mine, made a compromise that we are now willing to stand upon, and you are not. We do not propose to change the compromise of the Constitution. There is not a line, a syllable, a provision, that we here do not now religiously obey; and you have no right to demand any other compromise. The Constitution is the bond of our Union, and it is you who seek to change it by amendments or to subvert it by force. No man from the free States denies its authority or demands its alteration.

The Senator from Kentucky and the disunionists of the southern States have no right to come to me and say "you have involved your country in civil war because you would not do as we wanted you to do." Because we would not change the Constitution, because we would not ingraft new provisions in it that were unknown to it; especially because we will not disregard the popular voice at the last election, we are charged with involving our country in civil war! It is idle to answer this kind of argument.

Mr. President, the disunionists of the southern States are traitors to their country; they must, and I repeat they will, be subdued. This war is pros-

ecuted for the purpose of subduing those men, and compelling them to obey the laws, just as you, sir, and I, are bound to do; to make them just such loyal subjects as you and I now are. Because this purpose is announced and declared by the resolution introduced by the honorable Senator from Tennessee, we are to have clamor about subjugation. I am a subject; you are a subject; there is not a Senator within the sound of my voice who is not a subject. The Lieutenant General is a subject; the President of the United States is a subject, just precisely in the same sense that we intend to make all these people in the southern States subjects to the Constitution. All this claptrap about subjugation, it seems to me, ought to be dismissed from the Senate. These men must be subjugated to obedience to the Constitution; and when that is accomplished, then this resolution declares our purpose to be to give them all the rights conferred upon them by the Constitution, and that the very moment the object is accomplished the war shall cease.

Now, Mr. President, in regard to the technical criticisms upon the language of this resolution, I have only this to say: that there is no single expression, no single word in it, but what is literally true. Therefore, I can vote for it with the greatest pleasure. This war was never commenced, it was never prosecuted, with any idea of interfering with the domestic relations of the southern States. Certainly if it were so prosecuted, it would not have my assent. It is prosecuted simply for the purpose of maintaining the Government; and no Government can survive and endure that which the honorable Senator from Kentucky now substantially justifies; because, if I understand him correctly, he justified and defended these very disunionists—these very traitors who now seek to subvert this Government. Perhaps the torce of his language was stronger than he infended; but that was the effect of it. He justified them, and charged the majority of the Senate and the President of the United States with subverting the Government and commencing a civil war.

In regard to the proposition offered by the Senator from Illinois, [Mr. TRUMBULL,] I have but this to say: if a slave is used by his master in the actual prosecution of this war, that slave ought to be freed; the master ought to forfeit all right to him. Does the Senator deny this? If a slave is used by his master to accomplish the work of treason—I mean actively, according to the language of that bill—ought that master still to own the labor of that slave? Certainly not; and yet it seems to me, in declaring this principle we do not interfere at all in the slightest degree with the relations of master and slave, except where the master uses that slave as an instrument to erect barricades—to accomplish treason. As a matter of course, then, he ought to lose his right to the slave—all claim, ownership, or control over him. There is no objection to this doctrine. The people that the Senator now defends have their pirates, declared so by the law of the United States, upon the high seas; and they burn ships, they capture white men, and I am told by the newspapers, I do not know whether it be true or not, that they actually make prisoners of war labor as slaves at their fortifications. We say to these men, the owners of slaves, "if you use the slaves, your chattels, to prosecute this unholy war against the Union, they shall be forfeited, and you shall exercise no further ownership over them." This is upon the same principle that arms, horses, and all munitions of war are forfeited to the captors, and may be employed against the former owners, or disposed of as the captor sees fit.

One word further, in reply to a personal allusion to myself. I did say, and I will now repeat, that I believe the very safety of this Government, the very existence of civil liberty and of civilization itself, depends upon the result of this war. I believe that if the southern States were able now to draw a line across this continent, we should have for a time two hostile confederacies warring with each other, as Anglo-Saxons always have warred with each other, bitterly and with determination. I believe that everything depends upon subduing the disunionists in the mode and for the purpose pointed out in this resolution. If we divide into two sections now, soon we shall be divided into three, or four, or five. If the North is divided from the South now, the East may be divided from the West, and Oregon and California may go off by themselves; and then this noble country of ours will be broken up, and all the hopes of civilization, all the hopes which induced our fathers to wage the war of the Revolution, will be scattered and dissipated. All this evil has been brought about by men who, because they could not rule, are determined to ruin; by disunionists who, because they cannot change the Constitution to suit their will and their whim, are now determined to subvert all in one common ruin. I say we have been forbearing long enough. I, for one, am for this war; for its active, vigilant, and determined prosecution. Whether I may live or die, whether my property may go or not, makes no difference. It is better for mankind that every man now living on this continent, you and I, sir, should fall victims to this war, rather than that this noble country of ours, this great and glorious Union should be divided and broken up into hostile factions, warring with each other in all time to come. For one, while my health and my voice last, while my life lasts and while I have anything, all shall be given freely for the purpose of maintaining the Union, and carrying out in good faith and in good spirit the purport of this resolution.

Mr. BRECKINRIDGE. A single word, sir, in reply to one or two of the observations which fell from the Senator from Ohio. The Senator did not see fit to undertake to answer most of the remarks I had the honor to offer to the Senate when I was up just now; he did propose to answer one or two. Among them was the criticism I made upon the amendment of the Senator from Illinois in reference to the employment of persons held to service or labor in aid of or to promote the rebellion. The Senator does not meet it with his accustomed accuracy and logic. The Senator says that if a slave is employed to make intrenchments, or to point guns at the United States forces, he ought to be seized and taken. That is not the question; far from it. I choose to put it upon the broader and stronger ground of the proposition as it was adopted. The language of that proposition is, that any person held to service or labor employed in any way to aid or promote the so-called rebellion shall be discharged from service or labor. I say the President of the United States and his constitutional advisers have construed the raising of crops, the furnishing of provisions, ay, even the furnishing of the necessaries of life and medical attendance to the people of those States —loyal and disunionists alike—to be aiding and promoting in such manner as that he will confiscate them. Now, that is the construction which that measure can bear, because your executive Government, I suppose, is to execute it. I contend that, under its language and the construction given by Senators on this floor and by the executive Government, it is a general act of emancipation; because all that agricultural labor of the South which is done by slaves—in raising corn, cotton, and other staples which go to the sustenance of human life and sustaining the resources of the southern people in every way—will be construed as giving aid and comfort to that movement. I tell you, sir, that amendment is a general act of emancipation.

The Senator says he has stood where he has ever done; and the gentlemen whom he represents stand where they have ever done, in support of the Constitution. That, sir, is the question. I profess to stand on that instrument as steadily, as firmly, and as loyally as that Senator. I have tried to show here that I stand upon it; I have tried to show that many of these proceedings are in conflict with it; and instead of being answered by reason, I have been answered by rhetoric and declamation alone. The gauntlet thrown down has not been taken up on the other side of the Chamber, and there has been no studied, clear, manly attempt to defend, upon constitutional grounds, the proceedings that are being enacted around us every day, and I venture to say there will be none.

One other word, and only one other. I am not in the habit of undertaking to instruct Senators as to their duty, or in the habit of forming or expressing any opinions on this floor as to whether they represent their constituents or not. The Senator from Ohio undertakes to say that, in opposing this resolution, and in my general course here in opposition to the war, I am not representing the people of Kentucky. Sir, I think I am. I am representing my own convictions, and, as I believe, theirs. To that tribunal, however, I will submit the question; and if, indeed, it be true that the people of Kentucky shall believe that the prosperity and peace of this country can be best promoted by an unnatural, fratricidal, and horrible war, and they shall determine to throw their energies into this struggle, not for the preservation of the Constitution and the principles of liberty, but, in my opinion, for the destruction of both, I will acquiesce, in sadness and in tears, in her decision; but I will no longer be her representative upon the floor of the American Senate. The Senator from Ohio is for this war, and he closes by saying so. Sir, I close by saying that, as a friend of the Constitution, as a friend of my country, as a Senator from the State of Kentucky, and as a philanthropist, I am against this war.

Mr. DOOLITTLE. Mr. President, some observations have just fallen from the Senator from Kentucky which require a reply. The Senator charges upon the majority, or those representing the majority upon this floor, the responsibility of involving the country in civil war. He charges that last winter, if the majority had yielded to the demands of the minority, the country would now be at peace. Sir, what were those demands made by the minority? Not to support the Constitution; not to stand by the Constitution as it is; but to make a new Constitution; and a new Constitution by the provisions of which the institution of slavery should be carried into all the Territories we now have south of 36° 30', and all the Territories we can ever acquire, even to Cape Horn. Sir, not only did they make the demand of a new Constitution, but they demanded it with arms in their hands. Do you suppose, when a demand like this was made, with arms in the hands of a minority, threatening to overturn the Government, that such a demand would be acquiesced in by the representatives of a majority of the American people?

Does that honorable Senator, who was himself a candidate for the presidential office, when defeated in the election, suppose that the majority, under the Constitution, would yield to the minority who were already in arms to prevent the inauguration of their candidate? That because the majority refused to submit to this humiliating demand of a minority, as a condition precedent, the majority are responsible for this war? Behold those gentle advocates of peace seizing our forts, firing upon our flag, at the mouths of their cannon demanding a new Constitution, or that the old one should be overthrown! Worse than all, Mr. President, when the question was put to the representatives of this minority in the peace congress, "if we yield to your demand, if we now agree that the Constitution shall be changed so that the institution of slavery, by virtue of the Constitution, shall be carried into all the Territories we now have south of 36° 30', and all we may ever acquire in Mexico, Central and Southern America, will you then give up your doctrine of secession and stand by the Union?" the answer was, "not at all." Sir, we could have no Union worth having on any terms whatever. It was always a Union with the right insisted upon, with arms in their hands, at any time to withdraw—a miserable, contemptible sham. In one word, it was a defeated minority, with arms in their hands, demanding not only a new Constitution of the majority, but demanding us to acknowledge and acquiesce in this asserted right of secession—in short, the destruction of the Government.

Mr. POLK. Will the Senator allow me to ask him what proposition he refers to when he says that? I do not understand the facts to be that way at all.

Mr. DOOLITTLE. Those are facts of history, known to all the world. I will go further, as I am now on the floor. I charge upon the friends of the Senator from Kentucky himself that their design in the breaking up of the Democratic convention in Charleston long before the election, was to force on this very issue, and break up the Government. For proof, I refer to the declarations of his own friends in that convention, and in the secession convention of South Carolina, as published at the time throughout the United States.

Mr. BRECKINRIDGE. Will the Senator allow me to interrupt him for a moment, for a single sentence only? Time and again, since the

commencement of this session of the Senate, kindred personal allusions have been made to myself. Although they are not unparliamentary, I think them both ungenerous and unjust. I ask, sir, that the views I take of constitutional duty, and the arguments by which I maintain them, may be met with courtesy and candor; and it adds not to a great cause to undertake to make it turn upon a personal point, leveled against an individual.

I add one word more, sir. Doubtless the Senator from Wisconsin believes that what he has said is true. I as firmly believe it not to be true; and that it was not true was proved by subsequent conduct after the result of the presidential election was known, when persistent, patriotic, long continued, earnest efforts were made here upon the part of some of those, and a large portion of those whom he now stigmatizes, to adjust this question, and when the adjustment was refused by those who coöperate with the Senator. In regard to myself, those who know me best know that never, from the moment I knew what a Constitution or a country was, did I ever utter one word, or cherish one thought, that was false to the Constitution and Union of my country.

Mr. DOOLITTLE. Mr. President, the statement which the honorable Senator has made that there were many individuals who desired and hoped that, by some compromise last winter, this difficulty might be prevented or deferred, I shall not deny; but what I charge is that the leaders among the disunionists, and many of the leaders among those who were here undertaking to press these terms upon the majority, designed to make it the pretext for carrying out their disunion and treasonable designs. They knew that they were demanding, and intended to demand, what never could be conceded; and they made the demand on purpose to be refused, with the very purpose of carrying their States and their people out of the Union.

The Senator talks a great deal about the trampling on the Constitution of the United States by the President in calling on the military power of the country to defend the capital. Sir, I shall not go into a discussion of this question now; I will, however, make one remark. Everybody knows that any private individual, even without any warrant whatever, has a right to arrest another individual when he is in the very act of committing a felony, and to use all the force necessary to make the arrest. I therefore undertake to say, that if there were ten thousand men in arms in Virginia to-day, actually waging war against the Government of the United States, engaged in actual treason against it with arms in their hands, I, as a private individual, without being President, without being clothed with any official authority whatever, have a right to ask one hundred thousand of my fellow-citizens to volunteer with me, and with arms in our hands to go and take possession of these ten thousand men in arms against the Government, and to do every act which is necessary to accomplish it, even to the taking of their lives. And now, in this Capitol, within hearing of the cannon of traitors, men stand up here, day after day, splitting hairs, talking about the Constitution of the United States being trampled under foot by the President, for doing what I, as a private individual, might do against these men now actually engaged in the commission of the crime of treason against the United States. What a private individual might do, certainly the President of the United States may do, who is charged by the Constitution with the express duty of executing the laws; and, by the acts of Congress, is clothed with the power to call the Army and Navy and the whole militia of the country, even if it were a million men, to arms, to come around him to defend the capital and to enforce the laws. Surely, what a private individual without warrant might do, the President may do under the powers with which he is clothed by the Constitution and laws.

That Senator ventures to predict that if this war is to be prosecuted until the rebellion is put down, or for twelve months, it is to be the grave of the American Republic, and the grave of liberty on this continent. Mr. President, I do not so read the future. I believe that the Government of the United States is to-day stronger, and will be more enduring, than any other Government on the face of the earth. I believe, too, that from this time onward it will rise in its career to a point higher than it has ever yet attained; and that the time is coming when the States of this Union that have been diseased and corrupted by disunionism will, one after another, State after State, take their position side by side with the loyal States of the Union, and be as loyal—ay, more loyal—than they have been for the last fifteen years. I remember very well that a late Senator from Virginia, (Mr. Hunter,) last winter, gave us a new word. These words are sometimes fearful things. Lane, of Oregon, gave us "*coercion;*" some other Senator "*subjugation;*" but Hunter gave us "*reconstruction.*" "The Union is broken," said Mr. Hunter; "how can it be reconstructed?" Ay, reconstruction; we thank him for that word. What has transpired in this body already has shown how reconstruction may go on. That reconstruction, let me tell the Senator from Kentucky, is not a reconstruction of the Constitution, but a reconstruction *upon* the Constitution. Virginia is reconstructing herself. Her recreant Senators, that have proved traitors to the Government of the United States, are banished from these Halls; and Virginia, reconstructing, redeeming, regenerating herself, is taking her position once more upon the Constitution; is again represented in this Hall, speaking once more the language of her Washington, her Jefferson, and her Madison. Tennessee will soon do the same. Her recreant Senator will learn that the loyal people of Tennessee, aided by the loyal people of the other States, still represented as she is by her heroic Senator, will take her position as strongly here as any other State in the Union; as loyal as that hero whose sacred remains still rest in her soil. And I say to the Senator from Kentucky, I do not believe that his State will ever prove disloyal to the flag of the Union. When Virginia and Tennessee and Texas shall reconstruct themselves upon the Constitution, the time will soon come when reconstruction will begin even in the Gulf States. The way for this reconstruction is plain and simple. It is not by undertaking to overthrow the Constitution, but by maintaining the Constitution. The loyal people of those States will rally to the Constitution, and plant themselves upon the Constitution; and we will rally by their side.

Let me say to the honorable Senator from Kentucky there is a clause in the Constitution of the United States which he seems to have overlooked; and that clause is, that the United States shall guaranty to every State a republican form of government; and when a military despotism has seized South Carolina and Alabama and Georgia and Louisiana, and crushed out all republican form of government under its iron heel, and has attempted to seize Virginia and Tennessee, what is the duty of this Government but to rally to their support; to guaranty to the people of those States a republican form of government? It is in the exercise of that power that we are sworn to stand, and will stand, by those people. I say to the Senator from Kentucky, that the loyal people of these United States have sworn by Him that liveth forever and ever, that, whatever shall stand in the way of the supremacy of the Constitution of the United States, and the laws made under it, they will, by God's help, trample in pieces. There is no mistaking the purpose of this people; it is not to overthrow the Constitution, but to sustain it and maintain it; and they will do it whatever it may cost of blood and treasure.

I shall sustain this resolution of the Senator from Tennessee.

Mr. BROWNING. Mr. President, I should have been content to vote for the resolution without troubling the Senate, or consuming its time, by submitting any remark whatever on it. Although I confess that the resolution does not precisely meet my wishes, I should still, all things considered, have adopted it and given a silent vote for it, had it not been for the course of remark indulged in by the Senator from Kentucky, and which, for one, I am not content shall go to the country without a very few words of response.

The Senator from Kentucky has been indulged during this session in the largest possible liberty of speech, and he has availed himself freely of the privilege; and on every occasion—with no exception, so far as I know—when he has addressed the Senate, he has assailed vehemently, if I may not say vindictively, the Pesident of the United States, and the Administration; and, sir, for what? He charges upon them that they have inaugurated and are now prosecuting a fratricidal and horrible war, and that in violation of every principle of the Constitution. Throughout all his denunciation of the President and the Administration, I have heard no word, no single word of condemnation of the atrocious conduct of the States that are in rebellion against this Government.

For the first time in our country's history our country's flag was subjected to the indignity of an assault at the hands of American citizens; an infamous, an unprovoked, a causeless assault. Our forts were seized upon—as I have before said—our armories and our arsenals were robbed; our custom-houses were despoiled; a system of stupendous plunder and thievery was inaugurated all over the States that have seceded and withdrawn, or attempted to withdraw, from the just authority of this Government. Yet, sir, notwithstanding all this I have heard no single word uttered by the Senator from Kentucky in denunciation of it, in indignant denunciation, as it should have received at his hands, as at the hands of every other loyal American citizen.

Now, sir, I desire to ask, and to ask respectfully, of the Senator from Kentucky, whom I have always been proud to call my friend—and I desire the question to be answered—does he approve of the conduct of South Carolina in withdrawing, or attempting to withdraw, from this Government, rending asunder the Confederacy, breaking up the Union, and assailing our flag both upon land and sea? I desire to know whether that act of South Carolina meets with his approval and his indorsement? I desire further to know if he approves of the acts of the States that have followed the treasonable lead of South Carolina? Is he here upon this floor to vindicate them, and to hurl unceasing denunciations upon a President who was never surpassed by any man who ruled a people on earth, in all that constitutes patriotism, honor, integrity, and devotion to the great cause of human rights?

Sir, I deny, and deny in the most emphatic manner in which denial can be made, that it is true that the President or the Administration is, to any extent, responsible for the unhappy condition in which this country now finds herself placed. I desire further to ask of the Senator from Kentucky, what, in his judgment, the President and the Administration should have done when the flag was fired upon, when Fort Sumter was assaulted, when a suffering and starving handful of loyal men in the discharge of their rightful duties were fired upon, and their very lives assailed; what, I desire to know, in the judgment of the Senator from Kentucky, should the President and the Administration of this Government have done? He has not informed us. No one of those who have participated in these assaults upon the Administration has informed us; they have not condescended to inform either us or the country what, in their judgment, the Government should have done. Should it have humbled itself before treason? Should it have bowed abjectly to the demands of traitors, and have said, "because you demand it, we assent to a disruption of this Government, an overthrow of the Constitution, a dismemberment of the Union; we submit to your behests, and we will never venture for ourselves to think or act until we have first had your permission to do so?" Was that what he thinks we ought to have done? If not submit to it, what other course was there open but the very course that was adopted and pursued? The alternative was either abject, servile, disgraceful submission, or manly, constitutional, heroic resistance to the infamies that had been committed against us. Which course does the Senator think should have been adopted?

I call attention again to the fact that these gentlemen have not ventured to say, either to the Senate or to the country, what they think should have been done. They content themselves with assailing and denouncing the Administration, and they give the country no intimation of what, in their opinion, it was proper the country should have done, in that hour of her peril, for her own self-defense. Mr. President, on the part of the Administration, on the part of the country, on the part of every loyal citizen in the country, this is as strictly and literally a war of self-defense as

ever a people were compelled on earth to prosecute. Whenever an individual is assailed, he has an inherent and inalienable right of self-defense that stops to consult no constitution and no law, save alone the law of necessity, which overrides all others; and he has a right, as sacred and inalienable as any right with which the almighty Architect of the Universe ever endowed a creature of his creation. He has not only the inalienable right of self-defense in the tracks where he stands when assailed, but to push the war of self-defense to the uttermost extremity, until his enemy is completely disabled and incapable, deprived of the power of the renewal of the assault, and further prosecution of the war; and that, sir, is what we intend to do here. It is a war of self-defense, and strictly a war of self-defense; and it is nothing else.

Here let me say, and I say it with no passion, Mr. President, that all the griefs of my life concentrated into one have not equaled the overwhelming sorrow that crushed me for the condition of my country when this atrocious thing first came upon us. I say it with no passion, Mr. President, when I do say—and I trust that I say it for the entire country—that any man or any set of men, here or elsewhere, who delude themselves with the idea that there is to be now, or at any time hereafter, any sort, kind, or character of compromise patched up with treason, by which this war is to be brought to a close, are fatally deceiving themselves. Mr. President, no terms can be made now or hereafter. Let the consequences of this war be what they may, no terms, now or in any other time hereafter to come, can be made with treason and rebellion. There are but two alternatives. One is that this Government shall be overthrown, and that the hopes of the world for constitutional government shall go down in hopeless night forever; and the other is that rebellion shall be subdued, shall be subjugated, that treason shall be punished and condignly punished, and this Government shall be founded upon a rock—firmer, faster than it has ever heretofore been—and upon which hereafter all the tempests of insurrection and domestic discontent may beat, but beat in vain.

Mr. President, I have already detained the Senate longer than I intended; but there are one or two other things to which I must advert, and I should feel that I had not half fulfilled my duty were I to take my seat without adverting to them. The Senator from Kentucky, if I understood him correctly, says that the measures of legislation which have received our sanction, which we have adopted, contemplate, and in their consequences will accomplish the universal emancipation of the slaves of America. If it shall be so, if this war results in any such consequence, the responsibility of it is not upon us. I said all I desire to say on this subject the other day.

But the feature of the matter to which I desire to call the attention of the Senate, yea, sir, of the country, is this: we have occasionally been denounced for (as it is charged upon us) an intention of inciting to servile insurrection, and placing arms in the hands of the servile race to be used against their present owners. Mr. President, it has been one of the chivalric boasts of southern treason since this war commenced, that their slaves and their emancipated negroes were coming forward and voluntarily arming, and they were assisting them to arm. For that purpose? To aid them in the overthrow of this Government, and in cutting the throats of the free citizens of the northern States. Let me tell them they may teach us. The lesson that they are now teaching us is one of deep significance. It has been their boast that these things were so; and yet whenever it is intimated that by any possibility of necessity the people of Massachusetts, or of any other New England State, may choose to arm a regiment of her black citizens to aid in the defense of the best, the most glorious, and beneficent Government that the world ever saw, to aid in the prosecution of the holiest cause that ever enlisted man's sympathies and energies, a howl deep and dismal as that which would burst from the regions of perdition itself is heard all over this land in denunciation of the northern barbarians who may possibly contemplate at some time or other putting arms in the hands of their colored freemen, citizens; and at the very moment they boast, they seem to glory in the thought, that not only free negroes in the South but slaves of the South are to be armed for the prosecution of a nefarious war upon this glorious Government.

Now, Mr. President, just let them put that in practice; just let them carry their threats into execution, and for one I will assail the institution of slavery wherever it exists, through every avenue by which it can be reached, and with every weapon by which I can strike at it. Let them persist in it, and I, for one, if the necessity is forced upon us, will not only be, as I have before said, for sweeping the last vestige of the institution from the continent; but if need be to uphold this Government, to reinstate this Union where she was, to give to the world some hope that there may yet be such a thing as a blessed constitutional Government for the protection of us now, and for all who are to come after us in all time, I, for one, when they arm their servile race to cut the throats of the free men and free women and children of the North, will urge upon the President (and his power I do not doubt in such an emergency) to proclaim universal emancipation, and to arm them all to repel the assaults that they would make upon us with arms in the hands of their slaves.

Let them beware, sir, what lessons they teach us. I do not wish to be misunderstood. I desire no such thing to come. I desire that this war shall be prosecuted without any reference to the aggravation of its horrors and its desolations. God knows they are enough under the most favorable circumstances; but when they undertake to prosecute the war with all the evidences of atrocity and barbarity that would characterize the war of savages, let them beware that they do not teach us a lesson that may be visited upon their own head in terrible retribution.

One thing more, and I think I shall have done. I should be exceedingly glad if our duties at this time permitted a close, analytical, and logical reply to all that has been said by Senators on this floor who have denounced the Administration; I should be exceedingly glad if our time and our duties would permit that to be done; but they will not. The Senator from Kentucky says that what we need—and it is the only intimation he has given us of what we do need—is peace to preserve the Constitution. And how is the peace to come? Who broke the peace? Was it the Administration? Was it the loyal citizens of America? No, sir. It was those that I will not say the Senator from Kentucky is standing here to defend. I will not assert it, because he has not asserted it himself. I will not do him injustice. I will not assert that he appears upon this floor as the champion of their systematic treason. But I will say to him that if peace is what is wanted, and all that is wanted, to save the Constitution and the country, there is no easier achievement on this earth than to give us peace. But, sir, how does the Senator from Kentucky expect it to come? He does not tell us; and I desire to know from him whether his wish, whether his opinion as a Senator is that peace should come? It has to come by the subjugation of one party or the other; I do not mince the word; I rather like it. Is it his opinion that it should come by the subjugation of the Government? He thinks it ought not to come by the subjugation of the rebels. Does he think it ought to come by the subjugation of the Government? If so, I for one do now and ever will differ from him, as far as the loyalty of the free States differs from the treason of the rebel States.

I omitted, Mr. President, to call attention to one single suggestion. There are a thousand of them that I should like to reply to, but I will not. This war and all its consequences are chargeable, as the Senator from Kentucky says, upon the party who are sustaining the Administration of this Government, because they refused to make just and proper concessions at the last session of Congress. At the last session of Congress I had not the honor of a seat upon this floor; I was not in the city of Washington; I am not very well informed as to what was done; but I desire to ask the Senator, did South Carolina, before she withdrew herself, or attempted to withdraw herself from the jurisdiction of the Constitution, present to this body, or to this Government, any specific grievance, the redress of which she asked, as a loyal State should have asked? Does the Senator pretend to say that she did? Does the Senator pretend to say that she alleged that she had any grievance that needed redress? Did any one of the seceding States bring before the Congress of the nation a specification of their grievances, and ask their redress? No man has asserted it, and I venture to say no Senator will assert it. Let me ask, sir, what concessions, in the judgment of Senators who attack the Administration, should have been made? and should they have been made to rebels in arms against the Government, and at the point of the bayonet? Do they hold that it was the duty of the Government to submit to that coercion; and under that coercion to make concessions that were not asked for, and which were so vague and indefinite that we do not now know what they were that they desired? Will Senators tell us whether this is one of the views they take of the duties of this Government?

But, sir, when peace comes, how does the Senator from Kentucky think it ought to come? Shall it be by a reunion of all the States by the reassertion of the authority of the Constitution over every inch of our territory? Shall it come by seeing the flag of our fathers again floating over every foot of land from the shores of the Atlantic to the golden sands of the Pacific?. Is it thus to come, or is it, in the judgment of the Senator and according to his wishes, to come to a divided and dissevered people, to little, petty confederacies, or monarchies, or democracies, or whatever form chance or power may choose to give them? Does he desire that peace shall come to our country in that condition?

Mr. President, in my judgment, no greater error was ever indulged in, no more fatal delusion was ever hugged to the heart of an American citizen than the delusion that two Governments, two Republics, can exist in the region of country which constitutes the United States of America. If the people of the free States and the people of the slave States, before a rebel hand had ever been elevated in hostility to the Government, had peacefully agreed to divide the Confederacy, and make a slaveholding confederacy in the South and a glorious confederacy of freemen in the North, all the Powers of the earth could not have preserved the peace between us for six months.

There are natural causes that man's power cannot control, and upon which I do not propose now to enter, that would before the lapse of six months from the formation of two such confederacies have involved them in inevitable war, the circle of which would have continued to widen and separate until it embraced the entire confederacies, and which would have continued until one or the other was subjugated or exterminated. There is no power in man, physical, or mental, or moral, or all combined, to keep from us just that condition of things, even if the States had chosen peacefully to separate. And, sir, if the war with all its horrors—and gentlemen have depicted them to us in glowing terms—if the war with all its ten thousand unimaginable horrors had to come upon us, it is better, a thousand times better, for us to meet it now, to meet it when it comes in the form of rebellion and treason, and put it down forever, than to undertake to meet it when we were fighting what we had acknowledged to be a free and independent republic. The war, sir, will be less fierce; it will be less desolating; it will be less enduring in every section; it will be less afflicting, than the war that would have been upon us as the necessary and inevitable result of peaceful separation.

Mr. President, I do not know that such is the fact, but when it is said no concessions were or would be made, I say I have always understood the fact to be—and if I am in error, I desire to be corrected—that what was known popularly as a peace convention, consisting of delegates from the border States, assembled in this city during the close of the last session of Congress, I understand, and have always understood, that that peace conference agreed upon measures of concession which were acceptable to the representatives of the State from which the Senator comes. I understand further, that when the peaceful results of the deliberations of the best men the country contained were laid before this body, they were fiercely and terribly denounced by the Senators from Virginia, and it was proclaimed that no concession or no compromise would be accepted, but that the separation was final and forever. That, sir, I have always understood to be the truth. How can the Senator, then, in the very teeth of these facts, come here and proclaim in

this Chamber that all concession was refused that was asked by the people of the South, when his own State, if I understand it, brought forward the propositions, and the free States accepted it?

Mr. KENNEDY. They were voted down.

Mr. BROWNING. I understand they were voted down. They were accepted in the convention, and were voted down because they were not enough. If I am mistaken, I shall be obliged to my friend from Maryland if he will correct me. I do not wish to misstate anything, or misrepresent anybody; but I find that they were denounced upon this floor by southern Senators in terms fiercer than any that I have the power or capacity to use.

Mr. KENNEDY. If the Senator will allow me to interrupt him—I am sure he will not regard it as an intrusion—I will say one word.

Mr. BROWNING. Certainly not. I yield with pleasure.

Mr. KENNEDY. I can only say, as a member of the last Congress, that the propositions were voted down on the very last night of the session—on Sunday night. A vote was taken *seriatim* on every one, and every one was voted down by a majority of the Senate.

Mr. BROWNING. I make no point upon that. The point I make is, that the proposition of compromise was denounced on this floor by southern Senators, and especially by the Senators from Virginia; and if I am in error in that, I shall be happy to be corrected. I think I am not.

The Senator from Kentucky speaks for his own people. He, and not I, is their organ upon this floor; but I must be permitted to say that I cannot bring myself to believe that the people of Kentucky, that I love as my native State with a fervency and devotion of affection which yields only to that which I bear to the noble State of my adoption—I say, sir, I cannot bring myself to believe that the hearts of the people of that gallant State, whose history covers some of the brightest pages in our nation's chronicles, who have won renown upon every stricken field in defense of this Government, from the time she became a member of the Confederacy, are disloyal to the flag that floated over their fathers, and under whose folds this entire country was first consecrated to the great cause of liberty. No, sir; I cannot and I will not believe that the hearts of the people of Kentucky, whatever the hearts of her authorities may be—I will not insinuate that the heart of the Senator is or can be disloyal to his country's flag—however disloyal her organized government may be, will ever consent to contribute their means and their valor to the dishonor of our flag, to the overthrow of our Goverment, and to the crushing down of the hopes, not only of America, but of all the devotees of liberty over the face of the earth.

I ought to apologize, Mr. President, to the Senate for the length of time I have consumed. I have occupied a great deal more than I intended when I rose.

Mr. BRECKINRIDGE. I rise only to say, that as the Senate does not seem disposed to continue the discussion on this resolution, I will not, as I had intended, make a short reply to the Senator from Illinois. Perhaps I may do so, or may not, on some future occasion, upon some bill, before the close of the session. I will not interfere, however, with the vote upon the pending resolution.

Mr. JOHNSON, of Tennessee. I ask for the yeas and nays on the adoption of the resolution.

Mr. LATHAM. They have been ordered already. They were ordered yesterday.

The PRESIDING OFFICER. The record does not show that the yeas and nays have been ordered.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. KENNEDY (when his name was called) said: With the objection I have stated to the first part of this resolution, I will vote "yea."

Mr. SAULSBURY (when his name was called) said: As the only legitimate purposes for which this war can be prosecuted are those disclosed in the resolution, without attempting to know for what purpose those in power may prosecute it, I shall vote in favor of the resolution. I vote "yea."

The Secretary concluded the calling of the roll.

The PRESIDING OFFICER. The Chair will inform the Senate that there is no quorum voting.

Mr. BRECKINRIDGE. There were many Senators here a few moments ago who are not now in the Chamber. I trust the vote will not be prematurely announced, as the Senators, I suppose, will be in in a moment.

Mr. LATHAM, (after a pause.) As there is no quorum, I presume it will be in order to move that the Senate do now adjourn.

Mr. CLARK. There will be a quorum presently. Senators have been sent for.

Mr. LATHAM. Very well. I will not make the motion.

Mr. FESSENDEN, (after a pause.) I was in hopes that the question would be taken on this resolution this evening, because I am apprehensive, if it goes over, we may have further debate upon it. It seems, however, there is not a quorum to vote on the subject.

The PRESIDING OFFICER. There is a quorum now present. [Mr. TRUMBULL having appeared in the Chamber.]

Mr. FESSENDEN. If there is a quorum present, I will not make the motion I was about to submit.

Mr. TRUMBULL. The question, I understand, is on the adoption of the resolution of the Senator from Tennessee.

Mr. JOHNSON, of Tennessee. Yes, sir.

Mr. TRUMBULL. As that resolution contains a statement which, in my opinion, is untrue, that this capital is surrounded by armed men who started this revolt, I cannot vote for it. I shall vote "nay."

I wish to add one word. The revolt was occasioned, in my opinion, by people who are not here or in this vicinity. It was started in South Carolina. I think the resolution limits it to a class of persons who were not the originators of this rebellion.

Mr. POWELL. Before the result is announced, I desire to say that I also vote against the resolution because I believe it to contain statements that are untrue.

The result was then announced—yeas 30, nays 5; as follows:

YEAS—Messrs. Anthony, Browning, Chandler, Clark, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Howe, Johnson of Tennessee, Kennedy, King, Lane of Indiana, Lane of Kansas, Latham, Morrill, Nesmith, Pomeroy, Saulsbury, Sherman, Ten Eyck, Wade, Wilkinson, Willey, and Wilson—30.

NAYS—Messrs. Breckinridge, Johnson of Missouri, Polk, Powell, and Trumbull—5.

So the resolution was adopted.

ORGANIZATION OF THE ARMY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No. 3) providing for the better organization of the military establishment, disagreed to by the Senate and insisted on by the House of Representatives; and

On motion of Mr. WILSON, it was

Resolved, That the Senate insist on its disagreement to the amendment of the House of Representatives to the said bill, insisted on by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. WILSON, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. WILSON, Mr. GRIMES, and Mr. RICE, were appointed.

THE NATIONAL LOAN.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes;" and

On motion of Mr. FESSENDEN, it was

Ordered, That it be referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. FESSENDEN. If there is no other business on the table, I move that the Senate proceed to the consideration of executive business. Some messages have been received which can be disposed of in a moment.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 25, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had passed the bill of this House providing for the payment of the police organized by the United States in the city of Baltimore, with amendments, in which he was directed to ask the concurrence of the House.

PERSONAL EXPLANATION.

Mr. RICHARDSON. I ask the unanimous consent of the House to make a brief personal explanation.

There was no objection.

Mr. RICHARDSON. Mr. Speaker, I have been assured by some of my friends, to whose opinions I defer, that in the course of some remarks which I made yesterday, I probably, in the heat of debate, went a little too far. I have arisen this morning for the purpose of saying that my remarks of yesterday were entirely without premeditation. If, in the heat of debate, I have wounded the feelings of any gentleman, I regret it. If I have offended the dignity of this House, I make an humble apology for having done so.

Mr. Speaker, this apology is made in justice to my own feelings, and prompted by no other motive. I have had a seat in this House for many years; and during all that time yesterday was the only occasion that I have been borne into personal conflict. It may be, as I am assured by my friends, that I was borne further than I intended to go; and therefore I make my apology for it to the House.

INDUSTRY OF ALL NATIONS.

Mr. HUTCHINS, from the Committee on Manufactures, reported back without amendment, and with a recommendation that it do pass, the joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be held in London in May next.

The joint resolution was read. It authorizes the President to take such measures as shall to him seem best to facilitate the proper representation of the industrial interest of the United States at the exhibition of the industry of all nations to be held at London in the year 1862; and it appropriates $2,000 for the incidental expenses thereof.

The joint resolution was read the third time, and passed.

Mr. HUTCHINS moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NEBRASKA CONTESTED ELECTION.

Mr. DAWES, from the Committee of Elections, made a report on the memorial of J. Sterling Morton, asking to be declared the sitting Delegate for the Territory of Nebraska, instead of Hon. SAMUEL G. DAILY, pending his contest of the right to represent said Territory, accompanied with the following resolution:

Resolved, That the Committee of Elections be discharged from the further consideration of the memorial of J. Sterling Morton, presented to the House on the 12th instant, asking that he may be declared the sitting Delegate for the Territory of Nebraska, instead of Hon. SAMUEL G. DAILY, pending his contest for the right to represent said Territory, and that the same do lie on the table; and this without prejudice to the right of said Morton to prosecute said contest on its merits.

Mr. DAWES. I desire to move that the papers be printed, and that the resolution be agreed to. Before making that motion, however, I wish to state to state to the House in substance what is contained in the report, so that the House may fully understand that this is not a resolution which affects in any degree the merits of the case. It does not in any degree decide which of these two gentlemen is the rightful Delegate to represent the Territory of Nebraska in this House. It simply states that the action of the House, had heretofore, has simply decided which of these gentleman shall occupy the seat pending the contest on the merits of the question. The gentleman whose memorial

has been presented to the committee feels that the House has done wrong and made a mistake, and that it should have declared, on the certificates presented to the House, that he, instead of Mr. Daily, should be declared the sitting member during the pendency of the contest. His memorial is, not that the Committee of Elections shall look into and examine the merits of the case, to see which of them has got a majority of the votes, but that the House shall, at this time, undo what was done on the second day of the session, and declare that he, Mr. Morton, shall occupy the seat which it declared, on full discussion, should be occupied by Mr. Daily. It was urged by him before the House, on that occasion, that if Mr. Daily should be declared the sitting Delegate, and he left to contest the seat on the merits, he, not having complied with the law of 1851 requiring notice of contest to be given in a specified time, would be without an opportunity to contest. The House, therefore, on a subsequent day, authorized and required the committee to examine into the merits of the case, and determine which had the actual majority of votes, without regard to the provisions of the law of 1851. The papers of Mr. Morton were thereupon referred to the committee.

On calling these gentlemen before the committee to enter on the investigation of the question, Mr. Morton makes this special memorial, asking that during the pendency of the contest he may be declared the sitting Delegate and Mr. Daily declared the contestant. But the committee considered that the action of the House on the second day of the session, in declaring Mr. Daily the sitting Delegate, precluded them from entering on that question. The committee therefore report the resolution that they be discharged from the further consideration of this particular memorial; but in order to guard Mr. Morton's rights fully, they provide in the resolution that all this shall be done without prejudice to his rights in the further contest now pending before the committee. I think the House fully understands it, and I therefore call the previous question.

Mr. RICHARDSON. I ask the gentleman to withdraw the demand for the previous question?

Mr. DAWES. For what purpose?

Mr. RICHARDSON. I propose to make a few remarks upon this question.

Mr. DAWES. If the gentleman will renew the demand for the previous question, I will withdraw it.

Mr. RICHARDSON. I prefer not to move the previous question unless the gentleman insists upon it.

Mr. DAWES. I do not wish to open an unlimited debate upon this question. It is common law in this House that the previous question must be called upon anything that anybody expects ever to get a vote upon. If I can get any just and reasonable terms from the gentleman from Illinois, I most certainly shall give him the floor.

Mr. RICHARDSON. I am bound to accede to the gentleman's terms, for he has the matter in his own hands. I accept his terms, whatever they may be.

Mr. DAWES. I could not fix any time within which the gentleman from Illinois shall confine himself, because I could not deprive myself of the pleasure of hearing him as long as he chooses to speak. I am not willing, however, to open the door to everybody, for there are few gentlemen in the House to whom I am as willing to listen as to the gentleman from Illinois. I say, therefore, that I will withdraw the demand for the previous question if the gentleman will renew it.

Mr. RICHARDSON. I will renew the demand, provided the gentleman is not satisfied after he has heard me that further consideration should be given to the matter.

Mr. DAWES. I will withdraw the demand.

Mr. RICHARDSON. I have risen for the purpose of making a motion that shall bring this matter properly before the House. I think a great wrong has been done by the action of the House on the second day of the present session.

I am not here to-day, Mr. Speaker, for the purpose of entering upon any discussion of the merits of the contest between these two gentleman from Nebraska. The ascertained right of Mr. Morton to hold the seat during the pendency of the contest is established by the law of the land, he holding the certificate of election, according to law. What the merits of the contest may be I do not know; and I will not peril my reputation by stating what the result of that contest will be, for I know nothing about it. But I have to say—and I desire the attention of the gentleman from Massachusetts—that I shall move to amend the report of the committee by declaring that Mr. Morton be admitted to the seat for the present; and I desire further that Mr. Morton may be heard upon that question. When he shall have been heard, I will then be as ready as the gentleman from Massachusetts to move the previous question. I think he ought to be heard; he understands this matter better than any of us; and I think the House ought to give its consent to hear him in explanation of his own case. I believe, if they will, they will adopt the amendment which I offer.

Mr. DAWES. I think it is perfectly right that both these gentlemen should be heard upon the merits of this case; and if I considered this in the least a question affecting the merits of the case, I could not say a word against it. But the condition of the case will remain precisely the same. It is only a question which of these gentlemen shall occupy the seat here in the mean time. The question whether a majority of the people of the Territory of Nebraska have sent Mr. Daily or Mr. Morton here, does not come up now in any shape. That question is still back in the committee, and still to be determined by them, under the instructions of the House to disregard the law, and go back to the simple question, who had a majority of votes. The question here is solely which of the gentlemen has so far such a paper title as to permit him, during the contest, to occupy the position of sitting Delegate; and that question the House, on the second day of the session, decided so far as to permit Mr. Daily to be sworn in and occupy the seat, for the time being. That question was then discussed. My learned friend from Illinois was heard fully and ably on the subject. He made the motion then which he proposes to make to-day. The gentleman from Kansas proposed that Mr. Daily be sworn in. The gentleman from Illinois moved to amend that motion by striking out the name of Mr. Daily and inserting that of Mr. Morton. The subject was continued under consideration a great portion of the day, until everybody had been heard who desired to be heard upon it, and everybody voted who desired to vote upon the gentleman's amendment, by yeas and nays. The House then decided between the paper title presented by Mr. Daily and the paper title presented by Mr. Morton, and gave to Mr. Daily the benefit of its judgment, that Mr. Daily's paper title was the best, and that he should occupy the seat while the contest was going on.

Now, Mr. Speaker, when the merits of the case come before the House for our consideration, it has already been decided that both gentlemen shall be heard; but I repeat that there is no matter affecting the merits of the case in the question now under consideration. That contest is now going on. There is no advantage to be taken before the committee. The testimony is taken by both sides, and nothing is to be gained or lost by either party, whether the motion the gentleman from Illinois now makes is adopted or rejected. The question before the Committee of Elections, in connection with this subject, is simply who received the majority of votes, and not who is plaintiff or defendant.

Now, sir, the House having spent nearly the whole of the second day of the session in discussing and determining this preliminary question, and having reiterated its decision by laying on the table the motion to reconsider the vote by which Mr. Daily was directed to be sworn in, I do not know by what power it is that that action of the House is now sought to be undone.

I have no objection to the amendment of the gentleman from Illinois being submitted to the House. It matters not to me in what shape the matter comes before us for decision; and I am satisfied that, if the House understands what it is doing, it will not do so singular an act, to say the least of it, as to declare one man to be the sitting Delegate for the space of a fortnight, and then declare another the sitting Delegate for another fortnight; the contest all the time going on before the Committee of Elections as to which gentleman is entitled, by a majority of the votes given, to be here as Delegate. I say I am not particular about the gentleman's motion; but I hope the time of the House will not be consumed by a further discussion of the case.

Mr. RICHARDSON. I desire to reply particularly to the gentleman from Massachusetts. I have great regard for that gentleman—very great regard. But, sir, why is it, if the Committee of Elections have perfect power over this entire subject, that that committee have reported it back here again upon the petition of the gentleman who ought to be the sitting Delegate? If you have perfect power already, what object is to be gained by getting another vote upon it in the House? What is the object? I ask the question.

Mr. DAWES. I will tell the gentleman. The rule which governs me in this House is this: if any individual, however humble he may be, however high he may be, however respectable he may be, comes to this House with a petition, couched in proper terms, he shall be heard by me before the committee; I will report upon his memorial, and the House shall have an opportunity to vote upon it. Mr. Morton in this case presented a memorial, which was referred to the Committee of Elections; and I, as a member of that committee, have heard him upon that memorial, and reported upon it. It was the opinion of the committee that he asked of us a matter upon which he was precluded by a vote of the House. Nevertheless, as well in accordance with our own ideas, and what was right, as in accordance with his own special request, we brought this matter before the House to see whether the House agreed with the committee. If the House do not agree with the committee they will unseat the member they seated here a fortnight ago, while we are determining as to the right to the seat; that is all.

Mr. RICHARDSON. Mr. Speaker, it is to that I object. I am not here for the purpose of making complaint of the rulings of any of the committees. I am not here to-day for the purpose of discussing questions that are decided sometimes in our courts upon pleas. I understand that under our Government the great question to be decided is, what is the will of the people as to who shall represent them upon this floor? I discard all form. I discard all quibbling. I enter upon this question as I would upon that of the right of petition. I agree to what the gentleman has said, and said so well, about the right of petition. The petition in this particular case was for the purpose merely of bringing to the attention of the committee a legal question, and a legal question alone. The committee report back that the House has done thus and so. Now, sir, in our courts of justice, where new trials are granted, the attorney of the victorious side is not allowed, in an honest court, at least, to allude to the finding of a previous jury. It is for that reason the verdict is set aside. It is that the law may be vindicated and established, that you have these new trials.

What is this report? Why, Mr. Speaker, it is this: that a previous jury has decided thus and so; not what the law of the case is, but that a previous jury had decided thus and so. I have, sir, great respect for the Committee of Elections. I have a particular respect for the gentleman from Massachusetts, [Mr. DAWES,] chairman of the committee. I have heard him, and with very great pleasure, assert his views in reference to the law. I respect his views, because I think they are always prompted not only by high intellect, but a pure heart. After I have said this much, the gentleman from Massachusetts must permit me to say, and it is not meant unkindly, or to be offensive—the Committee of Elections will permit me to say that I think their report is not marked by that dignity of deliberation that ought to characterize the Representatives of the American people. The question is not what have we done. It is not that, sir; but it is, what is the law? It is a question of law—of right. That is what it is, and that is all it is. We have no report on that question; and hence it is that I move my amendment, in order to bring the subject before another jury.

I say to the gentleman from Massachusetts; I say to the House; and I say to you, Mr. Speaker, that in the discussion the other day, while I thought I saw the line of law and plain duty before me, yet I did not feel able to impress the

House with my own convictions. I did not believe that the House would have decided so hastily. I believed that a simple statement of the case was sufficient at that time. Sir, I was mistaken. Therefore, I have desired that the contestant might be permitted to present his own case. I know him. I will say of him that, of all the young men in the country, and I am familiar with a very great many of them, he has the greatest intellect and the most future. I pass this compliment upon him. I have known him for years, and I have watched him well. Beyond the Ohio river there is not a brighter intellect. Gentlemen, you will hear of him hereafter; mark my words. And I will say of Mr. Daily—and I say it with pleasure—that he is a clever gentleman. He was a member of the Legislative Assembly when I was Governor of Nebraska Territory. I found him ready to support me at all times in the vindication of the law, and in everything calculated to contribute to the welfare and prosperity of the country. I am not here, Mr. Speaker, to say one word offensive to him. But I do think that the American House of Representatives have committed an outrage in permitting the Governor of the Territory, in violation of his oath, in violation of his duty, and in violation of every trust reposed in him, to unseat a Delegate as has been done in this case.

I have said all I desire to say. I have moved to substitute the name of Mr. Morton, and to permit him to be heard. The gentleman from Massachusetts says that he wants to be heard on the merits. I have but one word of reply. This is the merit of the case. Mr. Morton came here, Mr. Daily contesting his seat. He only took evidence enough for the purpose of rebutting what Mr. Daily alleged. He has taken no depositions for the purpose of unseating Mr. Daily. Mr. Daily recognized the fact that Mr. Morton was elected. Mr. Morton recognized it. Everybody recognized it.

Mr. DAWES. That my friend may not labor under any misapprehension, I will state to him, and to the House, that when he says that Mr. Morton only took testimony enough to meet the case made out by Mr. Daily, he ought also to state that the committee distinctly informed Mr. Morton that, under the instructions of the House, they were bound to say to him that between now and the sitting of the House in December, he was at liberty to take all the testimony he chose. Mr. Daily informed the committee that he would not object to any testimony taken by Mr. Morton between now and the sitting of Congress in December. There has been no obstruction thrown in the way of this contest on the part of the House, on the part of the committee, or on the part of the contestant or sitting member. They have all approached it with the idea that the only duty incumbent upon them was to ascertain who had the majority of legal votes cast on the day of election for a delegate to Congress. It is due to the committee to say that every member of it is actuated solely by a desire to ascertain that fact, and that fact only.

Mr. RICHARDSON. I have no doubt of it.

Mr. DAWES. When my friend says that we have hardly done justice to the memorial, let me say to him, that it was only a question whether we should bring it before the House in the way we have, or to keep it in committee until we had decided the merits. If we had kept it in committee until we had decided the merits, then Mr. Daily would have occupied the seat, and Mr. Morton would have been the contestant. We feel it due to Mr. Morton, as a matter of justice, to bring it before the House in the way we have, at the same time, stating to the House our opinion as a matter of law, if my friend pleases to call it so, that this is a judgment of the House already entered up; and that, while it continues as a judgment of the House, it is not in our power, by a hearing upon the memorial before the committee, to reverse that judgment.

Mr. RICHARDSON. I desire to say, once for all, to the gentleman from Massachusetts, that I have expressed my confidence in his judgment because I feel it. If I did not, I would not say so. I do not impugn the committee at all. I believe they have done what they believed to be right and proper. But I desire to call the attention of the gentleman from Massachusetts to another point. He thinks I have done him injustice by saying that Mr. Morton was not in the condition of a contestant. He said that the committee and Mr. Daily had agreed thus and so. What of it? Does the Committee of Elections pass laws? What right, either by the consent of Daily or of the Committee of Elections, has Morton to contest the seat under a law passed by both Houses?

Mr. DAWES. According to the argument of the gentleman from Illinois, there has been no law up to 1851 for contesting a seat here. According to his argument, all the cases since that time which have been decided upon testimony taken outside of that law, have been decided without law, which can hardly be the case. The law of 1851 is not a command, but only a direction. It only provided a method by which parties may avail themselves of an early day to prepare their case; but each House is, by the Constitution, clothed with authority beyond this law, and it was not in the power of the two Houses and of the President, in 1851, to prescribe a law for this House. This House alone, touching the right of each member to his seat, is a law unto itself; and the House decided by a vote, on the second day of the session, the 5th day of this month, that this contest shall be carried on without regard to the law of 1851.

Now, I hope my friend will call the previous question.

Mr. RICHARDSON. I desire to say a single word further. I agree with the gentleman as to the power of this House, touching the election and qualification of its members; but there is another thing which the gentleman from Massachusetts is too good a lawyer to deny—that the House and Senate can prescribe the means by which testimony shall be taken. They have the power to do that; and under that power gentlemen have been cut off for not taking testimony according to law. Now, sir, we pass laws in our States every day, for the purpose of determining what shall and what shall not be evidence, how it shall be taken, and what notice shall be given. Now I say that where the law prescribes the mode in which testimony shall be taken, if the testimony is not taken in accordance with that law neither a court nor Congress has the right to hear the testimony. It is excluded, under such circumstances.

Mr. DAWES. I have only to say that the whole course of precedents of this House, from the foundation of the Government, is in the face of the gentleman's statement; that every House has determined for itself, without regard to any law back of it, what particular testimony they will, and what particular testimony they will not, receive, touching the right of any member to a seat upon this floor.

Mr. RICHARDSON. I regret very much to make an issue with my friend from Massachusetts. I suppose he is a better lawyer than I am. I concede it. But I say to the gentleman that he has misapprehended the point I made, which is, that after Congress has prescribed the mode of taking testimony, if it is not taken in that mode it will not be received.

I move to amend the resolution reported by the gentleman from Massachusetts, by striking out all after the word "resolved," and inserting:

That J. Sterling Morton be declared the sitting Delegate from the Territory of Nebraska, instead of Hon. Samuel G. Daily, pending the contest of the right to represent said Territory.

I move the previous question.

Mr. WASHBURNE. I move to lay the subject upon the table.

Mr. McCLERNAND. I desire to offer an amendment to the amendment.

The SPEAKER. The previous question has been called, and an amendment is not now in order.

Mr. WASHBURNE. My motion is the easiest way to settle the question. If the House refuse to lay the matter upon the table, my colleague will have a chance to offer his amendment.

The motion to lay upon the table was agreed to.

Mr. WASHBURNE moved to reconsider the last vote; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The question was then put upon the motion to print; and it was not agreed to.

Mr. RICHARDSON. I desire to ask the Chair a single question. Does the vote just taken, to lay on the table, carry the whole question with it?

The SPEAKER. It carries to the table simply the report made by the committee; leaving the committee to investigate the whole question.

NATIONAL LOAN BILL.

Mr. STEVENS, by unanimous consent, from the Committee of Ways and Means, reported back, with an amendment, an act (S. No. 41) supplemental to an act entitled "An act to authorize a national loan, and for other purposes."

No objection being made, the bill and amendment were taken up for consideration.

The amendment reported by the committee was read, as follows:

Strike out all after the first section, and insert the following:

SEC. 2. *And be it further enacted*, That the Treasury notes, under the provisions of the said act to authorize a national loan and for other purposes, or of any other act now in force, authorizing the issue of such notes, shall be signed by the Treasurer of the United States, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Treasurer, and countersigned by the Register of the Treasury, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Register; and no Treasury notes, issued under said act, shall require the seal of the Treasury Department.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury may fix the denominations of the Treasury notes below fifty dollars; and, if he shall deem it expedient, may issue, in exchange for coin, or in payment of public dues, Treasury notes bearing interest not exceeding nine per cent., payable semi-annually, at the office of the Assistant Treasurer at New York, anything in said act to the contrary notwithstanding; but the aggregate amount of all bonds and Treasury notes issued shall not exceed the aggregate of $250,000,000, limited by said act.

SEC. 4. *And be it further enacted*, That for the full and punctual payment of the loan authorized by the act entitled "An act to authorize a national loan, and for other purposes," approved July 17, 1861, the United States specifically pledges the duties of impost on tea, coffee, sugar, spices, wines, and liquors, and also such excise and other internal duties and taxes as may be received into the Treasury.

Mr. NOBLE. I move to amend the third section by striking out "nine" and inserting "six."

Mr. CURTIS. I move to amend the amendment by striking out "six" and inserting "three."

Mr. COX. I wish to propound a question to the gentleman from Pennsylvania. I do not understand the full tenor of this section which has been proposed by the committee, and I ask the gentleman whether the Secretary of the Treasury, under that section, has, at his discretion, the right to issue notes in denominations under fifty dollars?

Mr. STEVENS. That is so.

Mr. COX. Then I think we ought to have a vote upon that proposition by yeas and nays.

Mr. STEVENS. The limitation in the original bill was ten dollars. The section which the committee have proposed removes that restriction, and leaves it to the discretion of the Secretary of the Treasury to issue Treasury notes below ten dollars. It goes further, and allows that officer to increase the interest upon those notes to nine per cent., if he deems it necessary in order to negotiate them. It is thought that a very large amount of notes, in denomination below ten dollars, may be passed off in the payment of dues, and which cannot well be negotiated now. It is believed, also, that it will be found impossible to negotiate enough of Treasury notes, at the present rate of interest, to meet the present pressing demand of the Treasury. The Secretary of the Treasury thinks that, by raising the interest to nine per cent., he can negotiate them to an extent sufficient to meet the present demand. Under the calamity which has befallen us, it is found impossible to negotiate the loan with sufficient promptness to meet the demand of the Treasury. It must be recollected that the demand is well nigh a million dollars a day; and, unless there is some such means as this adopted, it is not perceived by the Department how the means can be raised. I move the previous question.

The previous question was seconded, and the main question ordered to be put; and, under the operation thereof, the amendment to the amendment was not agreed to.

The question recurring on the amendment of Mr. NOBLE,

Mr. NOBLE called the yeas and nays.

The yeas and nays were not ordered.

The amendment was not agreed to.

The question recurred upon the amendment reported by the Committee on Ways and Means.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The Clerk again read the amendment.

Mr. VALLANDIGHAM. It was the amendment in relation to the Government shinplasters that we asked the yeas and nays on.

The SPEAKER. No debate is in order.

Mr. VALLANDIGHAM. The Clerk read three or four amendments.

The SPEAKER. It was one entire amendment.

The question was taken, and it was decided in the affirmative—yeas 61, nays 60; as follows:

YEAS—Messrs. Alley, Arnold, Babbitt, Joseph Baily, Baker, Bingham, Francis P. Blair, Samuel S. Blair, Campbell, Frederick A. Conkling, Roscoe Conkling, Covode, Crisfield, Curtis, Cutler, Davis, Dawes, Delano, Dunn, Edgerton, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Hale, Harrison, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Pomeroy, Potter, Alexander H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Train, Verree, E. P. Walton, Albert S. White, and Windom—61.

NAYS—Messrs. Allen, Ancona, Ashley, Goldsmith F. Bailey, Baxter, Beaman, Blake, George H. Browne, Buffinton, Burnett, Chamberlain, Cobb, Cooper, Corning, Cox, Cravens, Diven, Dunlap, English, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Leary, Logan, McClernand, Mallory, Moorhead, Justin S. Morrill, Morris, Noble, Norton, Nugen, Odell, George H. Pendleton, Perry, John H. Rice, James S. Rollins, Smith, John B. Steele, William G. Steele, Trowbridge, Vallandigham, Vandever, Van Valkenburgh, Vibbard, Wadsworth, Wall, Charles W. Walton, Washburne, Wheeler, Chilton A. White, Wickliffe, Woodruff, Worcester, and Wright—60.

So the amendment was agreed to.

During the roll-call,

Mr. RICE, of Massachusetts, stated that his colleague, Mr. APPLETON, was detained from his seat by indisposition.

Mr. STRATTON stated that Mr. NIXON was unavoidably absent from the city.

Mr. CAMPBELL stated that Mr. HICKMAN was detained at home by illness.

Mr. COVODE announced that Mr. PATTON was still indisposed, and he understood he had left the city.

Mr. MOORHEAD, when his name was called, said: The rate of interest being too high, I vote "no."

The SPEAKER. No debate is in order.

The result of the vote having been announced as above recorded, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate insisted upon its disagreement to the amendments of the House to the bill of the Senate No. 20, authorizing the appointment of an Assistant Secretary of the Navy, fixing the salary of the same, and for other purposes. Also, that the Senate insisted upon their disagreement to the amendments of the House to Senate bill No. 31, to increase the medical corps of the Navy, and for other purposes; and had agreed to the conferences asked by the House on the disagreeing votes of the two Houses on the amendments to said bills, and had appointed Messrs. HALE, GRIMES, and McDOUGALL managers of said conferences on the part of the Senate.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled, bills of the following titles; when the Speaker signed the same:

An act for the better organization of the Marine Corps;

An act in addition to the act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property, approved July 22, 1861; and

An act relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes.

PAY OF BALTIMORE POLICE.

Mr. STEVENS. I ask the unanimous consent of the House that House bill No. 76, to provide for the payment of the police organized by the United States for the city of Baltimore, be taken from the Speaker's table, in order that the amendments of the Senate thereto may be agreed to.

No objection was made.

The amendments of the Senate were read.

Mr. STEVENS. I call the previous question.

Mr. VALLANDIGHAM. I make the point of order that the appropriations contained in these amendments have not been considered in the Committee of the Whole on the state of the Union.

The SPEAKER. The amendments were taken up by unanimous consent to be considered.

Mr. VALLANDIGHAM. I was waiting to hear the amendments read to make the objection; and I beg that the Chair will not hereafter, unless there is a distinct understanding, waive a point of order by unanimous consent. I was waiting to hear the amendments read, and did not give consent.

The SPEAKER. Under that statement of the gentleman from Ohio, the Chair thinks the point of order is in time, and sustains it. The amendments are referred to the Committee of the Whole on the state of the Union.

INCREASED REVENUE BILL.

Mr. STEVENS. I am instructed by the Committee of Ways and Means to report back the bill (H. R. No. 71) in relation to increased revenue, yesterday recommitted to that committee, with the following report:

The Committee of Ways and Means, to whom House bill No. 71 was recommitted, respectfully report, that they are unable to devise any provision that will be constitutional, and carry into effect the instructions of the House.

PAY OF BALTIMORE POLICE, ETC.

Mr. STEVENS. I now move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering House bill No. 76, with the amendments of the Senate thereto, and that it be made the special order.

Mr. VALLANDIGHAM. I object to that. It is not in order to make it a special order.

The SPEAKER. The Chair thinks it is in order. The rule provides especially that appropriation bills may be made the special order by a majority of the House.

The motion to make the bill a special order was agreed to.

Mr. STEVENS. I now move that the debate in the Committee of the Whole on the state of the Union on the special order shall close in five minutes.

The motion was agreed to.

The question was then taken on the motion to go into the Committee of the Whole on the state of the Union; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. KELLOGG, of Illinois, in the chair,) and proceeded to consider the special order, being House bill No. 76, to provide for the payment of the police organized by the United States for the city of Baltimore, with the amendments of the Senate thereto.

The amendments of the Senate were read, as follows:

At the end of the House bill add, as follows:

SEC. 3. *And be it further enacted*, That there be, and hereby is, further appropriated, out of any money in the Treasury not otherwise appropriated, the following sums:

To enable the Mint to furnish such small gold coin as may be required for the public service, $40,000, or so much thereof as may be necessary.

For the manufacture or purchase of apparatus and equipment for field signals, $5,000.

Amend the title, so that it will read:

An act to provide for the payment of the police organized by the United States for the city of Baltimore; and to enable the Mint to furnish small gold coin; and to provide for the manufacture or purchase of field signals.

Mr. WRIGHT. I wish to inquire of the chairman of the Committee of Ways and Means whether that bill authorizes the issuing of gold coins of less denomination than one dollar?

Mr. STEVENS. It does not make any change at all.

Mr. VALLANDIGHAM. I raised the point of order because the previous question was moved, and debate cut off. I raised it to enable the gentleman from Maryland [Mr. MAY] to address the committee to-day, he having expressed an earnest desire yesterday publicly, and to-day privately, to speak. He is not, however, in his seat. I am opposed to the bill; but I have no discussion to engage in in respect to it. That is the explanation which I desired to make to the committee.

The question was taken; and the amendment was agreed to.

Mr. STEVENS. I move that the bill be laid aside, to be reported to the House.

The motion was agreed to.

Mr. STEVENS. I now move to take up House bill No. 71.

The CHAIRMAN. That bill is not before the committee.

Mr. STEVENS. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BINGHAM having taken the chair as Speaker *pro tempore*, Mr. KELLOGG, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the Senate amendments to House bill No. 76, to provide for the payment of the police organized by the United States for the city of Baltimore; and had instructed him to report the same back, with a recommendation that they be concurred in.

Mr. STEVENS demanded the previous question on the amendments.

The previous question was seconded, and the main question ordered; and under its operation the amendments were concurred in.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had passed, without amendment, a bill of the House to indemnify States for expenses incurred by them in the defense of the United States.

Also, that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862; and appropriations of arrearages for the year ending the 30th of June, 1861.

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. I ask that the House take up Senate bill No. 3, to provide for the better organization of the military establishment.

There being no objection, the bill was taken up.

Mr. BLAIR, of Missouri. The Senate has disagreed to the House amendment. I move that the House insist on its amendment, and ask for a committee of conference.

It was so ordered.

The SPEAKER appointed Messrs. BLAIR of Missouri, MALLORY, and OLIN, such committee of conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Vermont, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the following amendments of the Senate, and agree to the same, viz: second, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, eighteenth, and nineteenth.

That the Senate recede from their third amendment.

That the House recede from their disagreement to the Senate's first amendment, and agree to the same with the following: after line twelve insert:

"For stationery, $4,600.

"For pages and temporary mail-boys, $4,840.

"For laborers, $1,917.

"For furniture and repairs, and boxes for members, $5,000.

"For reporting proceedings of the called session of the Thirty-Seventh Congress at the rates per column fixed by law, $8,000: *Provided*, That the said proceedings shall be reported with and bound in the Congressional Globe and Appendix of the first regular session of the present Congress."

That the House recede from their disagreement to the Senate's fifteenth amendment, and agree to the same with the following: after line one hundred and fifty-three, insert:

"For salaries and commissions of registers of land offices, and receivers of public moneys, $2,250.

"For incidental expenses of the several land offices, $3,000."

W. P. FESSENDEN,
JOHN SHERMAN,
MILTON S. LATHAM,
Managers on the part of the Senate.

J. S. MORRILL,
ERASTUS CORNING,
EDWARD McPHERSON,
Managers on the part of the House.

Mr. MORRILL, of Vermont. Unless some

explanation be desired, I demand the previous question.

The previous question was seconded, and the main question ordered; and under its operation the report was agreed to.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I move to refer House bill No. 71, to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties, to the Committee of the Whole on the state of the Union, and to make it a special order.

Mr. BLAIR, of Missouri. I ask the gentleman from Pennsylvania to yield to me, to take up Senate bill No. 38, to provide for the arming of loyal citizens in the disloyal States. It is important, and will occupy but little time.

Mr. STEVENS. That does not interfere with the motion I have already made.

Mr. STEVENS's motion was agreed to.

ARMING LOYAL CITIZENS.

Mr. BLAIR, of Missouri. I ask leave to take up Senate bill No. 38, and put it on its passage.

Mr. BURNETT. I object. We will pursue the regular order with this bill.

Mr. BLAIR, of Missouri. Then I move that the House proceed to the consideration of the business on the Speaker's table.

The motion was agreed to.

A bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States the inhabitants of which now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection; invasion, or rebellion, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

DISTRICT AND CIRCUIT COURTS.

An act (S. No. 39) to provide for holding the district and circuit courts in judicial districts, during a temporary vacancy in the judgeship, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

REGIMENTAL BANDS.

An act (S. No. 24) authorizing the secretary of War to reimburse volunteers, the expenses incurred in employing regimental and other bands, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up House bill No. 71. And I move that all debate on the bill terminate in ten minutes.

Mr. LOVEJOY. I move to amend by making it five minutes.

Mr. STEVENS. I accept the amendment.

The motion was agreed to.

The question recurred on the motion to go into the Committee of the Whole on the state of the Union, and it was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. COLFAX in the chair,) and proceeded to the consideration, as a special order, of House bill No. 71, to provide additional revenues for defraying the expenses of the Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties.

The Clerk proceeded to read the bill by sections for amendment, commencing at the sixth section, where the reading was left off yesterday.

Mr. STEVENS. I move to amend by inserting, after the word "dwelling-houses," the words "and slaves;" so as to make it read:

That the said direct tax laid by this act shall be assessed and laid on the value of all lands and lots of ground, with their improvements, and dwelling-houses, and slaves.

Mr. BINGHAM. I propose to amend the amendment, by inserting after the words "which several articles," the words "and slaves."

Mr. STEVENS. I accept the amendment.

Mr. LOVEJOY. I oppose the amendment. I do not understand why the chairman of the Committee of Ways and Means should propose such an amendment. I found the word "slaves" in the eighth section also, with a good deal of surprise. I did not suppose that the General Government was to recognize human beings as property, and to tax them as such. We have never done so, and I am utterly opposed to doing so.

Mr. STEVENS. We do not recognize them as property. This is a capitation tax. The Constitution expressly provides for laying a capitation tax on that class of people, when you lay a direct tax. We treat it as a capitation tax.

Mr. LOVEJOY. Then why will not the term "all others" include them? I do not still see the propriety of enumerating slaves with articles of property. It seems to me that if we tax them as property, among dwelling-houses and horses, we are bound to protect them as property. I certainly cannot vote for the amendment, and I hope it will not pass.

Mr. BINGHAM. I hope the amendment will pass.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. BINGHAM. I move to amend the amendment by inserting the words "and slaves," after the word "articles," so as to make the section consistent with the Constitution all the way through.

Mr. Chairman, I am in favor of this section of the bill. I am in favor of taxing slaves in the States wherein they are held; and I am in favor of it, for the reason that a capitation tax is expressly provided for and named in the Constitution—provided for as a direct tax.

Mr. LOVEJOY. Will the gentleman permit me to say this?

Mr. BINGHAM. No, sir; I have but five minutes and I cannot yield. I wish to say further, that if this amendment be not adopted, if this provision is excluded from the bill, you exclude from taxation more than half the means of raising revenue in all the rebel States. Take away slaves from the list of taxable property or persons, and you exclude from the list in the rebel States more than one half their means on which you can impose taxes. It was properly stated by the chairman of the Committee of Ways and Means that by this amendment slaves are recognized as persons, and not as property.

Mr. BURNETT. I desire to say to the Chair that I really cannot hear what is going on.

The CHAIRMAN. The Chair cannot possibly make the voice of the gentleman any louder. [Laughter.] He will, however, endeavor to keep as perfect order as possible.

Mr. BINGHAM. I was going on to say that we are not without a precedent for this proceeding. In 1813, during the second war of our independence, a tax bill was passed containing the very words of this section; and it never occurred to those who enacted that measure that, in taxing slaves, they were taxing them as property, and not as persons. The gentleman has said that if they are to be taxed as persons, why not tax all persons? Because that would be unequal. Under the provisions of this bill, the proportion of the amount proposed to be raised, assigned to the rebel States, is but $10,000,000 out of $50,000,000. And if slaves are to be excluded, almost the entire amount will be assessed upon the loyal States; and the rebel States will be made to pay far less than their proportion. I know that if this amendment be adopted some changes in the phraseology of other sections will have to be made, but that is no valid objection. I say that the bill in terms discriminates between property and slaves, and that is sufficient to meet the objection of the gentleman from Illinois, [Mr. LOVEJOY.] If the amendment be adopted, the clause will then read:

All lands and lots of ground, with their improvements, and dwelling-houses, and slaves, which several articles subject to taxation, and slaves, shall be enumerated and valued by the respective assessors, &c.

Gentlemen will see that a discrimination is made. But gentlemen may say that a valuation is provided for slaves. I do not care for that. That is the fault of the States in which slavery exists. It grows out of the nature of the institution. The slave States have fixed a valuation; they have chosen to make the distinction. If the tax were to be levied, however, upon all persons, the difference is that you would be laying the tax upon free persons, and not upon slaves—upon persons who would be held responsible each for the payment of his own capitation tax, without respect to his property or his means of income. I am in favor of the bill with the amendment, and against the bill without it.

Mr. LOVEJOY. I certainly cannot approve the reasoning of the gentleman from Ohio. This is not a personal tax. It is on the valuation of these items of property; and if slaves are included among these items, they are included as property, and not as persons. The taxation of slaves, as they are provided for in this amendment, is in no proper sense a *per capita* tax; and, I repeat, that it does distinctly recognize these slaves as property. The distinction is made between real and personal property. But, sir, I am utterly astonished that gentlemen like the gentleman from Ohio and the gentleman from Pennsylvania, should introduce here and advocate a proposition that allows or tolerates for a moment the recognition of slaves as property, to be taxed—not as persons—but according to their valuation; just as horses or any other species of property is taxed.

Mr. STEVENS. The gentleman will allow me to say that the amendment which I have proposed, and that proposed by the gentleman from Ohio, make a clear distinction between property and slaves. The amendment proposed to the eighth line will make the clause read "that all property of whatever kind, and slaves," making a clear distinction between property and slaves.

Mr. LOVEJOY. Suppose it had said "all other property and horses:" would that have made horses anything else than property?

Mr. STEVENS. It is hardly to be supposed that any man of sense would include horses in a general enumeration of property, and then add "and horses."

Mr. LOVEJOY. The natural interpretation would be that slaves are especially mentioned for the purpose of including them as property. There are two clauses here which speak of all kinds of property; but here is a distinct enumeration of certain classes of property, and slaves are added as one of the species enumerated. In other words, the only inference that can be drawn from the amendment is that the enumeration did not cover all kinds of property, and slaves are therefore included as a distinct species of property, and one which the General Government never has acknowledged as property, and which it never will with my consent acknowledge. If we agree by this bill to tax slaves as a species of property, I say that we are in honor bound to protect them as property.

Mr. BURNETT. I wish to ask the gentleman from Illinois whether he proposes to tax slaves at all; and if so, how does he propose to tax them?

Mr. LOVEJOY. If all other persons are to be taxed *per capita*, I have no objection to slaves being included as persons.

Mr. BURNETT. I understand the gentleman to deny that slaves are property, and that therefore they cannot be taxed by this bill as property. Do I understand him, then, that they are to be placed on an equality with other persons, so far as the action of this Government is concerned?

Mr. LOVEJOY. If they are to be taxed at all. I deny distinctly that they are property. I do not deny that persons hold them as property; but I deny that they are property, and that they are to be protected by the Government as such. I know there are robbery and murder and all other species of crime as well as slaveholding, as a matter of fact; but I do not want the General Government to have complicity with these crimes by protecting them.

Mr. BURNETT. As the gentleman denies that they are property, then I ask him if they are entitled to representation here?

Mr. LOVEJOY. There is nothing said in the Constitution about slaves. They are represented in one place as "all other persons," and in another as "persons held to service or labor," and as such are a basis of representation in this House. Wherever they are mentioned in the Constitution it is as persons and not as property.

[Here the hammer fell.]

Mr. MORRILL, of Vermont. I move that the committee rise, for the purpose of going into the

House and terminating all debate upon this section.

The motion was disagreed to.

The amendment to the amendment was disagreed to.

Mr. SHEFFIELD. I move to amend as follows:

Strike out, in the third line, the words "all lands and lots of ground with their improvements, and dwelling-houses, which several articles," and insert in lieu thereof the words, "all property and estates properly;" so that the clause will read:

Shall be assessed and laid on the value of all property and estates properly subject to taxation, &c.

Mr. Chairman, it was remarked yesterday, when this subject was up for consideration, that Rhode Island would have an unjust advantage in the raising of this direct tax if the provisions of the bill were left as they have been reported. I should be ashamed to return to my constituents if I had in any way attempted to avoid any portion of the responsibility which properly devolves upon them in suppressing the wicked rebellion which has lifted its head in the South against this free Government. The people of Rhode Island are willing to assume any responsibility which may be properly and justly imposed upon them by the Federal Government for the purpose of speedily and effectually putting down that rebellion. They are willing, if necessary, to furnish the last squad of men in the State, and the last dollar of their money to that noble end. But while that is their determination, they say that they want a Government.

I felt, Mr. Chairman, the force of the objection which was made yesterday by members from different States of the Union. I was exceedingly embarrassed by the suggestions made by the chairman of the Committee on the Judiciary, [Mr. BINGHAM.] On a very cursory examination of the matter, I have come to the conclusion that the proposition he then stated has not been adjudicated, but that he merely stated his own impressions. They have not even the force of *dicta*. Nevertheless, the inclination of learned jurists has been in that direction. But, sir, it seems to me at this time that we should proceed with great caution. We should be careful that every step we take shall be upon solid ground. This is not the time, sir, in my judgment, to try new experiments. In this, I am sure, the committee will agree with me.

For the purpose of obviating the objection made by the gentleman that the bill as it stands would operate unfairly, and for the purpose of fixing a common ground upon which we all could meet, I have offered the pending amendment for the action of the committee. It seems to me that, if it be adopted, then the loyal States will pay the tax out of their several treasuries, and afterwards assess it in their own way upon their own people. I am aware of the answer which may be made, but it will be time enough for me to meet the objection when it is suggested. There is one thing we cannot doubt. If the people, as they will under the provisions of the thirty-ninth section of this bill, can receive fifteen per cent. on the advance of their assessment, they will not permit the tax to be assessed and collected by the officers of the Federal Government, but they will pay it out of their treasury and then assess it, in accordance with their own laws, in their own way, or create a State debt in one way or the other. So much for that point.

Mr. Chairman, while I have the floor, I will say that it seems to me that the large amounts which have been advanced by the States, in the way of expenses in sending off troops, might be set off in some way or other.

A MEMBER. That is provided for already.

Mr. SHEFFIELD. That is now provided for, I am told. If that be the case, then to that extent the tax will not be levied upon the people, because the States have already provided for those expenses. It seems to me that the amendment I have submitted is a proper one, and ought to be adopted.

Mr. BINGHAM. Mr. Chairman, I hope that the amendment proposed by the gentleman from Rhode Island will not be adopted; and I hope that it will not be adopted for the reason given by the gentleman himself, that this is not the time to make any new experiments. I undertake to say that it is a new experiment in the history of the American Government to enact a section into law which provides that direct taxes shall be assessed; and then, at the same time, provides that they shall be assessed upon all property in the States properly taxable. There is no precedent for it in the legislation of any State. The gentleman's amendment makes the bill an absolute nullity. If you strike out the lines indicated and insert those which have been read, it destroys the object sought to be accomplished. What is the rule of taxation?

Mr. SHEFFIELD. The Constitution is the rule.

Mr. BINGHAM. I have already stated that the Constitution limits our powers, and I say it again. I hope the amendment will not be adopted for another reason, which grows out of the provision of the Constitution requiring an apportionment according to the ratio of representation. The gentleman does not cure the difficulty at all by his amendment. It is no matter what the relative disproportion may be between the taxable wealth of Rhode Island and the taxable wealth of the State of Kansas. There stands the irrevocable limitation of the Constitution that all direct taxation shall be apportioned among the several States; not according to their wealth, but according to their representation and population. So the gentleman's amendment will not cure the difficulty, and I hope that it will not be adopted.

The question was taken on Mr. SHEFFIELD's amendment to the amendment; and it was rejected.

Mr. WICKLIFFE. I move, *proforma*, to strike out the last two words of the amendment.

Mr. Chairman, I have been amused in listening to the discussion of the details of the pending bill. We know that in quiet times it would require the deliberation of the House of Representatives for at least two weeks to mature an equitable system of direct taxation. Yet, sir, while that is so, we are now hurrying through a bill for direct taxation with lightning speed. No time is afforded for necessary discussion. But I am most amused, sir, at the fastidiousness of some gentlemen on the other side, as to the propriety of using the word "slave." Let me tell those gentlemen that if they will turn to the statute-books of the United States of the days of Washington, Adams, Monroe, and Madison, they will find that whenever a system of direct taxation has been necessarily resorted to, Congress has imposed a tax upon slaves, using the word "slaves." It is one of the compromises of the Constitution, that it provides for the representation of slaves. The expression "slaves" is justified in different clauses of that instrument. It has again and again been urged that if this tax is to be imposed, let the burden equally be borne where the privilege is exercised. Let us come square up to this question, whether there exists slave property in the southwestern States or not. It is time enough to discuss the slavery question when we have settled the great trouble that is now upon us, and which has, to a great extent, been produced by a wild and fanatical discussion and agitation of that very question.

Now, sir, allow me to say a single word to the chairman of the Committee of Ways and Means. The gentleman does not design that this bill shall take effect, if I understand it, until after the 1st of January. I have not been able to obtain a copy of the bill; and I ask the gentleman from Pennsylvania when he proposes that this bill shall take effect?

Mr. STEVENS. There is a provision in the bill which provides that the officers shall not be appointed until after the next meeting of Congress.

Mr. WICKLIFFE. If you are to have no officers to collect the tax until that time, why propose to provide for the tax now? Leave the matter to the next Congress, when a bill on this subject, the most difficult and delicate, can be framed, which shall do equal justice to all parts of the nation. If, when that time arrives, it shall be found necessary to resort to the system of direct taxation, let it be done. But I hope it will not be necessary; for I hope that our difficulties will be brought to an end before we meet again. But if direct taxation must come, let us take sufficient time to properly mature a bill, and not take up the measure now, for it is unnecessary; and it will require at least two weeks to mature a satisfactory bill. I perceive that if this controversy goes on, there must be an increase of taxation. Let me tell this House that you must revise your tariff. Your tariff now is an exclusive one; but if you will regulate it so as to make it a revenue one, you can get more money than you can collect under this system of direct taxation. Take up this subject next session, but not now. You have a tariff bill, as I understand it, that is prohibitory upon articles which almost the entire country consume. In a time of war, like the present, you cannot get people to enter into the consumption of the luxuries of life. They will do without them. If we want to raise a revenue, you must resort to a tax upon the necessaries of life; and from that source you can get a larger revenue than can be derived from direct taxes. We may, by a proper revision of the tariff, entirely supersede the necessity of passing a direct tax bill at all. It has not been so revised as to subject to taxation articles which were free; and every gentleman knows that if the bill is properly revised, you will get more money than by direct taxation, after having paid the expenses of the collection. I am old enough to remember the operations of two direct tax bills. The system is an odious and oppressive one, and less profitable than any system of taxation that you can adopt. Under it more frauds will be committed than you will find even in your custom-houses.

[Here the hammer fell.]

Mr. BURNETT obtained the floor.

Mr. WICKLIFFE. Has my time expired?

The CHAIRMAN. It has.

Mr. WICKLIFFE. Well, then, I yield to my colleague, who has had no chance this session.

Mr. BURNETT. My colleague takes occasion to say that I have had no chance to speak this session. In response to that, I will say that my colleague has had a great many chances which, as old as he is, he may have occasion to regret years before he is called to his final home.

Mr. WICKLIFFE. The gentleman is not my confessor.

Mr. BURNETT. I should be sorry to be the confessor of an old man who has so many political sins to answer for.

My colleague says he is afraid that the system of direct taxation must be resorted to. Is there a man here who does not *know* that it must be resorted to? Is there a man who has watched the proceedings of this House, who does not know the necessity for it? Why is it? The chairman of the Committee of Ways and Means proposed, in a bill, this morning, to raise the interest upon Treasury notes to nine per cent. The nation must pay it. You cannot negotiate this $250,000,000 in the market, unless you raise the rate of interest. These notes may go far below par, and it may be impossible to bring them into the currency of the country. That is one of the modes proposed by the Committee of Ways and Means for the purpose of increasing the credit of the nation to enable it to meet these heavy liabilities. Pennsylvania does not intend to follow out the wise suggestion of my venerable colleague [Mr. WICKLIFFE] to revise the Morrill tariff, and make it a revenue measure, because that State means to stand to the price stipulated for its allegiance to the Republican party last fall—that the tariff should be revised for the benefit of Pennsylvania. The contract has been complied with on her part, and she means that the bond shall be stood up to. When the tariff was revised, it was intended that the duty upon iron should be prohibitory, when we know that, if the duty had been diminished, our revenue would be very considerably increased.

Mr. MORRILL, of Vermont. I rise to a point of order. The gentleman is not discussing, *pro* or *con*, the amendment pending before the committee.

Mr. BURNETT. It is very singular that the gentleman did not make that point upon my colleague.

The CHAIRMAN. The Chair sustains the point of order. This bill has been made a special order; and, under the rules, debate must be confined to the amendment before the committee.

Mr. WICKLIFFE. I beg pardon if I was out of order.

The CHAIRMAN. The Chair would have arrested the remarks of the senior member from Kentucky if the point of order had been made upon him.

Mr. BURNETT. My venerable colleague seemed to think I had not had a chance to say

anything; and he now sees that I have no fair chance. But let that pass. I will now confine my remarks to the horses of my colleague. [A voice. Withdrawn.] No, sir; I reckon he will wait until I get through before he takes them off the track.

If we are to have direct taxation to meet the heavy liabilities of this Government, let it come now. You cannot sustain the credit of the Government unless you provide the means of paying the interest on the public debt; and you must provide those means before you can negotiate the bonds of the Government. Hence I say, that though I am opposed to this bill and shall vote against it, if we are to have direct taxation—if it is inevitable and unavoidable—by passing this bill you insure the capitalists of the country that the interest upon this enormous debt of hundreds of millions of dollars will be met. And it is absolutely necessary that you should provide these means; otherwise your credit will be gone.

The only thing which astonishes me is, that men who have been voting these enormous expenditures are so touchy when they are called upon to provide the means of meeting the interest upon this debt. If I had voted for these measures, I assure you I have nerve enough, and backbone enough, to vote for measures to provide the means of paying the interest. Men stand up here and proclaim their love of country; that they are Union men; that they mean to prosecute this war to a speedy termination; and yet, when it comes to the matter of providing the means to pay the interest upon the public debt, they become tender-footed, and dare not take the requisite steps.

[Here the hammer fell.]

The amendment to the amendment was not agreed to.

Mr. EDWARDS. I move to amend the amendment by adding thereto, after the word "slaves," the words "stocks in manufacturing corporations."

Mr. Chairman, I have not exactly offered the amendment for the purpose of making a speech, but rather to indicate what I believe would be the wisest course to adopt. The committee propose to add, after the word "buildings," the words "and slaves." Now I suppose that amendment is seriously proposed, because it comes from the Committee of Ways and Means, and therefore it is entitled to consideration. I think that perhaps they have proposed that amendment on the ground that it is necessary under the Constitution. I do not so understand it; and if I am mistaken, I shall be very glad to be corrected, because I believe it is unwise to insert those words, unless it be a constitutional necessity. The Constitution requires that all direct taxes shall be apportioned among the several States according to representation—that is, upon the whole number of free persons and three fifths of all persons held to service—not meaning to be precisely correct in my statement.

Well, sir, when we have by this bill proposed to raise a direct tax, and have apportioned it among the States according to that rule, I think that that provision of the Constitution is satisfied. I believe, sir, from the little consideration that I have been able to give to this subject at this time—for I agree with the gentleman from Kentucky [Mr. WICKLIFFE] that we are travelling post haste where our road is not perfectly clear—I say, from the little consideration I have been able to give to the subject at this time, I believe that when that provision of the Constitution has been satisfied by apportioning the whole sum to be raised among the States, on the principle which the Constitution lays down, this Congress may then assess that tax upon whatever property they shall think proper within the limits of the United States. I believe they are not limited to real estate or to any particular species of personal estate, but that they have the power—and I see no limitation upon it in the Constitution—to assess it upon such property as they shall think the public good requires.

Now, sir, if that is so, then there is no necessity for them to include in this assessment the term "slaves." They may assess it upon all real estate; they may assess it upon all personal estate if they please; but unless there is some necessity for it, I am opposed to the introduction of the word. I am also opposed to assessing this tax upon all the real estate of the country. I hope that an amendment will be adopted to this bill something like that suggested by the gentleman from Rhode Island—that it be assessed upon all the taxable property in the country according to the laws regulating taxation in the several States.

[Here the hammer fell.]

Mr. DUNN. Mr. Chairman, I not only oppose the amendment of the gentleman from New Hampshire, but I oppose the whole policy of this bill. I do not think the necessities of the country require the adoption of this measure. I agree in the view of this subject taken by the distinguished gentleman from Kentucky, [Mr. WICKLIFFE,] that we should not undertake to impose a system of direct taxation upon the people without having the subject more fully and maturely considered. If I thought it was necessary, in order to sustain the Government in its present efforts, that we should resort to direct taxation, no member of this House would more cheerfully give his vote for that measure; and I am satisfied no member has a constituency who would more cheerfully respond to any taxation that might be necessary for such a purpose. But, sir, I am satisfied that there is a great deal of unemployed capital in this country which can be induced to take the bonds or Treasury notes of the Government. I am in favor of issuing Treasury notes at such a rate of interest as will cause them to be taken and held by the people as a popular loan. Let us appeal to the people to sustain the Government with money as well as men. If you put those notes at low rates of interest, they go at once to the custom-house, and the revenue of the country is thereby absorbed. It is with a view of avoiding this very difficulty of direct taxation that I favor the policy of issuing notes bearing a good rate of interest. I am not afraid but that we can get along in some way until the next session of Congress without a resort to direct taxation.

When this Congress adjourned at the close of the last term, we did so without making any provision whatever for the exigencies which so speedily came upon the country. We made no provision for raising an Army; and yet, scarcely had the telegraphic wires carried to the extremes of this country, the fact that our Government was in danger before hundreds of thousands of patriotic soldiers volunteered for its defense. Our State Governments promptly furnished money, and when we met here at the commencement of this session we had an Army of two hundred and fifty thousand soldiers in the field. And so it will be again. If it shall be found before the next meeting of Congress that the Government is in need of funds or men, the States will step forward with their means, their credit, and their men. I am not afraid that our Government will not be sustained. It lives in the hearts of the American people, and cannot be overthrown by any such wicked rebellion as now disturbs its peace. Moreover I think we are rushing into measures more under the influence of recent events than is wise or proper. I do not believe, because our forces have recently met with a temporary check in their course, this Government is to lose its credit. There has been a sort of stampede in the money market as well as in the Army; but when we shall have had time to survey the field of battle and it is found that the disaster has been greatly exaggerated, we will find the public confidence will be restored, and the Government will have no serious difficulty in borrowing money. At the proper time I shall vote for a postponement of this whole subject until the next session of Congress.

The question was taken on the amendment to the amendment; and it was disagreed to.

Mr. SHELLABARGER. I offer the following as an amendment to the amendment:

That from and after the 1st day of October, 1861, there shall be levied, collected, and paid, throughout the United States, by every person and corporation who shall have a gross annual income, from any source whatever, exceeding —— dollars, the tax following, on such income, to wit: ten per cent. on such income.

Mr. Chairman, the committee is now engaged in the consideration of the most important financial measure that has ever come before Congress. It is utterly impossible, as we must all perceive, to mature in this House, as it is now organized, and under the circumstances in which we are legislating, a measure of such exceeding magnitude. We must either take this measure very much as it comes from the Committee of Ways and Means, or we must fail to pass it altogether. It would be impossible, at this session, to effect any important changes in the bill as reported by the committee.

I offer this amendment for the purpose of bringing to the attention of the committee this proposition: that no financial measure will be sustained ultimately and permanently, as a war measure, by the country, which does not have as its basis an equitable apportionment of the burdens of taxation upon all the interests of the country according to their relative and respective ability to pay the enormous taxes which must be imposed. And, sir, permit me to say to the committee that, in in order to apportion this burden equitably, you must exclude from your bill as much as you can of what is technically called "direct taxation;" because all taxes assessed as direct taxation must, as we all know, be assessed in proportion to population; and that, by the necessity of the case, is most unjust, because it will fall heavily upon all States where land is in a greater ratio to population than it is in other States.

It will be recollected that, so strong has been this feeling of the inequality of direct taxation, it has been resorted to but two or three times in the history of the country. So unjust has this principle of assessing taxes on the numerical strength of the respective States appeared that that has been seized upon by the courts of the country as a reason for so construing the term "direct taxes" as to limit it as far as possible. And gentlemen need not apprehend that the courts of the country will go any further than they have already gone in enlarging the range of what is denominated "direct taxation." It was under the impression of the inequality of the rule that the Supreme Court came to the conclusion that they would limit it to lands; and you will so find it stated in the opinions of the learned judges. That principle was the result of a compromise in our Constitution; and this House must, if it acts in the spirit of the Constitution, and of the decisions made under it, limit, so far as it justly can, this direct taxation, and so impose it indirectly as that it shall operate equally on all the States. My amendment is proposed, not for the purpose of enabling me to make these remarks, but for the purpose of bringing the committee to this idea: that an income tax assessed on the revenues of each individual or corporation in the country is the nearest approximate that can possibly be made, at least at this session, to a just and fair apportionment of the taxes among the people.

Mr. MORRILL, of Vermont. It appears to me, Mr. Chairman, that the committee has lost sight of the fact that there is a provision in this bill which will obviate almost entirely the whole of the objections yet urged against it. That is the proviso in the thirty-ninth section, which permits any State to assume its quota of the tax, and levy it, of course, in any manner that it deems fit or proper. In my judgment, there are very few States in this Union that will not avail themselves of this proviso. Why, then, discuss the injurious effects of levying a direct tax according to numbers and according to the Constitution? We cannot levy it in any other way; that is the only way provided for direct taxation. If the people of any State desire to tax corporations, I have no doubt they will do it. That is a matter of detail, which will be, practically, in the end, as the inhabitants of each State shall desire.

Now another point in reference to this matter. The bill does not go into operation until after a reasonable time being given to the State to give this notice. Consequently, none of this machinery, so far as direct taxation is concerned, will be put in motion till after that time has elapsed.

But, Mr. Chairman, it is essential, if we would raise these troops, that seem to come up as if by magic from all the loyal States of the Union, that we shall be able to pay our soldiers the money that becomes due, and pay them in coin. We should give some assurance that we will do this. It was for that reason that I did not vote, this morning, to reduce the denomination of Treasury notes, nor to increase the rate of interest, and I was opposed to any such amendments. I believe that if we can furnish capitalists with a substantial basis of assurance that their interest is to be paid, we can get money enough; otherwise we cannot. Capital is proverbially timid. We cannot get money by waving our wand; we cannot get it by merely asking for it. We must furnish a solid and substantial security.

Now in regard to our tariff. It is certainly preposterous to suppose that, even with the last bill we have passed, we can get anything like enough to carry on the Government, pay its ordinary expenses, and pay the interest on the debt which already exists, and on that which we propose to contract. We cannot expect to get under the tariff law of March, 1861, and on that which the House has passed this session, more than from $45,000,000 to $50,000,000. There is a gap between that and $80,000,000 which must be filled. We must supply means to the Treasury to that extent. The gentleman from Kentucky [Mr. WICKLIFFE] seems to think that we have not imposed taxes on articles in the free list. The gentleman, if he will look at the bill passed the other day, will find that we have imposed taxes on the necessaries of life, such as tea, coffee, and sugar—on tea to nearly fifty per cent. of its value; on ordinary qualities of coffee to an equal amount, and on sugar to thirty-three and a third or forty per cent. Certainly the gentleman could not ask higher rates than that on the necessaries of life.

But I do not want to go into a discussion of the tariff, because I know it would be out of order; but with all the means that we can get from any tariff, it will be still necessary to supply other means. Now I should be perfectly willing to have an income tax levied. I believe it would be the most just and equitable. But I know that we have not time at this session to mature an income tax bill unless we propose to continue the session at least a month longer. It is a new idea with us to have an income tax. It is a matter of considerable detail; but I have no doubt that it will, in the end, be adopted as it would be most just, and undoubtedly the most popular, if any tax can be popular. But now, for this emergency, it is necessary that we have something. I trust that the House will not shirk the responsibility, but will pass this bill, or something as good; and if, at the next session, an income tax or anything else shall be thought more expedient, this bill can be amended in such manner as Congress shall deem wise and proper.

The amendment to the amendment was rejected.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and the Speaker having resumed the chair, a message was received from the President of the United States, by Mr. NICOLAY, his Private Secretary, notifying the House that he had approved and signed bills and a joint resolution of the following titles:

An act authorizing the Secretary of the Treasury to remit fines and penalties in certain cases;

An act for the relief of certain musicians and soldiers stationed in Fort Sumter, in South Carolina;

An act making additional appropriations for sundry civil expenses of the Government for the year ending 30th June, 1862, and appropriations of arrearages for the year ending 30th June, 1861;

An act in relation to forwarding soldiers' letters;

An act for the relief of the Ohio and other volunteers; and

A joint resolution authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had disagreed to the amendments of the House to the bill to provide for the construction of one or more armored ships, and for other purposes.

ADDITIONAL REVENUE BILL—AGAIN.

The committee resumed its session.

Mr. ROSCOE CONKLING. I move to amend by adding, after the word "slaves," in the fourth line, the words "bonds and mortgages on real estate, railroad stocks, and bank stocks." I am opposed to this bill in any form in which I have much hope it will go from the committee into the House for a vote. I am opposed to a gigantic scheme of this sort, for laying with inconsiderate haste, upon the States of this Union, a direct annual tax of $50,000,000. Such, in substance, is this bill. I am opposed to a scheme attempting to do it by imposing so enormous a burden chiefly upon the rural districts, upon agricultural property, excluding entirely from its operation the immense active and dormant capital which falls, not under the designation of real estate, or land, but belongs to the personal property of the country. I protest against taxing farms until everything else is taxed. A farmer who makes four per cent. from his farm does well. Why should he be visited with taxes which others escape? I have heard from the distinguished gentleman from Vermont, [Mr. MORRILL,] and from others, that the thirty-ninth section of the bill answers the objection which I now make; but I hope to be able to show to this committee when we reach that section, that it does no such thing. I rise now, however, for another purpose. I desire to employ my five minutes without being led to comment on this much talked of thirty-ninth section.

In declaring against this measure I want to be quite sure, in justice to myself and to the people I represent, that no man fastens upon me a false issue; that no one shall be able to suspect that I am unwilling or unready to vote any necessary tax, even to the uttermost. No, sir, I am ready to vote all the money needed to throttle rebellion, to trample to death this painted lizard called secession, and to punish this great experiment of perfidy so severely that never again will its like be attempted on this continent during the lifetime of the human race.

I am entirely ready to vote for any tax, to-day or any day, requisite to the earliest and most complete attainment of the nation's purpose. The great State which I have the honor in part to represent upon this floor is entirely ready that such a tax shall be imposed; not only that a tax like this, if need be, of $50,000,000 *shall* be voted—one seventh of which falls upon her—but ready to do in the future as she has done in the past. For ten years past, as the figures show, New York has furnished to the Government ninety-five per cent. of all the loans and accommodations the Government has received. She can and she will continue to do so. She has already sent sixty thousand soldiers to the field to fight the battles of the Union; and I pledge her to advance with alacrity and assume her one seventh of this sum, or of an untold sum, which may be required of her. But, sir, as was said yesterday, this bill, in addition to raising the money said to be needed by the Government in a partial and unjust manner, raises up an army of office-holders. It provides machinery cumbrous and unnecessarily expensive. It provides oppressive modes of assessment and collection, which will have the effect to lay upon New York, and every other loyal State, a heavy burden, falling most severely upon those utterly unable to bear it. It will deprive every State of the power to collect this tax by the mode known to its laws, out of all property taxable within its jurisdiction. It will supersede entirely the old-fashioned, economical system of laying and collecting taxes which our people are accustomed to and approve of, and puts in its place a system more unendurable than the tax itself.

Mr. Chairman, how much of the five minutes is left?

The CHAIRMAN. One minute.

Mr. ROSCOE CONKLING. Well, sir, I want to say many other things in relation to this bill in that minute; but I must content myself with a general remark. After the committe rose on yesterday, I read through the seventy-four pages and eighty-two sections of this bill, and read them with great care. I read also the act of 1813, and again the act of 1815; the act by which $6,000,000 were raised by direct taxation; one of which acts, I think, was drawn by the late Mr. Gallatin. After having thus prepared myself, as far as time has allowed, to vote intelligently upon the bill now before us, I venture to assure the committee that it is rife with grave and obvious errors.

I should like, in illustration just here, to say, but I will postpone it until a future moment, something in reference to this thirty-ninth section, which is said to have so much healing on its wings; something which it concerns my colleagues to know, if not the other members of the House. Some gentlemen seem to suppose the section gives to the State of New York the right of commutation, and of raising the money by her own internal machinery, unmolested by Federal instrumentalities. Sir, that section may be of some avail to accomplish that purpose in some of the other States in which the Legislatures meet before this bill puts in motion Federal machinery; but the provision is one of which my State can avail herself for the first year at least, only to an extent which is substantially no extent at all. It is like the right to shear the wolf—the fleece is not worth the shearing; but I will examine this matter presently when we reach the proper stage.

[Here the hammer fell.]

Mr. CALVERT. I understand that it is not in order to offer an additional amendment at this time; but, by way of opposition to the amendment of the gentleman from New York, I will read an amendment which I shall propose whenever it shall be in order. I desire to strike out, in the third line, from the word "all," to the word "which" in the fourth line, and to insert: "real and personal property of every description whatever." I think the gentleman is perfectly correct in one aspect of the case. I believe that this tax is intended, in its whole object, to be imposed upon the agricultural interest of the country. Now, sir, gentlemen arise in their places here, and say the Constitution prohibits the imposition of taxes upon anything except land; and yet in this very bill they have inserted personal property of various descriptions.

Mr. BINGHAM. If the gentleman refers to a statement made by me, he is mistaken in what I said.

Mr. CALVERT. There is nothing remarkable in that; for it is impossible to hear what any gentleman says.

Mr. BINGHAM. What I said was simply this: that by the particular mode of taxation provided in the first section of the bill—by direct taxation—it would not be competent for Congress, by the universal construction put upon the Constitution, to impose a tax upon money or upon incomes; but I said that by the mode prescribed in another portion of the bill, it would be competent to tax money, incomes, and mortgages.

Mr. CALVERT. Then I trust this House will provide the mode by which all species of property may be taxed. I am one of those who came here prepared to sanction, by my vote, everything necessary to carry on this war; and I want no species of property protected. I want the taxes laid upon land, upon negroes, and upon every other species of property; and I want it to fall alike upon every species of property. There is no use in gentlemen getting tender-footed upon this subject. It is absolutely necessary that a bill for direct taxation should pass this Congress. All mere temporary measures, such as the authorizing of the issuance of Treasury notes at nine per cent., are worse than useless; and I regret that I was not here this morning to vote against that measure. I want to meet the question in its stern reality, and to present it to the country in that light. You cannot deceive the capitalists of the country. Do you suppose those who have money to lend are not watching the proceedings of this House, and that they do not see that we are hesitating to incur the odium of inaugurating a system of direct taxation? Sir, I care nothing about the odium of the measure. If it is just, let us adopt it. It is not half as odious as this revolution; and if we intend to put down the revolution, we must adopt such means as will enable the Government to provide the men and money to meet the emergency. I say to the House that without the chance of remodeling the old tariff of duties on imports it is impossible to adopt any measure for raising the revenue required to meet the wants of the Government except the resort to direct taxation.

When gentlemen tell me of the odiousness of this system of taxation, I say to them that in Maryland it is a system that is not new to us. That State has been saddled by an enormous debt, and as the only honest and honorable method of meeting her liabilities, she has resorted to direct taxation; and under that system she has, year by year, reduced the debt, until there is little of it left. I see nothing odious in the system; but I want to see it made equal, by making it applicable to every species of property in the country.

The amendment proposed by Mr. ROSCOE CONKLING was disagreed to.

Mr. CALVERT. I now propose the amendment I have suggested; to strike out after the word "all," in the third line of the section, to the word "which," in the fourth line, and insert in lieu thereof the words "all real and personal property of every kind."

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. MONDAY, JULY 29, 1861. NEW SERIES.....No. 18.

Mr. HARRISON. Mr. Chairman, according to the authority read by my colleague, [Mr. BINGHAM,] yesterday, the direct tax provided for in the Constitution has been defined by the judicial tribunals of the country; and, according to that authority, as I understand it, a direct tax must be levied upon lands or *per capita*, and that all other descriptions of property must be taxed under the other clause of the Constitution. Now, while I am in favor of the objects sought by the amendment of the gentleman from Rhode Island, yet I cannot vote for his proposition to the section to which it is moved.

But, Mr. Chairman, I take this opportunity of saying that I am in favor of so modifying all the sections contained in this bill, except those which relate to direct taxation, that all descriptions of property throughout the land shall be taxed. I am in favor of so raising a direct tax that the agricultural interest of the country shall not bear more than its just proportion of the tax. In Ohio agriculture is the leading interest, and while the yeomanry of that State will sustain to the last their proper proportions of the burdens which are imposed by this war, they will demand that the other great interests of the country shall also bear their proper proportion. Let all the great interests of the country contribute their just meed to support and preserve the Union in this emergency.

While I am up, sir, I will say a word in regard to the thirty-ninth section. I do not think that it furnishes the relief which is needed. I know that it will not, so far as Ohio is concerned, because of the provision contained in her constitution. By that provision of her constitution, Ohio cannot contract a debt beyond $750,000; and by that same constitution, every act for raising revenue must define specifically the object for which it is raised. Do you think a State, which is compelled by her constitution to define the tax which she levies, and the object for which it is raised, and to raise it for that object alone, can constitutionally and legally, so as to collect that tax, pass an act for raising her proportion of a direct tax, by levying any other tax upon her people than that which the constitution itself provides? If Congress cannot levy a direct tax upon any other description of property than land, can a State, exercising the same power of taxation, and with the same object in view, levy it upon any other subject of taxation? It seems to me that the proposition need only to be stated to command the respect of every member of the House.

Mr. BINGHAM. My colleague must know that the State of Ohio does not exercise the same power of taxation.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BINGHAM. I move to strike out the last word of the amendment.

The CHAIRMAN. An amendment is not now in order, as the amendment to an amendment is still pending.

The question was then taken on Mr. CALVERT's amendment to the amendment; and it was rejected.

Mr. KELLEY. I move to insert the words "and on bonds, mortgages, and ground rents."

Mr. Chairman, I agree in the general expression which has been had here to-day of an indisposition to enact this bill at the present time into a law of the land. I do not believe that the credit of the country depends upon any spasmodic legislation. I believe, sir, that a surer basis for enduring credit is the consciousness on the part of capitalists of the country and abroad that a judicious bill is being carefully prepared, and the assurances given in this House to-day that, when such a bill shall come before it, it will be passed. Let no man think that I shrink from voting whatever money the Government may require to sustain itself in the present exigency. Were I to do so, I should sadly misrepresent my constituency. To the last dollar of their resources, and to the last able-bodied son of their households, are they pledged to the support of the Union. It was not, as has been intimated here, protective duties that made Pennsylvania yield her vote to the Republican party. No, sir. It was her devotion to the Constitution. It was her love of constitutional liberty. It was her detestation of perjury in high places, and of treason throughout the land—of treason then not expressed in acts, but which breathed itself upon this floor, and in the halls of southern Legislatures. She is ready to bear her full share of the enormous burdens cast upon the loyal States by the treachery of misguided, ambitious, and recklessly dishonest men.

Mr. Chairman, I have moved the amendment not for the purpose of making these remarks, but for the purpose of suggesting a provision that I hope will be adopted if this crude bill is to become a law. Real estate in city and country ought to bear its proper proportion. But, sir, we all know of the sad depreciation in the value of property in the cities. We know how largely it is incumbered in many instances, and which, if forced to sale to-day, would not pay the incumbrances upon it. Yet under this bill the nominal owner of real estate will bear the tax, while he who holds the ground rent, bond, or mortgage, will go scot free. In that case the real owner will pay no tax, bear no burden, while the nominal owner will be ground to the earth by his misfortunes. This is one of the imperfections in the bill which has occurred to my mind. I see the Chairman raising his hammer to cut me off.

The CHAIRMAN. The gentleman's time has expired.

The question was taken on Mr. KELLEY's amendment to the amendment; and it was rejected.

The question then recurred on Mr. STEVENS's amendment.

Mr. SPAULDING demanded tellers.

Tellers were ordered; and Messrs. SPAULDING and LEHMAN were appointed.

The amendment was adopted; the tellers having reported—ayes 69, noes 25.

Mr. WICKLIFFE. Mr. Chairman, I think, from what I can discover from gentlemen in this House, that there is a general disinclination to pass this bill in its present shape. I move, therefore, that the committee rise, for the purpose of recommitting it, with instructions to the Committee of Ways and Means to report at the next session of Congress a change of the tariff, and, if necessary, a matured system of direct taxation and excise duty, so that the tax will bear equally upon the property and wealth of the country.

The CHAIRMAN. That motion is not now in order. It is in order, however, for the gentleman to move that the committee rise, and then the House can take whatever action it pleases.

Mr. WICKLIFFE. I move that the committee rise. We are wasting time by sitting here considering this bill; for it cannot pass, it ought not to pass, in its existing crude condition. In 1819, our predecessors, in levying a direct tax, carefully matured the bill, so that it applied equally to all. They imposed a fixed tax upon every county in every State.

The CHAIRMAN. The motion to rise is not debatable.

The question was taken; and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. COLFAX reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 71, to provide additional revenues for defraying the expenses of Government and maintaining the public credit by the assessment and collection of a direct tax and internal duties, and had come to no resolution thereon.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following bills and resolution; when the Speaker signed the same:

An act (H. R. No. 76) to provide for the payment of the police organization by the United States for the city of Baltimore, and to enable the Mint to furnish small gold coin, and to provide for the manufacture or purchase of field signals.

An act (H. R. No. 69) to indemnify the States for expenses incurred by them in defense of the United States.

A resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be holden in London in the year 1862.

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. I desire to make a report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 2) to increase the present military establishment of the United States, having met, after a full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendments to the bill of the Senate, except section eight, and agree thereto with the following amendments:

Page 4, section six, line eight, after the word "reduced," strike out as follows: "in such manner and to such extent as Congress may direct;" and insert in lieu thereof, "to a number not exceeding twenty-five thousand men, unless otherwise ordered by Congress."

Page 5, at the end of section seven, add the following: "*Provided*, That all the officers of the regular Army who have been or may be attached or assigned to duty for service in any other regiment or corps, shall resume their positions in the regular Army, and shall be entitled to the same rank, promotion, and emoluments, as if they had continued to serve in their own regiments or corps."

That the Senate recede from its disagreement to the eighth section of the amendment of the House, and agree thereto.

HENRY WILSON,
J. H. LANE,
HENRY M. RICE,
Managers on the part of the Senate.
FRANCIS P. BLAIR,
R. MALLORY,
A. B. OLIN,
Managers on the part of the House.

Mr. BLAIR, of Missouri. The bill was for the increase of the military establishment of the country. It provided for the addition of eleven new regiments to the present military establishment, and the regiments comprised each twenty-two or twenty-three hundred men. The House amended the Senate bill by striking out all after the enacting clause, and inserting a provision for raising eleven regiments of volunteers upon the plan suggested by the Secretary of War, and at the instance, we supposed, of General Scott. The Senate disagreed to our amendment. Upon a conference we felt constrained, under present circumstances, to recede from the amendments of the House, and to allow the Senate bill to pass, with an amendment, however, providing that the military establishment of the Government shall be reduced at the end of the war to a number not exceeding twenty-five thousand men. That amendment has been agreed upon by the managers upon the part of the Senate and of the House. The reduction is to be made, without further legislation upon the part of Congress, at the close of the war.

Another amendment agreed upon by the committee of conference is an addition to the seventh section of the Senate bill of a part of the seventh section of the House bill, requiring that all the officers of the regular Army who have been or may be attached or assigned to duty for service in any other regiment or corps shall resume their positions in the regular Army, and shall be entitled to the same rank, promotion, and emoluments, as if they had continued to serve in their own regiments or corps.

The committee of conference also agreed to the eighth section of the amendment of the House, which provided that the recruiting of these eleven new regiments should be placed in charge of officers appointed for the new regiments from civil life; and that, in the mean time, the officers of the regular Army should not be employed in recruiting, but should be employed actively in the field.

Such is the substance of the recommendations which the committee agreed to present to their respective Houses.

Mr. LOVEJOY. I would inquire of the gentleman whether the officers of these eleven regiments who are not transferred from the regular

Army, are to be continued or are to be removed at the end of the war?

Mr. BLAIR, of Missouri. The military establishment of the Government, with this addition, will amount to forty thousand men; but the bill requires that the number shall be reduced, at the close of the war, to twenty-five thousand men. As a matter of course, some of the officers will be retired. But it is provided that such officers as have been taken from the regular Army and placed over these new regiments, shall not be retired, but shall resume their old places in the Army, with the rank, promotion, and emoluments they would have been entitled to had they continued in their own regiments during the war.

The President is required to disband the regiments or battalions or companies, in order to reduce the Army to a number not exceeding twenty-five thousand.

Mr. LOVEJOY. And that will discharge a number of officers?

Mr. BLAIR, of Missouri. As a matter of course.

Mr. VALLANDIGHAM. I understand the report of the committee of conference proposes to agree to the Senate bill, increasing the standing Army, as against the proposition to increase the volunteer force, which was acted upon and adopted by the House.

Mr. BLAIR, of Missouri. Yes, sir.

Mr. VALLANDIGHAM. And recommended, as I understand, by Lieutenant General Scott. The bill as it passed this body, and as insisted upon by the House two or three times, met the concurrence of the Lieutenant General.

Mr. BLAIR, of Missouri. I did not make that statement.

Mr. VALLANDIGHAM. I understand that is the fact.

Mr. McCLERNAND. I wish the gentleman would state his authority.

Mr. VALLANDIGHAM. I have been so informed by what I considered good authority—by those who, I supposed, had knowledge upon the subject. But I rose more particularly to express the hope that the House would insist upon its own bill. I have no doubt that the Senate, if the House insist, will yield to the measure as it passed this body. I think the experiment ought to be tried again; and for that reason I call for the yeas and nays upon the adoption of the report of the committee.

Mr. BLAIR, of Missouri. The statement made by the gentleman from Ohio, as to the Senate's yielding, is not in accordance with the belief of the committee of conference on the part of the House. The managers upon the part of the House were exceedingly reluctant to yield their amendment, and nothing but what they deemed a pressing emergency, and certain obligations already entered upon in a partial execution of the plan of the organization of the Army as regulars, would have induced them to yield their objections to the bill. I state that in justice to myself and other managers.

Mr. VALLANDIGHAM. I desire to know, if the gentleman feels at liberty to speak upon that point, whether the principal embarrassment did not arise from the fact that a large number of officers has been appointed in advance of the action of the two Houses of Congress; and whether the pressure does not come from these appointments?

Mr. BLAIR, of Missouri. So far as I am concerned, I had no embarrassment upon that head at all.

Mr. VALLANDIGHAM. I refer to another quarter.

Mr. BLAIR, of Missouri. I know nothing as to what pressure may have been brought to bear upon other quarters. I speak for myself, and other gentlemen can speak for themselves.

I yielded my convictions upon that subject, but only after I had obtained the concurrence of the managers upon the part of the Senate to an amendment reducing the number to twenty-five thousand after the war. I would not have yielded my convictions under any other circumstances.

Mr. KELLOGG, of Illinois. I desire to ask the committee if there is any provision for retiring the brigade, field, and staff officers of that portion of the Army that is not to be reduced at the expiration of the war, or whether, when the war shall have closed, we shall have upon our hands an army of brigadier generals and staff officers sufficient in number to command the entire volunteer corps? What I desire to know is, whether, after we have retired the soldiers, we are to have an army of officers, almost equal to the number of soldiers, quartered upon the Government, and receiving their pay, when we have nothing for them to do?

Mr. BLAIR, of Missouri. Mr. Speaker, the gentleman knows as well as I do, and I suppose every gentleman upon this floor knows, that all these brigadier generals and major generals who have been appointed to command the volunteer army will be reduced at the end of the three years' term of enlistment, which is the longest term for which they can serve without further action by Congress. As to the additions made of brigadier and major generals, and their staffs, by this bill, they will have to be provided for by additional legislation.

Mr. KELLOGG, of Illinois. That is the very point to which I wished to call the gentleman's attention; and now I understand that there is no law retiring that class of officers.

Mr. BLAIR, of Missouri. None at all.

Mr. KELLOGG, of Illinois. That is all I desired to know.

Mr. BLAIR, of Missouri. I move the previous question.

The previous question was seconded, and the main question ordered.

The question being on agreeing to the report of the committee of conference,

Mr. HOLMAN demanded the yeas and nays.

Mr. BURNETT called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. NOBLE called for tellers on the question.

Tellers were not ordered.

The report of the committee of conference was agreed to—ayes 81, noes 22.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

INCREASED REVENUE BILL.

Mr. WICKLIFFE. I move to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill No. 71; and that it be recommitted to the Committee of Ways and Means, with instructions that they shall at the next session mature a revenue tariff, and, if necessary to impose direct taxation or excise, prepare a bill that shall impose the tax thus to be imposed upon the country upon some principle of perfect equality, so that the wealth of the nation shall be reached.

The SPEAKER. Is there objection to the reception of the gentleman's motion?

Mr. RIDDLE. I object.

Mr. WICKLIFFE. Have I not a right to make the motion to discharge the committee?

The SPEAKER. The Chair thinks it can only be done by unanimous consent. There is no rule of the House under which it can be done, and a motion to suspend the rules is only in order on Monday.

Mr. WICKLIFFE. I had supposed it was in order to move to discharge a committee at any time. The bill is in the Committee of the Whole on the state of the Union, as I understand it.

The SPEAKER. Yes, sir.

Mr. WICKLIFFE. Have I not a right to move to discharge that committee from its further consideration?

Mr. VALLANDIGHAM. I raised that question yesterday, and I understood the Chair to decide that such a motion was in order.

The SPEAKER. The Chair would state to the gentleman from Kentucky that the Committee of the Whole on the state of the Union did not direct their Chairman to report the bill to the House. It is not before the House, and nothing being before the House to which his motion would apply, the Chair does not see how it could be in order.

Mr. WICKLIFFE. I hope that gentlemen who may be opposed to me will let us have an opportunity of testing this question at once, and then we can get ready and go home. I do not know in what way I can get at what I desire. I did understand the rules of the House once, but they have got so complicated that I confess I do not understand them now.

Mr. COX moved that the House adjourn.

The question was taken; and the House refused to adjourn.

ARMORED SHIPS.

On motion of Mr. SEDGWICK, by unanimous consent, Senate bill No. 36, to provide for the construction of one or more armored ships and floating batteries, and for other purposes, was taken from the Speaker's table.

Mr. SEDGWICK moved that the House insist on its amendments to said bill disagreed to by the Senate, and ask a conference on the disagreeing votes of the two Houses.

Mr. McCLERNAND. I move that the House recede from its amendments. I understand that they relate to a battery which has been in the dock for a number of years, and which it is now sought to revive, as the subject of an expenditure of over a million dollars.

Mr. McCLERNAND's motion was disagreed to.

Mr. SEDGWICK's motion was then agreed to.

PAY OF THE CHAPLAIN.

Mr. COX. I ask leave to offer the following resolution:

Resolved, That the Chaplain of this House be paid for this session of Congress at the same rate per month as he received at the last session.

Mr. BURNETT. I will not object to the resolution, but I am opposed to paying any Chaplain.

The resolution was adopted.

And then, on motion of Mr. WRIGHT, (at five minutes to four o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *July* 26, 1861.

Prayer by Rev. WILLIAM IVES BUDDINGTON, of Brooklyn, New York.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARLAN presented the remonstrance of the preëmptors of Rock Island, Illinois, against the establishment of an armory thereon; which was referred to the Committee on Military Affairs and the Militia.

Mr. KENNEDY. I beg to present the memorial of the Mayor and the Common Council of the city of Baltimore, complaining of certain grievances arising from the military occupation of that city. They set forth their grievances at length in this memorial; and, in their defense, they state that the State of Maryland has been and is subject to the Constitution and laws of the United States, and that her citizens are of right entitled to the protection of that Constitution and of those laws; that the civil authorities of that city have heretofore rendered, and do now render, fitting obedience to the requirements of both; and they earnestly ask, as a matter of right, that their city may be governed according to the Constitution and laws of the United States and of the State of Maryland. They demand, as a matter of right, that citizens may be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, and that they be not deprived of life, liberty, or property, without due process of law. They demand, as a matter of right, that the military render obedience to the civil authority; that our municipal laws be respected; that officers be released from imprisonment, and restored to the lawful exercise of their functions; and that the police force established by law be no longer impeded by armed force, to the injury of peace and order in that city. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

BILL INTRODUCED.

Mr. TEN EYCK, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 50) to establish a national armory at Trenton, in the State of New Jersey; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

REPORTS FROM COMMITTEES.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R.

No. 74) to increase the consular representation of the United States during the present insurrection, reported it without amendment, with a recommendation that it do pass.

Mr. MORRILL, from the Committee on Commerce, to whom was referred the bill (H. R. No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy," reported it without amendment, with a recommendation that it do pass.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred the bill (S. No. 33) to suppress insurrection and sedition, and for other purposes, reported it with an amendment.

METROPOLITAN POLICE.

Mr. GRIMES, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. No. 49) to create a metropolitan police district of the District of Columbia, and to establish a police therefor; which was read twice by its title.

Mr. GRIMES. This is a bill of very great importance to the people of the District, and to the country at large at the present time. It is considered by the committee that it is necessary that it should be passed at an early day. I therefore ask that it may be made the special order for to-morrow at one o'clock, if there be no objection.

The motion was agreed to.

STEAMER ESTELLA.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 73) to authorize the issue of a register to the steamer Estella, have directed me to report it back with a recommendation that it do pass. As it is a very small matter, I ask the unanimous consent of the Senate to put it on its passage now.

There being no objection, the bill (H. R. No. 73) to authorize the issue of a register to the steamer Estella was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to issue a register to the steamer Estella, in accordance with existing laws, excepting only that provision of law requiring the vessel to have been built in the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

POTOMAC BRIDGE.

Mr. GRIMES. There is a bill on the table providing for the building of a bridge across the Potomac river, which I move be taken up.

Mr. HALE. I only want to say that that has been a matter which has been before Congress ever since I have been a member here. It is a matter in which the people of Georgetown feel a very deep interest. They have been frequently heard before the committees of this body and of the other House; and I do not think it should be taken up and passed at this time, without an opportunity being allowed to the city of Georgetown to be heard upon it. I do not know that there is any immediate necessity for it.

Mr. GRIMES. There is a very pressing and immediate necessity for the reconstruction of the old bridge, or for the construction of a new one from some other part of the city, across the river. The Senator is anxious to know the reasons, which I am going to assign, why the Senate should act on it now.

The PRESIDENT *pro tempore*. The Senator will suspend his remarks until the Senate shall come to order. Conversation is so prevalent and so loud that it is impracticable to proceed with the business of the Senate, and the business will be suspended until order is restored.

Mr. GRIMES. I am extremely anxious that the Senator from New Hampshire should hear the reasons I am about to assign why we should pass this bill at this time. It grows out of the fact that we have a large army on the other side of the river, and a considerable sized army on this side, that are compelled to use this bridge in the passage from one side to the other. It a fact, I believe, that it has come very near being thrown down on three several occasions; once by a battery of artillery, and once by a regiment of foot soldiers going over it. There are men now constantly employed in keeping it in order, so as to make it passable even for teams, and sentinels are constantly employed so as not to let any team get one hundred feet near another. It is pronounced by engineers incapable of supporting more than one team for each hundred feet; the piers have rotted in many instances; and the Army authorities insist upon the necessity of some steps being taken to construct a new bridge either of wood or of iron. The committee have recommended the latter; and when the bill shall be taken up for consideration, some of the members of the Committee on the District of Columbia may undertake to convince the Senate that that is the most economical method of building the bridge at this time. I will state, also, that the committee have acted upon the suggestions of the War Department on this subject.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to take up the bill indicated by him.

The motion was agreed to; and the bill (S. No. 46) to provide for the construction of a bridge across the Potomac river was considered, as in Committee of the Whole. It proposes to appropriate $220,000 for the construction of an iron bridge, with stone piers, across the Potomac river, near the present Long Bridge, at the foot of Maryland avenue, with two sufficient draws for the passage of vessels, to be expended under the direction and control of the Secretary of War. He is to advertise for proposals for the construction and material to be used and employed in the construction of the bridge, giving reasonable notice thereof, and to let the furnishing of the materials and the construction of the bridge, or the various parts thereof, to the lowest and best bidders. The bill also appropriates $10,000 for the repair of the present Long Bridge across the Potomac river.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES OF GOVERNMENT.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (S. No. 48) providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes, and to ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. For the purpose of scaling, equalizing, and reducing the compensation of the various officers of the Government, it proposes to organize a board of commissioners, to be composed of two members of the Senate, to be appointed by the Vice President, three members of the House of Representatives, to be appointed by the Speaker of the House, and one officer of the Navy and one officer of the Army, to be appointed by the President. This board is to examine and report as soon as practicable—first, a fair and just compensation for each officer of the Government; second, such provisions of law as will regulate the expenditure of all indefinite and contingent appropriations, including those for the courts of the United States; third, regulations for the more economical collection of the revenue; fourth, what officers or employments, if any, may be dispensed with without detriment to the public service.

Mr. SHERMAN. I will state in a few words the necessity for the passage of this bill. The compensation of all the officers of the Government is now fixed, I think, by some seventy or eighty different statutes, and in many cases it is fixed simply by a resolution of the Senate or of the House of Representatives; in some cases the compensation is not fixed by law at all, but by custom and regulation. When I was a member of the Committee of Ways and Means of the House of Representatives, I found it very difficult to ascertain the precise legal compensation of the various employés of the Government. This bill is intended to remedy that by providing a general statement of the compensation of each officer of the Government. It also proposes to regulate the manner of disbursing the contingent expenses of the Senate and House of Representatives and of all the different offices of the Government, and especially the courts of the United States. If the bill passes, I hope to accomplish a reduction of the expenditures of the Government—at least an equalization of the salaries now paid to the different officers. The purpose of the bill is so plain on its face that I do not think it necessary for me to say anything more on the subject. I therefore ask for a vote.

Mr. SIMMONS. I suggest that "the Presiding Officer of the Senate" should be put in, instead of "the Vice President."

Mr. SHERMAN. The Vice President not being present, I suppose it would be better to insert "the Presiding Officer of the Senate."

The PRESIDENT *pro tempore*. That modification will be made if no objection be interposed. The bill is so amended.

The bill was reported to the Senate as amended, and the amendment was concurred it. The bill was ordered to be engrossed and read the third time; and it was read the third time, and passed.

SUPREMACY OF THE GOVERNMENT.

Mr. CLARK. I move to take up the resolution which I submitted yesterday, in regard to maintaining the supremacy of the Government and the integrity of the Union of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. No. 10) declaratory of the determination of Congress to maintain the supremacy of the Government and integrity of the Union.

The resolution was read, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we, as representatives of the people and States, respectively, do hereby declare our fixed determination to maintain the supremacy of the Government and the integrity of the Union of all these United States; and to this end, as far as we may do so, we pledge the entire resources of the Government and people, until all rebels shall submit to the one and cease their efforts to destroy the other.

Mr. CLARK. Mr. President, I do not propose to debate this resolution. It is short and plain, and speaks for itself. I shall content myself with asking for the yeas and nays upon its passage, unless it be debated by other persons.

The joint resolution was reported to the Senate without amendment and ordered to be engrossed for a third reading; and it was read the third time.

The PRESIDENT *pro tempore*. The resolution having been read three times, the question is on its passage; and on that question the Senator from New Hampshire calls for the yeas and nays.

The yeas and nays were ordered; and the roll being called through, it was found that but thirty-three Senators had voted.

The PRESIDENT *pro tempore*. The Chair regrets to inform the Senate that there is no quorum present and voting. The Senate is therefore disabled by the absence of its members from proceeding with business.

Mr. BINGHAM. What constitutes a quorum?

The PRESIDENT *pro tempore*. Thirty-five.

Mr. GRIMES. There are Senators present who have not voted.

The PRESIDENT *pro tempore*. The Clerk will again call the names of Senators who have not responded.

The Secretary proceeded to call the names of the Senators who had not answered. Mr. BRECKINRIDGE's name was called.

Mr. BRECKINRIDGE. I was out talking to a member of the other House and found the roll nearly called through before I came in. I have not heard the resolution read on which I am called to vote; and I do not wish to vote for a resolution that I do not understand.

The PRESIDENT *pro tempore*. If no objection be made, the resolution will be read.

The resolution was read.

Mr. BRECKINRIDGE. I will simply make one remark. There is a portion of the resolution that I like, and therefore have no objection to voting for. No man would go further, or do more than myself to support the Constitution, and no man desires more to see all the States united; but I will not pledge the resources of this Union, by my vote, to attempt it by war; which will have, in my judgment, precisely the contrary effect. I vote in the negative.

The Secretary proceeded to call the names of the members who had not answered, and Mr. SUMNER voted in the affirmative.

The result was announced—yeas 34, nay 1; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Saulsbury, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, and Willey—34.

NAY—Mr. Breckinridge—1.

So the joint resolution was passed.

GOVERNMENT CONTRACTS.

The first bill on the Calendar was the bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government, which the Senate proceeded to consider as in Committee of the Whole. It proposes to enact that it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to cause and require every contract made by them, severally, on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof, a copy of which is to be filed by the officer making and signing the contract in the "Returns office" of the Department of the Interior (hereafter to be established for that purpose) as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, as also a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract are to be attached together by a ribbon and seal, and numbered in regular order numerically, according to the number of papers composing the whole return. It is to be the further duty of that officer, before making his return, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me with ————; that I made the same fairly without any benefit or advantage to myself, or allowing any corruptly to the said ————, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided." And any officer convicted of falsely and corruptly swearing to such affidavit, is to be subject to all the pains and penalties now by law inflicted for willful and corrupt perjury.

Any officer making contracts, and failing or neglecting to make returns of the same, unless from unavoidable accident and not within his control, is to be deemed, in every case of such failure or neglect, to be guilty of a misdemeanor, and, on conviction thereof, to be punished by a fine of not less than $100, nor more than $500, and be imprisoned for not more than six months, at the discretion of the court trying the same. It is to be the duty of the Secretary of the Interior to provide a fit and proper apartment in his Department, to be called the "Returns office," within which to file the returns thus to be required, and to appoint a clerk to attend to the same, who is to be entitled to an annual salary of $1,200, and whose duty will be to file all returns made to that office, so that the same may be of easy access, filing all returns made by the same officer in the same place, and numbering them as they are made in numerical order. He is also to provide and keep an index book, with the names of the contracting parties, and the number of each and every contract opposite to the names; and to submit the index book and returns to any person desiring to inspect the same; and he is also to furnish copies of the returns to any person paying for them at the rate of five cents for every one hundred words, to which copies certificates are to be appended in every case by the clerk making the same, attesting their correctness, and that it is a full and complete copy of the return; which return, so certified under the seal of the Department, is to be evidence in all prosecutions under this act. It is to be the duty of the Secretary of War, and of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to furnish each and every officer severally appointed by them with authority to make contracts on behalf of the Government, with a printed letter of instructions, setting forth the duties of such officer under this act, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.

Mr. COWAN. I move that the bill be amended in the twentieth line of the fourth section, by striking out the word "its," and inserting the word "their." This is a mere verbal correction.

The amendment was agreed to.

Mr. COWAN. In the third line of the fifth section, after the word "Navy," I move to insert the words, "and of the Secretary of the Interior;" so that it will read:

That it shall be the duty of the Secretary of War and of the Secretary of the Navy and of the Secretary of the Interior, immediately after the passage of this act, &c.

The object is to make it include the Department of the Interior as well as the War and Navy Departments.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COWAN. I ask, on the part of the Committee on the Judiciary, to whom was referred a bill (S. No. 22) for the protection of Government contracts, that the committee be now discharged from the further consideration of that bill, this being a substitute for it.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on bill (S. No. 2) to increase the present military establishment of the United States.

The message further announced that the House insists upon its amendments to the bill of the Senate (No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, disagreed to by the Senate, asks a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES B. SEDGWICK of New York, Mr. ALEXANDER H. RICE of Massachusetts, and Mr. JAMES E. ENGLISH of Connecticut, managers at the same on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which thereupon received the signature of the President *pro tempore:*

A bill (H. R. No. 69) to indemnify the States for expenses incurred by them in defense of the United States;

A bill (H. R. No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore, and to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals;

A joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be holden in London in the year 1862; and

A bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 24th instant, the following bills and joint resolution:

A bill (H. R. No. 17) authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases;

A bill (H. R. No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina;

A bill (H. R. No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th of June, 1861;

A bill (H. R. No. 56) in relation to forwarding soldiers' letters;

A bill (H. R. No. 57) for the relief of the Ohio and other volunteers; and

A joint resolution (H. R. No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore.* The hour of one o'clock having arrived, the Chair calls up for consideration the special order of the day assigned for that hour, which is the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion. The pending question is on the passage of the resolution; and on that question the Senator from Tennessee [Mr. JOHNSON] is entitled to the floor.

Mr. JOHNSON, of Tennessee. Mr. President, when I obtained the floor some time since, and made a motion for the postponement of this resolution, I did not obtain it for the purpose of addressing the Senate. I rise now, however, for the purpose of stating, if it meets the approbation of the Senate, that if the resolution is laid over until to-morrow at one o'clock, I shall make an effort to present some remarks in favor of its passage. If the Senate is anxious to have action upon it at once, I have no objection to their taking a vote on it now; and what little I have to say, I can say on some other proposition. If it meets the approbation of the Senate for it to go over until one o'clock to-morrow, I will make an effort to give my views at that time on the resolution, and the present crisis of the country. Whatever meets the views of the Senate will meet mine.

Several SENATORS. We have no objection to its going over.

Mr. JOHNSON, of Tennessee. Then, Mr. President, if it meets the approbation of the Senate, I move that the resolution be passed over until one o'clock to-morrow, and, God willing, I shall try to give my views on the subject then.

The PRESIDENT *pro tempore.* The Senator from Tennessee moves to postpone the further consideration of the joint resolution until to-morrow at one o'clock, and that it be made the special order for that hour.

The motion was agreed to.

PUNISHMENT OF CONSPIRACIES.

The next bill on the Calendar was the bill (H. R. No. 45) to define and punish certain conspiracies; which the Senate proceeded to consider as in Committee of the Whole. It provides that if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force, the Government of the United States, or to levy war against the United States, or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States against the will, or contrary to the authority of the United States; or by force, or intimidation, or threat, to prevent any person from accepting or holding any office, or trust, or place of confidence, under the United States; each and every person so offending shall be guilty of a high crime, and upon conviction in any district or circuit court of the United States having jurisdiction, or district or supreme court of any Territory of the United States having jurisdiction, shall be punished by a fine not less than $500 and not more than $5,000; or by imprisonment, solitary or social, and with or without hard labor, as the court shall determine, for a period not less than six months nor greater than six years, or by both such fine and imprisonment.

The bill was reported to the Senate without amendment.

Mr. TRUMBULL. I desire to move a verbal amendment to the bill. I move to strike out, in the twenty-first line, the words "solitary or social, and;" so that it will read:

Or by imprisonment with or without hard labor, &c.

The PRESIDENT *pro tempore.* That modification will be made if there be no objection. The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

Mr. POWELL. I desire to present a protest of certain Senators against the passage of that bill. I send it to the table, and ask that it may be read.

The PRESIDENT *pro tempore.* The Senator from Kentucky sends to the Secretary's desk the following paper; which will be read for information:

The Secretary proceeded to read it, as follows:

Protest of the minority of the Senate of the United States against the passage of the House bill No. 45, entitled "An act to define and punish certain conspirators."

The undersigned, members of the Senate, dissent from the passage of the bill on the following grounds:

Mr. SUMNER. I would ask whether such a paper is in order?

The PRESIDENT *pro tempore*. The question of order cannot be raised on any paper until it is read for the information of the Senate.

Mr. SUMNER. The paper, by its title, shows that——

The PRESIDENT *pro tempore*. The Chair decides it to be in order at present.

The Secretary continued the reading, as follows:

The Government of the United States is a Government of specially delegated powers; and though treason is one of the highest crimes known to the law, it is a political offense.

To guard against the abuses which in times of high excitement had, in the history of England previous to the revolution of 1688, too often sacrificed able, virtuous, and innocent men on charges of treason and kindred offenses, unaccompanied by acts, the Constitution of the United States expressly defines the crime of treason in the following terms:

ART. 3, SEC. 3. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

It further provides that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

The intent to restrict Congress in the creation of crimes of the nature created by this bill seems obvious; for in treason all are principals, and in any conspiracy of the kind stated in the bill, an overt act in pursuance of it, proved by two witnesses, would be treason against the United States.

Thus the creation of an offense, resting in intention alone, without overt act, would render nugatory the provision last quoted, and the door would be opened for those similar oppressions and cruelties which, under the excitement of political struggles, have so often disgraced the past history of the world. The undersigned can conceive no possible object in defining the crime of treason by our ancestors, and requiring proof by two witnesses to the same overt act to justify the conviction of the accused, unless it be to restrict the power of Congress in the creation of a political crime kindred to treason, and charged as resting in intent alone, which would, if accompanied by an overt act, be treason.

It matters not that the punishment prescribed in the law is not death, but imprisonment; for the passage of the bill, though it might not affect the life of an innocent man, would give, from the uncertainty of the offense charged, and the proof requisite to sustain it, the utmost latitude to prosecutions founded on personal enmity and political animosity and the suspicions as to intention which they inevitably engender.

JAMES A. BAYARD,
L. W. POWELL,
J. D. BRIGHT,
W. SAULSBURY,
TRUSTEN POLK,
J. A. PEARCE,
A. KENNEDY,
JOHN C. BRECKINRIDGE,
WALDO P. JOHNSON.

Mr. TRUMBULL. I do not know what the practice of the Senate has been in regard to papers of this kind. I have no sort of objection to gentlemen who are opposed to this bill presenting their views in any shape which they may desire, so that it is not inconsistent with the ordinary rules and proceedings of the Senate. If they suppose they can make the people of the United States believe, or have persuaded themselves, that the Congress of the United States have no right to punish persons who conspire together for the purpose of seizing public property, because there is such a crime as treason, I certainly have no objection to their making that effort. Now, sir, I do not suppose it would constitute treason if half a dozen persons conspired together to seize an article of property belonging to the United States. That is not what I understand to be treason. That consists in levying war against the United States, or aiding and abetting its enemies in time of war. This bill provides punishment against persons who conspire together for the purpose of seizing any property of the United States, or who come together or purpose, by force, or intimidation, or threat, to prevent any person from accepting or holding an office under the Government of the United States. I do not suppose that constitutes treason. I do not suppose, if they carried it out, that you could indict them for the overt act of treason. Suppose a land officer in one of our Territories, where there is a great deal of excitement in regard to the entry of public land, is driven off by the settlers who are opposed to any sale of the public lands taking place; suppose a number of the settlers meet together, and, by threats and intimidation, deter the officer from performing his duty: I would like to know if the Senator from Kentucky who presents this protest would call that treason?

Not long ago, I think, a case occurred somewhere in the State of Missouri, where a number of persons, by threats of violence and intimidation, prevented a postmaster from performing the duties of his office. I think that those persons ought to be punished; but I do not suppose it was treason on their part; and for my life I cannot see the similitude between the offense here provided against and that of treason. The object of this bill is not under another name to punish traitors, but it is to punish persons who conspire together to commit offenses against the United States not analogous to treason. In the very case I have instanced, you could not punish those parties for treason when they had carried out their purpose. Take the very case that occurred at St. Joseph, in the State of Missouri, where a number of men got together and by threats and intimidation drove off the postmaster and would not let him discharge his duties; I should like to know if you could indict and convict those persons for treason. Other instances have occurred where route agents upon some of the railroads have been deterred from performing their duties.

That, however, is not the question before the Senate; and in fact I scarcely know what the question before the Senate is. I am not aware whether the Senator from Kentucky made any motion at all. We have already passed the bill, and the Senator from Kentucky has presented a paper, for the consideration of the Senate, I suppose, in some shape; but what his precise motion was, I am not advised.

Mr. POWELL. The motion is, that the protest be entered upon the Journal of the Senate.

Mr. TRUMBULL. I understand, then, the motion of the Senator from Kentucky to be, to enter upon the Journal of the Senate his reasons why he thinks this bill ought not to be passed. Is there any precedent for such a proceeding as that? Is it usual? Has it ever been done? If there is any precedent for it, I have no objection to it; but if it is an innovation, and the adoption of a new practice in the Senate of the United States, for members who are opposed to the passage of a bill, after it has passed, to come in with a written speech against its passage and place it upon the Journal, I am opposed to establishing that precedent now. As I am not aware of any precedent, or any authority for such a proceeding, I should like to be referred to one, if there is one.

Mr. POWELL. It is not my purpose to reply to the arguments of the Senator from Illinois. If the Senate were always to consider the matter contained in a paper presented in the shape of a protest, when the only question pending is as to whether the protest shall be entered on the Journal, I suppose no protest ever would be entered; because, of course, the majority do not concur in the opinions and reasons set forth by the minority. I believe that it has been usual to allow the minority in cases like this to have their protest entered on the Journal. I understand from Senators, who have long served in this body, that it has been done on more occasions than one; and in conformity with that custom, the minority in this case desire to have their protest against the passage of this bill entered on the Journal of the Senate. I hope it will be done.

The PRESIDENT *pro tempore*. The question is upon the motion of the Senator from Kentucky, that this protest be entered on the Journal of the Senate.

Mr. BRIGHT. I suggest that as the paper was prepared by the Senator from Delaware, [Mr. BAYARD,] who is not in his seat, there will be great propriety in allowing the question to rest until he comes in, if there is opposition to the motion that is made to enter it upon the Journal. I think he ought to be allowed to state the reasons for preparing the paper. Let the question lie over until he shall be in his seat.

Mr. COLLAMER. The words of the paper, I believe, are respectful enough; I do not see anything improper in them; and I shall not object to the delay which is asked being granted for the purpose of enabling the Senator from Delaware to furnish us a precedent for this proceeding, if he can. I have understood that in our country, where the right to call for the yeas and nays and enter them on the record is secured by the Constitution, the entering of a protest is not a matter of course at all, but has always been protested against. If, however, a precedent can be found, I shall submit to it; otherwise, I shall not.

Mr. BRIGHT. I recollect distinctly that protests have been offered since I have been a member of this body—two certainly. Whether they have been spread on the Journal, I do not know. However, I suggest that the matter lie over until the Senator from Delaware shall come in. That, I think, is due to him.

Mr. TRUMBULL. I hope that course will be taken, and let the precedents be looked into. If the request made in this case is usual in the Senate, I have no objection to its being granted.

Mr. POWELL. I have no objection to its lying over until to-morrow.

The PRESIDENT *pro tempore*. There being no objection to the course suggested, the paper presented by the Senator from Kentucky will lie over for further consideration until to-morrow.

ARMORED SHIPS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, disagreed to by the Senate and insisted on by the House; and,

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its disagreement to the amendments of the House of Representatives to the said bill, insisted on by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. HALE, Mr. GRIMES, and Mr. THOMSON, were appointed.

SUPPRESSION OF REBELLION.

The PRESIDENT *pro tempore*. The next bill in order on the Calendar is the bill (H. R. No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795; which is before the Senate as in Committee of the Whole.

The bill provides that whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion. Whenever, in the judgment of the President, it may be necessary to use the military force thus directed to be employed and called forth by him, he is forthwith, by proclamation, to command the insurgents to disperse and retire peaceably to their respective abodes within a limited time. The militia so called into the service of the United States are to be subject to the same rules and articles of war as the troops of the United States, and be continued in service until discharged by proclamation of the President; but such continuance in service is not to extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor. Every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in the cases recited in the bill, is to forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer is to be liable to be cashiered by a sentence of court-martial, and to be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer and private are to be liable to imprisonment, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of the fine. Courts-martial for the trial of militia are to be composed of militia officers only.

The bill further provides that marshals of the several districts of the United States, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have, by law, in executing the laws of their respective States. It also repeals sections two, three, and four, of the

act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," approved February 28, 1795, and so much of the residue of that act, and of all other acts, as conflict with this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed the following bills:

A bill (S. No. 1) to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; and

A bill (S. No. 42) in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved the 22d of July, 1861.

THE TARIFF BILL.

The bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, was the next bill on the Calendar; and the Senate, as in Committee of the Whole, proceeded to consider it.

The PRESIDENT *pro tempore*. The Committee on Finance reported an amendment in the form of a substitute for the entire bill. The question is on that amendment; and on that question the Senator from Rhode Island is entitled to the floor.

Mr. SIMMONS. I think the Chair is a little mistaken about that; but I hope the amendments proposed by the committee to the first draft of the bill will be read.

Mr. SUMNER. Have they been printed? I have not seen them yet.

Mr. SIMMONS. They have been printed, and can be read from the Clerk's desk, and, undoubtedly, we can understand them as they are read.

The Secretary proceeded to read the amendment of the committee, which was, to strike out all after the enacting clause of the bill, and insert a substitute.

Mr. SIMMONS. I ask that the question be taken by sections.

The PRESIDENT *pro tempore*. That course will be pursued.

The first section of the substitute was read, as follows:

That, from and after the passage of this act, in lieu of the duties heretofore imposed by law on the articles herein enumerated, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say: On raw sugar, commonly called Muscovado or brown sugar, and on sirup of sugar or of sugar cane, and on concentrated molasses, or on concentrated melado, and on white and clayed sugar, when advanced beyond the raw state by claying or other process, and not yet refined, 2 cents per pound; on refined sugar, whether loaf, lump, or pulverized, 4 cents per pound; on sugars after being refined, when they are tinctured, colored, or in anywise adulterated, and on sugar candy, 6 cents per pound; on molasses, 5 cents per gallon; on tea, 15 cents per pound; on coffee, 4 cents per pound.

The section was agreed to.

The second section was read and agreed to, as follows:

SEC. 2. *And be it further enacted*, That, in addition to the duties now imposed by law on goods, wares, and merchandise not enumerated in the foregoing section, and on all goods not herein otherwise provided for, hereafter imported from foreign countries, there shall be levied, collected, and paid, a duty of 10 per centum *ad valorem*, to include all merchandise subject to or exempt from duty by former laws: *Provided, however*, That in all cases where the existing specific or other duties, or both combined, on any article, together with the addition of 10 per centum *ad valorem*, shall amount to a duty of more than 50 per centum on the value thereof, the 10 per centum herein imposed shall not be added, except upon the articles of brandy and spirits distilled from grain or other materials, or other spirituous beverages. Indigo and ground madder shall be admitted to entry upon the payment of a duty of 5 per centum *ad valorem;* and that diamonds and other precious stones, when set in gold, silver, or other metal; and wool unmanufactured, the value of which, at the place of exportation, shall be 18 cents per pound or under, shall be subject to a duty of 7½ per centum *ad valorem*. Steel of all kinds and copper ore shall pay an additional duty of 5 per centum *ad valorem*: *And provided further*, That the President of the United States be, and he is hereby, authorized, by proclamation, to suspend the operation of the provisions of this section of this act at such time and whenever, in his judgment, the condition of the Treasury and the public interest will justify it.

Section three was read and agreed to, as follows:

SEC. 3. *And be it further enacted*, That the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved the 2d day of March, 1861, be, and the same is hereby, altered and corrected as follows, that is to say: In section six, clause the first: The specific duties therein imposed on brandy, spirits distilled from grain or other materials, and other spirituous beverages, shall be imposed and collected upon all of said liquors, if of first proof or of less strength than first proof; and when of greater strength than first proof, as in said act provided. In section seven, clause fifth: The words "on screws, washed or plated, and all other screws, of iron or any other metal," shall be stricken out, and the words "on screws, of any other metal than iron," shall be inserted. In section thirteen: The third clause shall be stricken out, and in lieu thereof the following words shall be inserted: "on all delaines known as cashmere, muslin, or barege delaines, composed wholly or in part of worsted, gray or uncolored, and on all gray goods of similar description, 25 per centum *ad valorem;* on bunting, and on all stained, colored, or printed goods of the above description, and on all other manufactures made wholly or in part of worsted, not otherwise provided for, 30 per centum *ad valorem*." In clause second, after the word "manufacturer," the words "except hosiery" shall be inserted. In section fourteen, clause first, insert the words "*ad valorem*" after the words "10 per centum." In section fifteen, the words "on jute goods, 15 per centum," shall be stricken out, and the words "on jute yarns, 10 per centum," inserted. In same section, before the word "yarns," in said section, the word "hemp" shall be inserted; also, after the word "shirting," the words "of flax or hemp" shall be inserted. In section nineteen, the words "compositions of glass or paste not set, intended for use by jewelers," shall be stricken out. In section twenty-two, the words "compositions of glass or paste, when set," shall be stricken out.

Section four was read and agreed to, as follows:

SEC. 4. *And be it further enacted*, That, from and after the day this act takes effect, the importation of the articles hereinafter mentioned and embraced in this section shall be exempted from duty—that is to say: All books, maps, charts, mathematical and nautical instruments, philosophical apparatus, and all other articles whatever imported for the use of the United States. Articles in a crude state, used in dyeing or tanning, not otherwise provided for, berries, nuts, flowers, plants, and vegetables used exclusively in dyeing or composing dyes; but no article shall be classed as such that has undergone any manufacture. Bismuth, bitter apples, bones burnt, bone dust, Brazil wood, braziletto, and all other dye-woods in sticks. Books, maps, and charts, imported by authority of the Joint Library Committee of Congress for the use of the Library of Congress: *Provided*, That if in any case a contract shall have been made with any bookseller, importer, or other person for books, maps, or charts, in which contract the bookseller, importer, or other person aforesaid, shall have paid the duty, or included the duty in said contract, in such case the duty shall not be remitted. Bullion, gold and silver; coins, gold, silver, and copper; copper, when imported for the United States Mint; fish, fresh caught, for daily consumption; goods, wares, and merchandise, the growth, production, or manufacture of the United States, exported to a foreign country, and brought back to the United States in the same condition as when exported, upon which no draw back or bounty has been allowed: *Provided*, That all regulations to ascertain the identity thereof prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with. Household effects, old, and in use, of persons or families from foreign countries, if used abroad by them, and not intended for any other person or persons, or for sale; oil, spermaceti, whale, and other fish, of American fisheries, and all other articles the produce of such fisheries; paintings and statuary, the production of American artists residing abroad: *Provided*, The same are imported by the artists, or on their account, or by other persons, in good faith, as objects of taste, and not as merchandise, and on presentation on the entry of the declaration of the artist in writing, signed by him, and certified by a consul of the United States, that the said paintings or statuary were produced by him.

The fifth section was read and agreed to, as follows:

SEC. 5. *And be it further enacted*, That all goods remaining in public store or warehouse at the time this act takes effect may be withdrawn therefrom and entered for consumption upon payment of the duties legally imposed thereon at the time they were deposited, and all goods deposited in public store or bonded warehouse after this act takes effect and goes into operation, if designed for consumption in the United States, must be withdrawn therefrom, or the duties thereon paid in three months after the same are deposited, and goods designed for exportation and consumption in foreign countries may be withdrawn by the owner at any time before the expiration of five years after the same are deposited, such goods, if not withdrawn in five years, to be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury: *Provided*, That merchandise upon which the owner may have neglected to pay duties within three months from the time of its deposit may be withdrawn and entered for consumption at any time within two years of the time of its deposit, upon the payment of the legal duties, with an addition of 25 per centum thereto: *Provided, also*, That merchandise upon which duties have been paid, if exported to a foreign country, shall be entitled to return duties, proper evidence of such merchandise having been landed abroad to be furnished to the collector by the importer, 1 per centum of said duties to be retained by the Government: *And provided, further*, That coffee imported from beyond the Cape of Good Hope, which shall be actually on shipboard and bound for the United States before the 1st day of September next, shall be exempt from the duties imposed by this act.

The sixth section was read, as follows:

SEC. 6. *And be it further enacted*, That there shall be allowed on all articles wholly manufactured of materials imported on which duties have been paid, when exported, a drawback equal in amount to the duty paid on such article and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That 10 per centum on the amount of all drawbacks allowed shall be retained by the officers paying such drawback, respectively: *And, further*, That on refined sugar, when exported, there shall be allowed a drawback of — cents per pound, to be ascertained under the regulations and limitations herein provided.

Mr. SIMMONS. I move to strike out the latter clause, in reference to refined sugar. It is embraced in the former part of the section.

The amendment was adopted; and the section, as amended, was agreed to.

The seventh and last section was read, as follows:

SEC. 7. *And be it further enacted*, That this act shall take effect fifteen days after its passage, and all acts and parts of acts repugnant thereto are hereby repealed: *Provided*, That the existing laws shall extend to, and be in force for the collection of the duties imposed by this act for the prosecution and punishment of all offenses, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter and thing, to that effect in the existing laws contained, had been inserted and reënacted by this act.

Mr. SUMNER. I believe it is in order to move an amendment to the proposition which is now pending.

The PRESIDENT *pro tempore*. An amendment to the section is in order.

Mr. SUMNER. I move to strike out "fifteen," in the second line, and insert "thirty;" so that it will read, "this act shall take effect thirty days after its passage." My object in moving this amendment is to provide for the merchandise that may be actually at this moment water-borne; that may have already been ordered in view of the existing tariff; so that it shall not be compelled to pay increased duties under this tariff. It will allow a larger margin for the change of orders; and I believe the chairman of the committee will agree with me in the expediency of this change. I believe I have his consent.

Mr. SIMMONS. If the Senator from Massachusetts addresses himself to me, I am not the chairman of the committee, but I have no objection to that amendment, and shall make none. The committee thought fifteen or twenty days were sufficient time to countermand any orders that had been given in Europe, but I am willing it should be extended to fifteen days longer.

Mr. SUMNER. It seems to me, if we really wish to give them the opportunity, we ought to do it completely, and enable it to be done in a practical manner. I have understood from merchants that there will be serious derangements if this bill should go into effect in fifteen days.

The amendment was agreed to.

Mr. SAULSBURY. I move to amend the first section, in line nineteen, by striking out the words, "on coffee four cents a pound." This is an article which enters into the general consumption of the country by all classes. We are raising funds to pay the expenses of the war. In my judgment, the politicians of the country and the property holders of the country should pay the expenses of it, and such a tax as four cents a pound upon an article so generally in use by all classes of the community ought not to be imposed. That is my object in making the motion.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Delaware that the amendment he proposes to amend having been agreed to, it was not now in order to amend it; but it will be when the bill shall be reported from the Committee to the Senate.

Mr. SAULSBURY. I beg pardon. I understood the Chair to say amendments were now in order.

The PRESIDENT *pro tempore*. The question is on the section last read, as amended on the motion of the Senator from Massachusetts.

Mr. SIMMONS. I will make a motion to reconsider that amendment in the Senate. I suppose it can be done when the bill is reported to the Senate. I mean the amendment inserting thirty days instead of fifteen. The object of limiting the time is simply that there shall be no goods orderd and put on shipboard after this bill passes, to come in under the old tariff, and I know thirty days is enough to make two voyages across the Atlantic.

The section as amended was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. SIMMONS. I now move that the bill be postponed until to-morrow, and made the special order for half past twelve o'clock. I do this for the purpose of proposing certain other amendments, to give additional strength to the Treasury; but I am not now prepared to offer them.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SUMNER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and, after some time spent in the consideration of executive business, the doors were reopened.

BILL INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 11) to repeal so much of the third section of the "Act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1861," approved June 23, 1860, as prohibits the purchase or use of patented arms or military supplies; which was read twice by its title, and referred to the Committee on Military Affairs and Militia.

INCREASE OF THE ARMY.

Mr. WILSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 2) to increase the present military establishment of the United States, having met, after a full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendments to the bill of the Senate, except section eight, and agree thereto with the following amendments:

Page 4, section six, line eight, after the word "reduced," strike out as follows: "in such manner and to such extent as Congress may direct;" and insert in lieu thereof, "to a number not exceeding twenty-five thousand men, unless otherwise ordered by Congress."

Page 5, at the end of section seven, add the following:

"*Provided*, That all the officers of the regular Army who have been or may be attached or assigned to duty for service in any other regiment or corps, shall resume their positions in the regular Army, and shall be entitled to the same rank, promotion, and emoluments, as if they had continued to serve in their own regiments or corps."

That the Senate recede from its disagreement to the eighth section of the amendment of the House, and agree thereto.

HENRY WILSON,
J. H. LANE,
HENRY M. RICE,
Managers on the part of the Senate.
FRANCIS P. BLAIR,
R. MALLORY,
A. B. OLIN,
Managers on the part of the House.

The report was concurred in.

On motion of Mr. FESSENDEN, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 26, 1861.

The House met at twelve o'clock, m. Prayer by Rev. Mr. KENNADY, of Philadelphia.

The Journal of yesterday was read and approved.

NAVAL SIGNALS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Navy in relation to naval signals; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PRINTING OF A REPORT.

Mr. DAWES. I move to reconsider the vote by which the House refused yesterday to order the printing of the report and resolution of the Committee of Elections in the Nebraska case.

The motion to reconsider was agreed to.

The question recurred upon the motion to print.

Mr. McCLERNAND. I would ask the gentleman from Massachusetts whether that embraces Mr. Morton's memorial?

Mr. DAWES. That has been already printed.

The motion to print was agreed to.

JAMES POOLE.

Mr. JOHNSON, by unanimous consent, introduced a bill for the relief of James Poole; which was read a first and second time, and referred to the Committee of Claims.

The SPEAKER then proceeded, as the regular order of business, to call the committees for reports.

PAY OF A CONTESTANT.

Mr. DAWES. I am instructed by the Committee of Elections to report the following resolution:

Resolved, That mileage and compensation to and including the 25th July, instant, be allowed to J. Sterling Morton, contesting the seat of Hon. SAMUEL G. DAILY, as Delegate from the Territory of Nebraska; and that the same be paid by the Clerk out of the contingent fund of the House.

I move the previous question.

The previous question was seconded, and the main question ordered.

Mr. DAWES. I ask the unanimous consent of the House to make a brief statement.

No objection was made.

Mr. DAWES. This gentleman came here with a certificate from the Governor, precisely like our own, without any intimation from anybody that he was not entitled to take the seat. It having been decided by the House that he is not entitled to take the seat, I think it is but just that he should receive the compensation and mileage to which he would have been entitled had his certificate been approved by the House. I hope, therefore, the House will adopt the resolution. It is in accordance with precedent.

Mr. FRANK. How much does the compensation amount to?

Mr. DAWES. I have not ascertained how much it amounts to. The mileage is that which he would have been entitled to if the certificate had been accepted by the House. He came here upon the faith of the certificate. There has been no evidence before the committee that, in whatever frauds have taken place which invalidate it, he had any hand or participation. It is therefore but right that, having come here to claim a seat which the Governor by his certificate had declared he was entitled to, he should have his compensation.

The resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

OREGON CONTESTED ELECTION.

Mr. DAWES, from the Committee of Elections, submitted a report on the memorial of George K. Shiel, claiming the seat now occupied by Hon. ANDREW J. THAYER, as a Representative from the State of Oregon.

The report concludes with the following resolution:

Resolved, That Hon. A. J. THAYER is not entitled to hold the seat now occupied by him in this House as a Representative from the State of Oregon.

Resolved, That George K. Shiel has been duly elected as a Representative from the State of Oregon to the Thirty-Seventh Congress, and is entitled to a seat in this House as such.

The report was ordered to be printed.

ACT OF CONFISCATION.

Mr. BINGHAM. I am instructed by the Committee on the Judiciary to ask the House that Senate bill No. 25, to confiscate property used for insurrectionary purposes, referred to that committee, be ordered to be printed.

It was so ordered.

NAVY-YARD SUPERINTENDENT.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported a bill to amend an act entitled "An act supplementary to an act entitled 'An act providing for a naval peace establishment and for other purposes,'" passed March 27, 1804; which was read a first and second time.

The bill amends the act in question by inserting after the word "captain," where the same first occurs, the words "or commanders," so as to authorize the President to select a superintendent of the navy-yard of Washington from the captains or commanders of the Navy of the United States.

Mr. HOLMAN. I desire to inquire whether this bill enlarges the number of officers to be appointed?

Mr. SEDGWICK. It does not. It merely authorizes the President to select from commanders as well as from captains.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The States were called for resolutions and for bills of which previous notice was given. None were introduced, and the Speaker stated that there was no business before the House.

QUESTION OF ADJOURNMENT.

Mr. VANDEVER. I move that the House do now adjourn.

Mr. FENTON. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. COLFAX. That motion is not debatable, but I desire the indulgence of the House that I may inquire of the Committee of Ways and Means what time they expect we can adjourn *sine die*. If we are only going to have a session of half an hour in three days, I should like to know if we cannot get away?

Mr. STEVENS. I have no opinion as to the time when we can adjourn. That, I think, depends on the Senate. The Committee of Ways and Means have but a single bill—a bill which they deem absolutely essential to maintain the Government. That bill is in the Committee of the Whole on the state of the Union. Without it the Treasury will be bankrupt in twenty days; but from the indications of the friends of the Administration here, for the past day or two, we are not encouraged to believe that the Administration will be sustained. If that is the case, the sooner we know it the better, that we may go home. I intended to move to go into the Committee of the Whole on the state of the Union immediately, for the purpose of considering the tax bill. The House will be able to determine, by its course on this bill, whether it is worth while for us to stay here any longer, or whether we might not as well go home and let the Government take care of itself. I am, therefore, unable to say what time we can adjourn, for that depends on the action of the House with reference to the tax bill.

Mr. WASHBURNE. Will the gentleman permit me to ask him a question with reference to business before the committees of conference?

Mr. STEVENS. Certainly.

Mr. WASHBURNE. I desire to ask the chairman of the Committee of Ways and Means if there is no business hanging between the two Houses before committees of conference? If so, I think the House should remain in session till that business is disposed of, and till we get rid of all the business with the exception of this tax bill, as it is called, before we adjourn. I think it very improper that the House should adjourn at this time till Monday. I see no necessity for it.

Mr. STEVENS. I am not aware of anything that is pending between the two Houses from our committee. Our committee of conference on the large appropriation bill reported yesterday, and the report was confirmed. There was a disagreement about some Senate amendments, but the committees of conference have not yet been appointed. I desire to know from the chairman of the Committee on Commerce whether that committee intends to report back, as I think it its duty to do, with a recommendation that it do pass, or that it be negatived, a bill which I introduced and had referred to it?

The SPEAKER. The Chair would say to the gentleman from Pennsylvania that all the committees of conference ordered by the House have been appointed.

Mr. STEVENS. I had hoped that the gentleman would report back that bill. If reported with a negative recommendation I intend to take the sense of the House upon it. I mean the bill repealing all laws that created ports of entry in the rebel States. I do not consider that the bill which we have already passed at all meets the difficulty. I hope the gentleman will report back the bill, and if the committee is opposed to it, let it say so, and let us take the sense of the House upon it.

Mr. WASHBURNE. In reply to the chairman of the Committee of Ways and Means, I will state that the Committee on Commerce are considering the bill to which he refers. What report they will make upon it I am unable to say. Whether they will make any report I am unable to say. Members of the committee have been in consultation on the subject with members of the Administration. It is a subject full of embarrassment, and there has been no indication made as yet in the committee, as to what action they will take.

The question was taken on Mr. FENTON's motion, and it was not agreed to.

The question recurring on Mr. VANDEVER's motion, Mr. VANDEVER withdrew it.

Mr. COX. I offer the following resolution:

Resolved, (The Senate concurring,) That the present Congress adjourn *sine die* on Tuesday next, at twelve o'clock, meridian

Mr. WRIGHT. I move to amend by striking out "Tuesday" and inserting "Monday."

Mr. COX. I accept the amendment.

Mr. McCLERNAND. I suppose it is not in order to debate that resolution at this time.

The SPEAKER. It is not debatable.

Mr. McCLERNAND. We must make some provision for revenue before we adjourn. Otherwise the credit of the Government fails.

Mr. WRIGHT. It is already made.

Mr. McCLERNAND. No, sir. I move that the resolution be laid on the table.

The motion was agreed to.

PRINTING ACTS.

Mr. McCLERNAND, by unanimous consent, offered the following resolution; which was read, considered, and referred to the Committee on Printing:

Resolved, That five thousand extra copies of the following acts be printed for the use of members of the House: An act to promote the efficiency of the Army; An act to authorize the employment of volunteers to aid in supporting and defending the Government; An act providing for the better organization of the military establishment; An act to increase the efficiency of the volunteer forces of the United States.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. COLFAX in the chair,) and proceeded to the consideration, as a special order, of House bill No. 71, to provide additional revenues for defraying the expenses of the Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties.

The Clerk proceeded to read the bill by sections for amendment, commencing at the sixth section, where the reading was left off yesterday.

Mr. SPAULDING. I move to amend the sixth section by striking out the word "one," in the seventh line, and inserting the word "two;" so that the valuation shall be made at the rate the property was worth on 1st January, 1862.

Mr. Chairman, I may as well proceed to submit the remarks which I desire to make to the committee at this time, and on this amendment, as at any other time. In the first place, I desire to submit statistical tables furnished by the Department, showing the value of real and personal estate, the number of inhabitants, and the basis on which this apportionment is made, in the States.

The tables are as follows:

Table showing the Federal population, and the assessed value of real and personal property of the several States of the Union. Census 1860.

States.	Federal population.	Value of real estate.	Value personal property.
Alabama	790,243	$155,034,089	$277,164,673
Arkansas	390,985	63,254,740	116,956,590
California	380,016	66,906,631	72,748,036
Connecticut	460,151	191,478,842	149,778,134
Delaware	111,498	26,273,893	13,493,439
Florida	115,737	21,722,810	47,206,875
Georgia	872,436	179,801,441	438,430,946
Illinois	1,711,753	287,219,940	101,987,432
Indiana	1,350,941	291,829,992	119,212,432
Iowa	674,948	149,433,423	55,733,560
Kansas	107,110	16,088,692	6,429,630
Kentucky	1,065,517	277,925,054	250,287,639
Louisiana	576,086	280,704,988	155,082,277
Maine	628,276	86,717,716	67,662,672
Maryland	652,158	65,341,438	231,793,800
Massachusetts	1,231,065	475,413,165	301,744,651
Michigan	749,112	123,605,084	39,927,924
Minnesota	162,022	25,391,771	6,727,002
Mississippi	616,717	157,836,737	351,636,175
Missouri	1,136,331	153,450,577	113,485,274
N. Hampshire	326,072	59,638,346	64,171,743
New Jersey	672,031	151,161,942	145,520,550
New York	3,887,542	1,069,658,080	320,806,558
North Carolina	860,234	116,366,573	175,931,029
Ohio	2,339,599	687,518,121	272,348,980
Oregon	52,464	6,279,602	12,745,313
Pennsylvania	2,906,370	561,192,980	158,060,355
Rhode Island	174,621	83,778,204	41,326,101
South Carolina	542,795	129,772,684	359,546,444
Tennessee	999,533	219,991,189	162,504,020
Texas	530,159	112,476,013	155,316,322
Vermont	315,116	65,639,973	19,118,646
Virginia	1,399,731	417,952,228	239,069,108
Wisconsin	775,873	148,238,766	37,706,723
	29,565,242	6,925,095,535	5,081,661,050

Statement exhibiting the Federal population of the States and Territories, as shown by the eighth census, and the allotment of a direct tax of $30,000,000 *among the respective States and Territories, based upon said population, distinguishing between free, loyal slave, and disloyal States, and the aggregate under each head.*

State.	Federal population.	Allotment to the free States.	Allotment to loyal slave States.	Allotment to disloyal slave States.	Total allotment.
Alabama	790,243	.....	.....	$793,970	$793,970
Arkansas	390,985	.....	.....	392,829	392,829
California	380,016	$381,808	.....	.....	381,808
Connecticut	460,151	462,321	.....	.....	462,321
Delaware	111,498	.....	$112,025	.....	112,025
Florida	115,737	.....	.....	116,284	116,284
Georgia	872,436	.....	.....	876,551	876,551
Illinois	1,711,753	1,719,827	.....	.....	1,719,827
Indiana	1,350,941	1,357,313	.....	.....	1,357,313
Iowa	674,948	678,132	.....	.....	678,132
Kansas	107,110	107,615	.....	.....	107,615
Kentucky	1,065,517	.....	1,070,543	.....	1,070,543
Louisiana	576,086	.....	.....	578,803	578,803
Maine	628,276	631,239	.....	.....	631,239
Maryland	652,158	.....	655,235	.....	655,235
Massachusetts	1,231,065	1,236,872	.....	.....	1,236,872
Michigan	749,112	752,645	.....	.....	752,645
Minnesota	162,022	162,786	.....	.....	162,786
Mississippi	616,717	.....	.....	619,627	619,627
Missouri	1,136,331	.....	1,141,691	.....	1,141,691
New Hampshire	326,072	327,610	.....	.....	327,610
New Jersey	672,031	675,201	.....	.....	675,201
New York	3,887,542	3,905,878	.....	.....	3,905,878
North Carolina	860,234	.....	.....	864,292	864,292
Ohio	2,339,599	2,350,634	.....	.....	2,350,634
Oregon	52,464	52,711	.....	.....	52,711
Pennsylvania	2,906,370	2,920,079	.....	.....	2,920,079
Rhode Island	174,621	175,445	.....	.....	175,445
South Carolina	542,795	.....	.....	545,356	545,356
Tennessee	999,533	.....	.....	1,004,247	1,004,247
Texas	530,159	.....	.....	532,660	532,660
Vermont	315,116	316,602	.....	.....	316,602
Virginia	1,399,724	.....	.....	1,406,326	1,406,326
Wisconsin	775,873	779,533	.....	.....	779,533
Colorado	34,197	34,358	.....	.....	34,358
Dakota	4,839	4,862	.....	.....	4,862
Nebraska	28,832	.....	28,968	.....	28,968
Nevada	6,857	6,889	.....	.....	6,889
New Mexico	93,531	.....	93,972	.....	93,972
Utah	40,283	.....	40,473	.....	40,473
Washington	11,578	11,633	.....	.....	11,633
District of Columbia	73,804	.....	74,155	.....	74,155
Total	29,859,162	$19,051,893	$3,217,062	$7,730,945	$30,000,000

Mr. SPAULDING. I desire, Mr. Chairman, to state some facts with reference to the condition of the Treasury. In doing so, I must go back some eight months, in order to show more clearly what the necessities of the Treasury at the present time are. When we met at the last session of Congress, in December last, the Treasury was empty—bankrupt. There was no money to pay the public creditors, who were then pressing for payment. There was not money enough even to pay members of Congress. The first duty that devolved on the Committee of Ways and Means at that session was to provide the means to carry on the Government. On the 17th of December an act was passed authorizing a loan of $10,000,000, at six per cent., in Treasury notes, with authority to issue them at as low a denomination as fifty dollars, and bearing such rate of interest as the Secretary of the Treasury should find it necessary to allow, after advertising for ten days. The Secretary of the Treasury advertised immediately; and the best bids that he could get, which he deemed it advisable to accept, were at twelve per cent. interest. Some of the bids ranged higher, and some lower than that amount. A loan was then made at twelve per cent. interest for the purpose of replenishing the Treasury for its immediate and present wants. Subsequently the balance of this loan was taken at a rate of about nine per cent. interest per annum. On the 8th of February $25,000,000 more was authorized by the Government to be negotiated; and on the 2d of March a further loan of $10,000,000 more was authorized by the tariff bill; and a provision was inserted authorizing the Secretary to issue any portion of the $35,000,000 in sums as low as fifty dollars, at a rate not exceeding six per cent. interest. So that during the whole time since the adjournment of the last Congress, the Secretary of the Treasury has had the power, and has offered to the public, Treasury notes, bearing six per cent. interest, in sums as low as fifty dollars.

Now, sir, the funded debt of the Government on the 1st of July, including the bonds issued at various periods, of various denominations, bearing various rates of interest, amounted in the aggregate, to $70,000,000, or thereabouts. The Treasury notes which were at that time outstanding amounted in all to about $20,600,000. But since that time the Secretary of the Treasury has borrowed upon Treasury notes, in various sums, at six per cent., at sixty days, that being the longest period which he was able to borrow, to meet the present demands of the Treasury. The Treasurer is in the market to-day with his six per cent. Treasury notes, without being able to get them taken. The six per cent. coupon bonds are now sold in New York at eighty-eight or eighty-eight and a half cents on the dollar—a discount of twelve per cent., or thereabouts. The twelve per cent. Treasury notes of December last are held in the New York market at about one hundred and two—showing that the Government is at this moment unable to negotiate any of the loans that have been authorized by Congress, except at ruinous rates of discount.

[Here the hammer fell.]

By unanimous consent, Mr. SPAULDING was permitted to proceed with his remarks.

Mr. SPAULDING. The Treasury notes that have been issued at various periods upon the several advertisements, have been reported by the Secretary of the Treasury at the commencement of the present session of Congress, and his report is now upon our tables. It shows that at the last advertising of coupon bonds, the bonds having twenty years to run, could only be sold at eighty-five, and some of the bids were as low as eighty-two. Now this ought not to be. It is true that the Treasury became bankrupt last year under the administration and perfidy of Secretary Cobb. But, sir, I say to the House that instead of allowing the Secretary of the Treasury to go into the market with Treasury notes bearing this ruinous rate of interest, we ought to levy a tax sufficient to give credit and confidence on the part of capitalists, so that we can borrow the money necessary to carry on the Government. We ought, at the last session of Congress, instead of shirking the responsibility, to have levied a tax upon tea, coffee, and sugar. We ought to have faced the music then, and brought up the credit of the Government by taxing those articles. We are here now reversing our steps, and proceeding to do what we ought to have done then. There is

ample power in the Constitution to levy and collect imposts, taxes, and excises. We have ample power to levy direct taxes, ample power to levy indirect taxes, ample power to levy duties on foreign importations, and within the States. And now, the great question is, shall the Government be sustained by the Representatives of the people coming up to the work and imposing the necessary taxes for its support?

The tables which I have given to the reporters will show that the real and personal property of this country is amply sufficient; that the basis is great enough. And the question again comes back with double force upon us at this time, when we are entering upon a war, and a war that we must sustain at all hazards, at the peril of the existence of the Government itself, and which I will sustain by my ability and my vote to the extent of levying taxes upon every species of property that I possess. And, sir, I believe my constituents will go to that extent. Now, sir, the recent statement of the Secretary of the Treasury exhibits the fact that there is no money in the Treasury to carry on this war. The Secretary of the Treasury is in the market at this time for money, under the law which we have just passed; and it becomes a grave question whether we will venture to adjourn without supplying the Treasury with a basis on which the credit of the Government can be sustained. Unless we do this, I can assure this House that the Treasury will soon be bankrupt, your soldiers without pay, and the war cannot go on. You cannot borrow money in the market to-day except at ruinous rates of interest. What then will bring up the credit of the Government? Nothing but the Representatives of the people coming up boldly and meeting the question by voting the ways and means, which they have already done, so far as relates to the men; and the men are ready with zeal to carry on this war. The only remaining thing, then, to be done is, to vote sufficient money to sustain the credit of the Government.

Now, sir, I am not prepared to say that this bill which is in the hands of the members of this committee, and which comes from the Committee of Ways and Means, is the best that can be devised. It was prepared at the Treasury Department, it was considered in committee, and it is now here. I do not pretend to say it is perfect, for it had to be prepared hastily; and I never yet saw a perfectly just and equitable tax bill.

MESSAGE FROM THE SENATE.

The committee here informally rose, and the Speaker having resumed the chair, a message was received from the Senate, by Mr. PATTON, one of their clerks, informing the House that the President of the United States had notified the Senate that he has approved and signed a bill for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes; and an act to provide for the temporary increase of the Navy.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled, an act making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations for arrearages for the fiscal year ending June 30, 1861; when the Speaker signed the same.

The committee again resumed its session.

ADDITIONAL REVENUE—AGAIN.

Mr. SPAULDING. Mr. Chairman, those of the committee who have read the report of the Secretary of the Treasury made to this Congress at the commencement of its session, will be prepared to understand distinctly the present condition of the Treasury. He informs us in that report, that we shall not be able to realize from the old tariff and the new tariff enough—by about twenty-five or thirty million dollars—to carry on the Government for the current year. This must be bridged over in some way. You must raise by internal duties, or you must raise by direct taxation, a sum sufficient to meet the present emergency. I hold that there is one rule which must be complied with, beyond a doubt. We must raise each year money enough to meet the current expenses of the Government, and to pay interest on the money borrowed for the extraordinary expenses of the war. Unless this is done, the confidence in the credit of the Government will be destroyed.

Mr. LOVEJOY. Will the gentleman permit me to interrupt him a moment?

Mr. SPAULDING. Certainly.

Mr. LOVEJOY. Inasmuch as there is no difference of opinion whatever in regard to the necessity of raising this money, and as there is no question in regard to the willingness of the House to raise it, I want the Committee of Ways and Means to show us that this is the best and the only way. If it is, then we are prepared to vote on it. Yet, while we are prepared to vote this tax, I have not heard a word from the Committee of Ways and Means, or from the gentleman from New York, as to whether this is the best and only way. Let us know something on that point.

Mr. SPAULDING. On that point, Mr. Chairman, I will say, that if this bill is not perfect, we are in the Committee of the Whole on the state of the Union, considering it section by section for amendments, and now is the time to perfect it. If the gentleman has any views to submit, let him submit them in writing, as amendments to the bill, and let the House decide upon them. That is the way to get a perfect system.

Now, as to a further basis of taxation. I have no objection sir, to include all the personal property that can be reached. All I ask is that we shall not shrink from our just responsibility, and undertake, by whatever shift, to shuffle this bill off. Let us meet the question boldly, and impose a tax upon real and personal property enough to satisfy the demands of the time and the exigency of the country. This is our duty! The bill, as it was drawn at the Treasury Department, imposes a tax in two ways: first, upon real estate, as houses, lots, and slaves; and in the second place, it fixes an excise duty upon various articles—a tax upon distilled spirits, watches, carriages, as well as a stamp duty upon bank notes. If that be not large enough, then, when we reach the several sections, let us enlarge them. Let us do that and go on with the bill. Let us go through with it, and put it upon trial; and do not let us, by any shuffling, endeavor to shift the responsibility from ourselves. We shall be held responsible by our constituents and by the country, Mr. Chairman—by the people—whether we provide the means or not to put down this wicked rebellion.

Let me repeat, sir, now, now is the time to perfect the bill, as we consider it section by section for amendment. Add to it a further basis of taxation, if you so desire, and I will not object. I shall be glad to coöperate with any of the gentlemen who cavil at this bill, to make it as perfect as we can, and then to pass it.

Mr. Chairman, we have gone on at this session and boldly met the question. We have given to the Government all the power necessary to bring into the field an army large enough to suppress speedily and effectually the existing rebellion. We have done everything on our part that we could do, in the way of legislation, to hold up the hands of the Government and to carry on this war, except only this one measure. We cannot adjourn, sir, without doing our whole duty in this respect. The people are zealous in this cause. They will sustain us. I am not afraid that our constituents will not stand behind us, and push forward every measure for the suppression of this rebellion. They will sustain us in raising all the money necessary to support this war. I only ask that we should not evade our responsibility. I have no feeling in the matter other than to subserve the public good. It is a duty from which we cannot, and from which we ought not to escape, if we could. As the reading of the bill progresses, let us perfect it; let it be reported to the House, and then sent to the Senate. I understand that that body has suggestions of its own to submit. Then, after a conference between the two Houses on the disagreeing votes, we shall be able to get a tolerably perfect bill. I do not believe at this session that we can get an entirely perfect bill, but we can approximate perfection. At the next session we can, by other legislation, still further perfect it.

I wish to say a word in conclusion. I believe that we are now entering upon a system of taxation which is to last for years. We have already increased the expenses of the Government this year up to between three and four hundred million dollars. Every soldier brought into the field will cost $1,000 a year, if we take into consideration the cavalry, artillery, transportation, and all the appurtenances attending our Army. You cannot carry this war on upon any picayune system. The Administration is pushing on the war with vigor. Eighty regiments have been accepted this week. The credit of the Government will have to be sustained; and that has to be done by the Representatives of the people showing a determination to tax the property of the country to that end, until the flag of our country floats in triumph over every foot of American soil.

Mr. DIVEN. Mr. Chairman, I have examined this bill during the last two days with considerable care, and I must say, after that examination, that I regard it, in the shape in which it came from the Committee of Ways and Means, as the most perfect bill that could be presented to the House for the purpose of answering the exact point we have in view. What is necessary to sustain the credit of the country? Why, to secure to the lender a certainty of a return for the money loaned, together with the certainty of the regular payment of interest upon it. What will afford to the lender the best security? Why, sir, a lien upon the real property of the country. Lenders lend money at a lower rate of interest upon real property, than upon any other kind. In this bill we propose to pledge the real estate of the country for the security of the loans of the Government.

I admit that it is not just that real estate should bear all of the tax. I do not contend, sir, that the tax levied is entirely equal. I defy the ingenuity of man to invent a revenue bill that will operate equally. No tariff has ever been passed that operated equally upon all. No property tax was ever adjusted so as to operate equally. None ever can be so adjusted. This tax has been levied upon the most certain kind of property, and upon property the most deeply concerned in sustaining the Government and its institutions. The man who has his wealth in money can put it into his pocket, and, leaving his own distracted land, remove to any other country he may select. Not so with the owner of real estate. His property depends for its value upon the stability of the Government where it is located.

Mr. Chairman, it has been said by my colleague [Mr. ROSCOE CONKLING] that this imposition of tax upon real estate will operate hardly upon the rural districts and upon the farming interest of the country. Let me tell him that in the State which he and myself have the honor in part to represent, the valuation of real estate will show that the cities and towns predominate over the rural districts. I can name a man in the city of New York who, under this bill, will pay as much tax as one fourth of his entire constituency or one half of my own. I tell you, sir, that for the purpose of securing certainty to the lender, for the purpose of placing our credit upon a sure foundation, and for the purpose of securing money at a low rate of interest, no temptation can be offered a lender that would be equal to the levying of a tax upon real estate.

One word to those who are in favor of levying a tax upon personal property as well as upon real estate. How is that to be carried out with any regard to equality and justice? If carried out at all, it must be by taxing the personal property found in possession of individuals. Let us go to the city of New York. There the assessor may be conducted to the large commission houses, where are deposited hundreds and thousands of dollars' worth of the products of Ohio and Illinois, and the other western States. The assessor will assess that property in the hands of commission merchants; but will those merchants pay tax upon that property? We could in that way levy much of our contribution from those products of the West. In like manner, go to our great storehouses where property is deposited, worth millions; where those with whom it is deposited have the slightest of all interest in it. I tell you, sir, that this mode of collection will be found impracticable. It is true, it cannot be said that the committee have presented us a bill which will operate in all respects justly. I can tell you also that your tariff does not, by a long way, operate with as much justness as this.

[Here the hammer fell.]

Mr. EDGERTON. I move to amend by striking out all after the nineteenth line.

Mr. Chairman, I was resolved, when this bill came up, extraordinary as it is, to say nothing in relation to it; and I certainly should have said nothing in relation to it, but for the more extraordinary defense of it. We are told by gentlemen this morning, that this is the best bill that could possibly be devised for the purposes for which it is designed. At the same time we are told that it is the best bill, because it pledges the real estate of the country for the payment of this tax. I ask those gentlemen if it is fair, I ask if it is right, that this war should be sustained wholly by the landed interest of the country? I ask if the farmers of the country are to have their lands pledged as security for the payment of this debt, while the great stockholders, the money lenders, and the merchant princes of Wall street, and all the great capitalists, are to go free, and bear none of these burdens? I tell gentlemen that the common sense of the people will condemn this bill. They will see no reason, if the farmers of the country should pay four dollars tax upon his wagon or buggy that is worth $100, why a man who has $100 out at interest, at ten or fifteen per cent., should not pay the same. The farmer whose land, we are told, is pledged for the raising of this tax, will not be able to comprehend why his land, which nets him less than three per cent., should be taxed, while the man who loans thousands and hundreds of thousands of dollars at ten per cent., pays nothing. You cannot satisfy them that such a course is right. Gentlemen say that this is as just a bill as can be devised. I tell you a more odious bill cannot be devised, and one which the people will more promptly discard. Will you tell them that their lands are mortgaged, and at the same time tell them that the wealth of the country, the personal property of the country, the money and merchandise of the country, go free? I tell you it will create a storm among the farmers of the country which cannot be resisted. While the men of the agricultural districts are loyal and true, and ready to do their full part, and more than their part, to sustain this war; while they are ready to send forth their sons to bear the heat and burden of battle, they are not willing that their farms, worth three or five thousand dollars, shall bear the whole burden, while the moneyed wealth of the country, the stock-jobbers, bankers, merchants, and moneyed men are to go free. It is unjust and unequal; and it is no excuse for this bill, to say the States can assume the debt. Suppose that, hereafter, a political party should arise in any of the States, wishing to make political capital out of this matter, and should refuse to have the State assume the amount: then this unequal tax will be levied upon the landholders of the country, and the moneyed wealth goes untaxed.

I say it is a thousand times better that this Government should suffer a depreciation of its credit for the time than that such a bill as this should pass. It would be better, because the passage of such a bill as this would infuse at once into our people a spirit of discontent and raise a clamor against the prosecution of this war, because of the injustice of this bill. It would array the farmers of the country as one man against it. While they are willing to bear their proper burdens, they are not willing that the more wealthy shall escape.

I have said to this House, and I say to the country, that, come what will, I will vote for no such bill. The time does not demand it; the necessities of the Government do not require it. If you will frame a bill which will equalize the incumbrance, I will willingly, gladly, vote for it; I should be recreant to my duty here if I did not, and I should be false to my constituents if I should vote for this.

Mr. DIVEN. When the gentleman from Ohio assumes that the farmers who own three or five thousand dollars' worth of real estate are to pay all this tax, he assumes what is by no means a fact. I tell the gentleman there is scarcely a banker or stock-jobber in the city of New York but will have to pay, under this bill, a tax, in proportion to what he is worth, greater than what the farmer who owes no debt, and lives upon the products of his farm, will have to pay.

And I tell the gentleman from Ohio that he mistakes the character of his constituency, and of the agricultural interests of the country, if he believe that those who have left their plows standing in the furrows, their teams unharnessed, and rushed to fight the battles of their country, will falter when they are called upon to sustain the credit of the country. No, sir, they will not falter; and if we leave these Halls without providing for the credit of the country, the very thing upon which our success all depends, and without which war never has been and never can be successfully prosecuted; if we return to our homes without putting the credit of the country upon a firm basis, we shall be greater cowards than any man who fled from the field of battle on Sunday last; and we will deserve the sneers and the contempt of our constituents, and we will receive them.

Why do not these men, who are opposed to this bill, propose another and a better one? I know an income tax has been talked of. Sir, have the people considered what an income tax is? In England, where men are living upon their investments, upon their consols, upon their bonds and mortgages, and have a certain fixed income, an income tax is a tangible thing. But when you come to the imposition of an income tax here, I would like to have the assessor fix my income, which depends upon the result and success of my profession. I could not tell what it is. If I can support my family, I am content; but if called upon to tell what I receive, it would be a riddle to me, as much as it would be to the assessor.

So as to the merchant who one year is successful and makes $10,000, and the next year is unsuccessful and loses $10,000—one year up and another down—how are you to fix his income? I have said, and I repeat, we require something tangible that we can place at the disposal of the creditor, to show that the security is sure and certain; and hence this direct tax should be levied upon something specific.

Now I did not propose, piecemeal, to discuss the merits of this bill; but I call upon this House, if they are sincere in their profession of sustaining this Government, if they are sincere in their declaration that to every extent, that to the utmost farthing they possess, they will give it to the country, let them come forward in the hour of their country's need, and sustain its credit.

The gentleman from Illinois has said that we are all agreed as to the necessity of doing something. Does the gentleman remember that but yesterday a proposition was made to postpone this question until December, and that that very proposition came very near carrying? Does it look as though the House comprehended the danger to our credit, when but yesterday we passed an expediency bill which, to my mind, brought more dismay to the country than the disasters of Sunday last—a bill authorizing the issuing of shinplasters by the Government at nine per cent. interest; and when we are informed by the Secretary of the Treasury that our securities are selling at little over eighty per cent., a discount of nearly twenty per cent.? When our credit is going down with a run, shall we postpone a measure that is necessary to restore it? No, sir. Let the first thing this Congress does be to place the credit of the country upon a secure foundation.

[Here the hammer fell.]

The amendment was not agreed to.

MESSAGE FROM THE SENATE.

Here the committee rose informally; and Mr. WHITE of Indiana, having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. PATTON, one of its clerks, which announced that the Senate insisted on its disagreement to the amendments of the House to the bill of the Senate to provide for the construction of one or more armored ships and floating batteries, and for other purposes, had agreed to the conference asked by the House on the disagreeing votes of the two Houses on said bill, and had appointed Messrs. HALE, GRIMES, and THOMSON, managers of said conference on the part of the Senate.

INCREASED REVENUE BILL—AGAIN.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. CUTLER. I move, as an amendment, to strike out the last proviso to the section. I desire, Mr. Chairman, to submit to the committee some remarks of a general character upon the bill now under discussion; and in doing it, I am very willing to accept the assurance of the gentleman from Illinois, [Mr. LOVEJOY,] that there is a very general disposition on the part of this House not to abandon their labors here until the public wants are fully provided for, and until the Administration is fully sustained in its efforts to crush out this rebellion. I am willing also to admit that the question now is simply a question between the different interests of this great country in regard to the imposition of a tax which, under any and all circumstances, is met with reluctance by any people. I am willing also to admit the claim that in the levying of a tax for the purpose of maintaining the public credit, it is an element in that public credit that the tax shall be cheerfully borne. I am willing also to admit the fair and just claim put forth here, that this tax should be so distributed as to fall fairly, equally, and justly, upon the shoulders of all classes of our people. I think, however, that in the discussion of this question as a practical matter, we may narrow it down to that single point, and see where we stand. According to the statement in the report of the Secretary of the Treasury, the total valuation of this country amounts to $16,000,000,000. Of that amount, about one third is personal and about two thirds real estate; the proportion being, according to my recollection, as forty-eight to one hundred and twelve. Here, then, it seems to me that we have a fair starting point for a calculation as to the justice of any tax that is to be imposed. If the wealth and property of this country consist of real and personal estate in the proportion of forty-eight to one hundred and twelve, it seems to be a fair conclusion that the tax ought to be levied somewhat in that proportion as divided between these two classes of property.

Now, sir, the bill, as it stands, proposes to levy $30,000,000 upon real estate, in the shape of a direct tax; but it also provides that a certain amount shall be gathered from other sources. The real question, therefore—if it be narrowed down to a question of fairness between the different classes of property—is, whether the taxes on the classes of personal property enumerated make up that one third of the amount. I suppose, sir, that they will nearly do it.

Mr. SPAULDING. Yes, sir; they will supply $10,000,000.

Mr. EDGERTON. Will my colleague allow me to make a suggestion?

Mr. CUTLER. Certainly.

Mr. EDGERTON. I suggest that, of the classes of personal property enumerated, on which taxes are to be levied—such as watches and carriages—a large portion are held by the landholders.

Mr. CUTLER. I will come to that. But I am trying to get at a practical view of this question, as a question of fairness between the different classes of property holders in the country. If I understand the proposition, then, of the committee, it amounts to this: that there will be $30,000,000 levied upon real estate in this country; but, if I am correct in my supposition, it is not expected that there will be realized for present emergencies from the rebellious States the proportion that is assigned to them, and consequently there will be realized from the loyal States only $20,000,000, while the demands of the Treasury really require the $30,000,000. This I suppose to be the fact. [Mr. SPAULDING was understood to assent.] Very well; you have got $30,000,000, in round numbers, to raise. Now, if we raise $20,000,000 out of that $30,000,000 from the real estate of the loyal States, and if the gentleman who has made the statement is correct—and I certainly shall not call it in question—that $10,000,000 will be raised from the personalties named in the bill, you have really got a fair division of the tax between the different classes of property. It only remains to make a fair division of this amount among the different articles of personal property.

I am willing to admit what my colleague has suggested, that some of the articles named as personal property to be taxed, are owned mainly by owners of real estate, and to that extent it operates not as a relief to them, but as an additional burden. But there are other considerations to be taken into account, when now, for the first time in the history of this country, we are attempting to build up a public credit in view of a permanent national debt. And what is public credit? Why, sir, it means armies; it means navies; it means

ordnance; it means munitions of war; it means the life of the nation. We are to-day upon trial whether a Republic can live in the civilized world; and it all depends upon whether we can establish public credit. That is what it all turns upon. We, sir, sitting here in our places, must not cast our eyes solely behind us, to inquire what our constituents will say in regard to a measure of this kind. We must remember that the bonds issued by this Government, representing its sovereignty, are to go into the hands of men who are accustomed to scrutinize closely all these questions that lie at the very foundation of public credit. They know that the great wealth of this country consists in its real estate. They know that we are a young people. They know that we have not accumulated to any great extent money; but that our real wealth consists in the soil. Then, sir, as a matter of course, they will regard the real estate as the best basis of our credit. Suppose I apply to you, sir, for a loan of $1,000—and I am sure I hope you have money to lend—you knowing that my property consists principally in real estate, and the question of interest comes up between us: you ask me, as a very natural question, "how is the interest to be paid?" I say to you "I have a peck of railroad stocks, a hatful of fourth mortgage bonds; I have a fine span of bay horses, and any amount of personal property, and I will give you security on all these." My impression is, that you would say to me at once, "if you want my money, you must give me the best security you have; I know you have a snug homestead to live upon; you can give me a mortgage on your homestead, and then you can have the money, but not otherwise."

This war is not to be concluded happily and prosperously for this country, until we have tested our credit in the money markets of the world. This idea of keeping up our credit by the issue of shinplasters is all gammon. I am willing to admit that you can issue Treasury notes to a certain amount, yet not very much further than the ordinary receipts in cash of your revenue will absorb. The moment you undertake to flood the country with them, you will depreciate your securities at home; and when your securities are depreciated at home, you have no credit abroad.

I think the committee have done wisely in laying the foundations of public credit, by imposing taxes for payment of interest on the best property of the country. If the proportion is too heavy—as I think is the case—on real estate, let that be reduced, and a corresponding increase made in the tax upon personal property—such as moneys and credit bonds, stocks, and, if necessary, resort to an income tax. While it is impossible, in the short time allowed, to perfect a system of entire fairness and equality, you will thus have secured the main object—a permanent basis of national credit, and a fair equalization of the burdens among the people.

Mr. EDWARDS. Mr. Chairman, I occupied the time of the House about five minutes yesterday. I shall occupy it five minutes more now, and then I do not propose to take up any further time. I do not know but that this bill can be put through this House by appeals to the fears of members, and by telling them that they must pass this bill, or they deny credit to the Government; and that they are raising their voices to stop the operations of the Army, and to prevent a successful prosecution of the war; but, for one, I shall not give my vote upon any such consideration. It is a question, not whether we will raise the necessary means to carry on the operations of the Government, but *how* we will raise them? I may say for myself—and, if I were allowed, I might say it for a large majority of this House—that this is the only question; and when any gentleman rises here and undertakes to place any member of this House in any other position, without his consent, he does him injustice.

Now, sir, we have power under the Constitution to tax all the property of the country to carry on the war. There is no doubt of that, upon an examination of the case which has been adverted to here. We can tax it in some mode, if we cannot impose on it what is technically called a "direct tax." If so, why should we not do it? Why should we stickle about terms? Why should we not impose the burdens which are to fall upon the people of this country equally, in proportion to their ability to bear them? This bill proposes to impose a tax of $30,000,000 upon the real estate of the country, and it is not because personal estate cannot be taxed. It is said by some gentlemen that it is because the creditor has a right to the best securities the country can afford. If, of ten tax payers, six are owners of real estate and and four owners of personal property, are the latter to be exempt from taxes because real estate is the best security? Is that the argument that is to prevail here? If the Committee of Ways and Means cannot frame a bill that will impose the burden of this war equitably, I do not see how any member can be called upon to vote for it.

There is a large class of property, which this bill does not touch at all, which is to be entirely exempt from taxation under this bill. Is it enough to say that we can make a better bill next winter? If we can make a better bill next winter, we can wait till next winter to make it. I do not believe that our credit is sinking so low in the country that we cannot borrow any amount of money we need. We certainly will not improve our credit by a bill which nobody believes we are going to stand by. But, sir, let us look at the condition of capitalists as well as at the condition of tax-payers. Will not capitalists furnish means to carry on the war? If not, what are their securities worth? what is their personal property worth? what are their choses in action worth? I think they have the strongest motive for supplying means to carry on the war. If you pass this bill, you will find that a large class of the community will say, "you are taxing my property to carry on this war, and my neighbor, who owns perhaps half the property on which I pay taxes, pays nothing." Is that the way in which we are to continue the unanimity with which the nation is coming up to this great contest? It does not seem to me to be so. I fear more to go back to my constituents, after giving my vote for an unjust bill that taxes one half of the community and does not tax the other half, than I do if I stand up and say that, when a proper bill is introduced, I will vote for it, and not till then. I prefer to trust to the general credit of the country.

As the hammer is about to fall, I conclude, Mr. Chairman, by saying, that if such modifications shall be made in the bill as shall make it bear with even an approximate equality upon all the taxable property of the country, I shall cheerfully give it my vote, and should if the amount involved in the bill were greatly larger than it is; or if the amount of the tax on the real estate of the country shall be reduced, may so vote, trusting that the next Congress will bring within its taxing power other property now omitted, so as to make the law just and equal in its operation on all classes. Without the one or the other of these amendments, with my present opinions, I should be compelled, though with great reluctance, to record my vote against its passage.

Mr. CUTLER, by unanimous consent, withdrew his amendment.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and a message, in writing, was received from the President of the United States, by Mr. NICOLAY, his Private Secretary.

ADDITIONAL REVENUE BILL—AGAIN.

The committee resumed its session.

Mr. LOVEJOY. I move to amend the eighth section of the bill by striking out the words "and slaves." I will not occupy the time of the committee in discussing the amendment; but leave the committee to dispose of it as they please.

The amendment was rejected.

Mr. ROSCOE CONKLING. I move to amend the tenth section by inserting in the fifth line, after the word "person," the words, "with some person of suitable age and discretion;" so that the sentence will read:

That in case any person shall be absent from his place of residence at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor, or assistant assessor, to leave at the house or place of residence of such person, with some person of suitable age and discretion, a written note or memorandum.

The amendment was agreed to.

Mr. ROSCOE CONKLING. I move to amend the eleventh section, by striking out the following words:

"And the person so failing or neglecting, unless in case of sickness or absence from home, shall, moreover, forfeit and pay the sum of $100, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction."

I desire to say one word to the committee as a reason for this amendment. It seems to me that after providing that the assessors may leave at any dwelling-house or place, the occupant of which is absent, a notice requiring him to furnish a list, if the occupant fails to furnish it it is visiting on him a sufficient penalty to authorize the assessor to go on his lands and premises, and make, at his own discretion, a list and valuation, which list shall stand, like the laws of the Medes and Persians, irrevocable and unchangeable in reference to the value of the property, without ordaining that the man who has the list made against him shall be mulcted in heavy damages and severe penalties.

Mr. SPAULDING. There is no objection to the amendment.

The amendment was agreed to.

Mr. ROSCOE CONKLING. Although not responsible for the grammar of this bill, yet I am willing to contribute to its improvement. I move to amend the twelfth section, by striking out, in the tenth line, the word "to," between the words "and" and "make," so that it will read:

It shall be the duty of the assessor for such district, and he is hereby authorized and required, to enter into and upon the real estate, if it be necessary, and take such view thereof, and make lists of the same.

The amendment was rejected.

Mr. SPAULDING. I suggest that, for the purpose of facilitating business, we pass over all the sections which are merely of detail, to the thirty-ninth section.

Mr. ROSCOE CONKLING. I object to that.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. ROSCOE CONKLING. I move, *pro forma*, to amend the fifteenth section by striking out the last word. I wish to call the attention of the committee to the importance of the section; and I desire to say to the chairman of the Committee of Ways and Means, who seems to have taken exception to my strictures on the bill, that I do so because another member of the committee has said that the bill comes from the Treasury Department, and was not drawn by the chairman of the Committee of Ways and Means. If it had been, perhaps I should not venture to make these suggestions. I want the committee to notice the immense importance of this section; and in reference to it, I ask members to turn to the end of the twenty-second section, where they will find it enacted that the valuation, assessment, and apportionment made by the board of assessors shall remain in force; and that the taxes laid by this act shall be laid and imposed yearly and every year until altered, modified, or abolished by law.

This fifteenth section, and the proceedings under it, are the basis on which this board of equalizers are to fix an irrevocable valuation for the laying of this tax. If the committee will look at this section, and survey for one moment the geographical districts which this proceeding is to cover, and the numerical considerations belonging to it, I think they will see that it will be totally impossible for any man, even if he have a lawyer to assist him, ever to have his property assessed as it should be, unless perchance that assessment is in the first instance exactly right. The twenty-second line has a proviso that it shall be the duty of the assessor to advertise and attend two successive days at the court-house of the county; and it is subsequently provided, in the thirty-eighth line, that the valuation of no man's land shall be against him unless on a notice of five days. So that the committee will perceive that if any man's land is assessed too high, his neighbor's being assessed too low, and if he attends two days at the court-house, it is necessary that a personal notice shall be served, returnable five days from that time, at which time the assessor is to be at the court-house of some other county, in some other part of the State; and this man is to follow him up with counsel in order to see that the equalization is made perfect.

Now, Mr. Chairman, there are various other things about this section, only one of which will I consume the time of the committee by calling attention to. In two days this assessor is to consider, not merely for the purpose of that year, as the people are accustomed to in our State, but for

the purpose of determining this valuation forever, all the appeals that arise, on all the grounds that are specified in writing under the provisions of this section. No tribunal could do it in two days. I think no tribunal could do it in ten days, even if there was no objection to it for the length of time for which the valuation is continued.

In short, it does seem to me that, considering the vastly important office which this section is to perform, it needs a variety of amendments in order to enable any person that shall be aggrieved by the action of the assessor to set himself right.

Mr. STEVENS. It is very easy to criticise almost any bill; but not so easy to substitute anything better in its place. I do not understand the amendment proposed by the gentleman from New York, which is simply to strike out the word "assessors," to be an attempt to make the section any better than it is now. If the gentleman has any amendment which will improve the bill, I should be glad to hear it and to vote for it. As to the notice of five days, which the gentleman says ought not to be given to the person the valuation of whose property it is proposed to increase——

Mr. ROSCOE CONKLING. I did not say that.

Mr. STEVENS. Then I misunderstood the gentleman. I thought he complained of this notice. I have to say that I think notice ought to be given to any man the valuation of whose property it is proposed to increase.

Mr. ROSCOE CONKLING. Mr. Chairman, I was very unfortunate in making myself understood by the chairman of the Committee of Ways and Means. What I said was this: lines twenty-two and twenty-three of the section provide "that it shall be the duty of the said assessor to advertise and attend two successive days of the said twenty-five, at the court-house," &c. That tribunal, then, is to exist for only two days at one place. The line upon which the gentleman is commenting requires that five days' notice shall be given before any action shall be taken. Now, how the two things can stand together is a question I should like the gentleman to explain.

Mr. STEVENS. I suppose there is no difficulty in these assessors adjourning from time to time to consider appeals. The meaning of the provision to which the gentleman refers is that the assessors shall remain in session for at least two days to receive appeals. They may then adjourn to a subsequent day for hearing the appeals. The system will work in this way: a man comes before them and complains that he is assessed much higher than others around him. The assessors may reduce the valuation of his property without delay, if they shall so determine; but they shall not increase the valuation of his neighbor, who is not before them, without first giving him five days' notice that his tax is to be raised. He did not complain of his tax, and it is not justice to him to raise his tax without giving him an opportunity to be heard. The object is to equalize the taxes. The gentleman from New York, for instance, comes before the assessors and says his tax is higher in proportion to the value of his property than his neighbor's. The assessors, on hearing his statement, conclude it necessary, for the purpose of equalizing the valuation, not to reduce the tax of the gentleman from New York, but to increase that of his neighbor. They therefore give notice to the neighbor that they are about to raise the valuation of his property. They may reduce the valuation of the gentleman's property, if they so determine, without delay, but they may not increase the valuation of his neighbor's.

Mr. ROSCOE CONKLING, by unanimous consent, withdrew his amendment.

Mr. ROSCOE CONKLING. I move to amend the twenty-second section, by striking out all after the thirty-eighth line, as follows:

"And it is hereby enacted and declared that the valuation, assessment, equalization, and apportionment, made by the said board of assessors, as aforesaid, shall be and remain in full force and operation for laying, levying, and collecting, yearly and every year, the annual direct tax by this act laid and imposed, until altered, modified, or abolished by law."

Now, Mr. Chairman, the words I propose to strike out have this effect: no matter what may be the oversight or misfortune of a tax payer in having his property wrongfully assessed, the valuation so fixed must be kept, perpetuated, carried forward as long as this bill remains unrepealed and unamended, as the basis of the amount of tax he is to pay. Again, I hope I shall succeed in calling the attention of the House to this effect of the bill as it now stands. Suppose the real estate of a man, with the improvements upon it, is assessed at $50,000; his buildings burn down; the iron heel of war passes over and tramples down his property—as it is very likely to do much property, not very far from here, at this time: yet the assessment continues; yet the valuation under this bill goes on, unless this act is repealed or modified; for there is no other mode of changing, or adjusting, or modifying the valuation, when it has been once fixed. We only provide by this bill for equalization and adjustment in regard to States and districts; but no change, or adjustment, or equalization, in respect to the valuation of individual property, is authorized. When once made, it is made for always; no matter what changes may take place by time, or by whatever causes which may affect the value of real estate to destroy its value.

Mr. STEVENS. It is true, Mr. Chairman, that this bill contemplates but one valuation, unless Congress should authorize and provide; but it is to be hoped that it will not be necessary to continue this tax longer than two or three years. By the laws of most of the States, I believe, it is provided that the assessment of real estate shall be triennial. Such is the fact in my own State, and I presume it is in most of the States. Personal property is assessed yearly, but real estate only triennially. The gentleman says it is yearly in New York. It may be there, but it is triennial in most of the States; and if the necessity of this tax continues for only two or three years, no greater inequality or inconvenience can occur than occurs constantly in the States. If, however, it should be found necessary to continue the tax for a longer period, Congress may provide for a new assessment. The gentleman surely would not authorize a new assessment every year. That would simply provide for a new army of office-holders annually to overrun the country, which the gentleman objects to so strenuously as provided for in this bill.

Mr. ROSCOE CONKLING. I think it is desirable to avoid the necessity of this army of office-holders altogether, and therefore I have been struggling for an arrangement by which that smaller army of office-seekers, and less odious one, provided by the States themselves, shall avoid the necessity of such a provision on the part of the Federal Government.

Mr. STEVENS. But the gentleman does not tell us how we can enforce such a provision. The gentleman does not tell us where we can find in the Constitution any power to enforce it. If there be any such power I am sure the gentleman would have discovered it before now. The Committee of Ways and Means have searched diligently for such a power, but have been unable to find it, and have so reported to the House. I repeat, that if the gentleman can find any way of enforcing such a provision under the Constitution, and will offer an amendment embodying his plan, I shall be most happy to support it.

In the case to which the gentleman alludes, where a man's house has burned down, it is true there is no new valuation; but in the States some arrangement is made by which the person laboring under such a misfortune has some portion of his tax remitted; and so I have no doubt it would be in this case. But, sir, even admitting that there may be great injustice done in individual cases, is it not better to adopt a uniform system and submit to the inequality growing out of the depreciation of property in certain localities and appreciation in others, than to have these officeholders going round and revaluing the property every year, or every two years, with the additional expense which must necessarily follow?

The gentleman from New York says he can find some constitutional mode of imposing this duty upon the officers of the States and counties. If he will offer such a provision, and place it in such a shape that we can enforce it under the Constitution, I shall certainly thank him for enlightening us upon that subject. If he has such a plan, but has not had time to perfect it, however, let us go through with this bill, and he will have time to consider the subject maturely before it shall come back from the Senate. For the present, I hope the provisions of the bill will not be materially altered in this respect. They have been found to work well in other cases. They are what was adopted in 1813 and 1815; and they are in conformity to the construction of the Constitution, under which direct taxes alone can be levied.

[Here the hammer fell.]

The amendment was disagreed to.

Mr. ROSCOE CONKLING. Mr. Chairman, I offer an amendment to which I think there can be no objection:

Insert these words: "with some person of suitable age and discretion;" so that the bill will read:

And in case of such distraint, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with some person of suitable age or discretion, with a note of the sum demanded, and the time and place of sale.

The amendment was agreed to.

Mr. SHELLABARGER. I move the following amendment:

In the twenty-eighth section insert the words "of general circulation;" so that it will read:

SEC. 28. *And be it further enacted*, That each of the said collectors shall, within ten days after receiving his collection list from the assessors, respectively, as aforesaid, and annually, within ten days after he shall be so required by the Secretary of the Treasury, advertise in one newspaper of general circulation printed in his collection district, if any there be, and by notifications to be posted up in at least four public places in his collection district, that the said tax has become due and payable, and state the times and places at which he or they will attend to receive the same, which shall be within twenty days after such notification, &c.

Mr. Chairman, I think that the advertisement to be made should be inserted in the newspaper that has the most general circulation.

The amendment was agreed to.

The proviso of the twenty-eighth section was read, as follows:

Provided, That it shall not be lawful to make distraint of the tools or implements of a trade or profession, beasts of the plow necessary for the cultivation of improved lands, arms, or household furniture, or apparel necessary for a family.

Mr. BINGHAM. I move to add to the end of that proviso the words "or slaves."

Mr. SHEFFIELD. Let the gentleman state the effect of his amendment.

Mr. BINGHAM. The effect of the amendment is to exclude the conclusion that slaves are to be distrained. Do not let the House misunderstand it. It is to exclude all conclusion that slaves can be distrained and sold. I hope the amendment will be adopted.

The amendment was rejected; there being, on a division, only twenty-eight in the affirmative.

Mr. WRIGHT. I move to insert in the proviso just read, after the word "furniture," the words "school books."

The amendment was agreed to.

Mr. SHELLABARGER. Is it in order to go back to another section?

The CHAIRMAN. Only by unanimous consent.

Objection was made.

Mr. ELIOT. I move to add, at the end of the proviso, the following:

Provided, however, That no slaves shall be sold by virtue of this act, or purchased in behalf of the United States.

Mr. Chairman, I have not heard any reason yet assigned why it should be needful, in order to raise the money necessary for the purposes of the Government at this time, that the United States should become either buyers or sellers of slaves.

Mr. BINGHAM. What is that, sir?

Mr. ELIOT. I have not heard any reason why, although it may be needful to assess certain property to the exclusion of other property, it shall become a duty upon this House to declare that we will either buy or sell that which is termed, in some portions of this country, property. If, indeed, it be true, sir, that it is out of our power to raise the necessary means to carry on this war without incurring that reproach, let us have it so distinctly stated, and then let us see whether there cannot be some other means provided than this, of a tax upon property at all.

I am, sir, one of those who desire that this war shall be maintained. I have voted for the measures which have been introduced at the request of the Departments of the Government, who have

asked at our hands both men and money. I believe that it is the duty of Congress to grant them both men and money; and that we ought here now to provide some means for the payment of the debt which has been, or will be, contracted. But, Mr. Chairman, I confess to you that I cannot be made to appreciate the necessity which this bill seems to impose upon us of bringing, by this form of taxation, men, women, and children, into market to be sold. No, sir; let that species of property, so called, go, and not be sold. Let it remain for the States where that so-called species of property is recognized to come forward with their money. I believe that the loyal States of this Confederacy would freely and gladly contribute of their means to carry on this war, without incurring that reproach. It cannot be needful, because the Constitution provides that certain persons called—but not in the Constitution—slaves may be represented upon this floor, and because it is provided that their owners, or those who represent their services, may be taxed, that therefore we should now, at this time, have men, women, and children, carried to the auction block and sold. I ask the committee to consider well before they put a clause like this upon our statute-books. I call upon the chairman of the Committee of Ways and Means to enable us to pass some bill by which men and money can be provided, and this unholy rebellion speedily crushed, without making of ourselves the buyers or sellers of men, women, and children.

Mr. BINGHAM. I move to amend the amendment by inserting, after the word "purchased," the words "or held."

Mr. STEVENS. I would like to move, as an amendment to the amendment, the further proviso that if any slaves are sold by virtue of this act, they shall be purchased by the United States and immediately become free.

Mr. BINGHAM. My amendment to the amendment has precedence, and I cannot yield for the purpose of letting the gentleman from Pennsylvania introduce the one he has suggested.

Now, sir, the words employed by this bill, authorizing collectors to distrain property in the event of the non-payment of taxes assessed against citizens of the United States within the several States, by every judicial construction which I have ever seen, exclude the distraining of slaves. I should be greatly obliged to any gentleman who will point me to any decision that is contrary to what I assert. My previous amendment, to insert the words "or slaves," and the remark accompanying it, were for the purpose of excluding the conclusion that slaves, under the provisions of this bill, were subject to distraint. Under the judicial decisions of this country, nobody supposes that the construction that slaves may be distrained would be placed upon this bill; but, sir, the judge, under the terms of this bill, is the collector who, in many instances, may have no judicial qualification; and hence, to prevent misconstruction, and to exclude, in the technical language of the law, a construction contrary to the true intent and meaning of the bill, I have offered the pending amendment.

One word more. I desire to say, in answer to the suggestion of the gentleman from Massachusetts, [Mr. ELIOT,] who spoke on this subject, that the committee, in incorporating the word "slave" in the sixth section of the bill, thereby following the precedent heretofore observed in laying direct taxation under the Constitution of the United States, did not do it for the purpose of taxing slaves as property, but of taxing the owners of slaves *per capita* to the extent of ownership. It is not a tax upon the slave, but a tax upon his owner; and by the provision of this bill it is to be collected, not by the sale of the slave, but by distraint of the goods, chattels, and effects of the owner. That has been the construction ever put upon statutes of the United States authorizing the seizure by distraint or by execution of goods and chattels. There is none to the contrary, and there ought to be none; but, in order to prevent the collector misconstruing this bill, and in order to prevent the public mind mistaking its meaning, I am in favor of the amendment and the amendment to the amendment.

The amendment to the amendment was agreed to.

The question then recurred on Mr. ELIOT's amendment as amended.

Mr. ELIOT demanded tellers.

Tellers were ordered; and Messrs. ELIOT and ROBINSON were appointed.

The amendment was adopted; the tellers having reported—ayes 61, noes 39.

MESSAGE FROM THE SENATE.

The committee rose informally; and a message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed bills and a joint resolution of the following titles; in which he was directed to ask the concurrence of the House:

A bill (No. 48) providing for a commission to examine and report as to the compensation of officers of the Government, and for other purposes;

A bill (No. 46) to provide for the construction of a bridge across the Potomac river; and

Joint resolution (No. 10) declaratory of the determination of Congress to maintain the supremacy of the Government and the integrity of the Union.

ADDITIONAL REVENUE BILL—AGAIN.

The committee then resumed its session.

The Clerk read, as follows:

SEC. 39. *And be it further enacted*, That each State may pay into the Treasury of the United States its quota of the direct tax laid by this act for the first and for any and every succeeding year; and, in consideration of such payment, the State shall be entitled to a deduction of fifteen per centum from the amount of such quota as fixed by this act if paid before the 1st day of May, and to a deduction of ten per centum if paid before the 1st day of September, in the year to which such payment relates, such year being regarded as commencing on the 1st day of January: *Provided*, That notice of the intention to make such payment by the State be given to the Secretary of the Treasury on or before the 1st day of April in each year, &c.

Mr. ROSCOE CONKLING. In the bill, as printed, the limitation of the time for giving notice by the State, is January, and not April. Why does the Clerk read April?

The CHAIRMAN. The insertion of January is a clerical error. It ought to be April.

Mr. ROSCOE CONKLING. I move to strike out the word "April," and in lieu of it insert "March."

By one section, Mr. Chairman, it is made the duty of the President of the United States to appoint the assessors, and by another it is provided that he shall not appoint them until the commencement of the next session of Congress. The construction of these two sections is, that the President is to create all of these officers at the outset of the next session. By sections five and seven it is made the duty of the chief assessors to set their legions of assistants in motion on the 1st of January next; on that day they start on their travels to make their lists, "to proceed through every part of their respective districts," and to enumerate, appraise, and assess. Then comes this thirty-ninth section, which provides that after notice of commutation shall be given by the States, to wit, as it now stands on the 1st of April, all *further* proceedings on the part of these assessors and their assistants shall cease.

The committee will perceive, by turning back to section twenty-three, that a very large part of the fees and emoluments to which these officers will be entitled, will have accrued by the 1st of April; and why? Because, unlike collectors and other officers of the States, they are not to receive a percentage upon the taxes which are collected, but they are to receive absolutely three dollars for every hundred persons listed, to go to the assessors; and the assistant assessors are to receive an additional three dollars for every hundred persons placed upon the tax list; and in addition to that, they—that is to say, both assessors and assistants—are to receive three dollars a day each for every day which they shall spend in doing anything preparatory to laying this tax; so that the committee will see that on the 1st of April, when the States embrace the alternative of this commutation, the horse will have been stolen, and they will have the opportunity of locking up the stable. Before the day to suspend proceedings arrives, this myriad of Federal emissaries will have performed their great office, and be entitled to receive their three dollars a hundred twice over for names; and in addition to that, their per diem allowance of three dollars a day for all the "*arrangements*" they have made, all the "*instructions*" they have imparted, and all the lists they have "collected." There is a certain four dollars a day cut out by the possible operation of this section; but that belongs to the head assessors, the king functionaries, who are created by this bill. They are to receive four dollars a day for certain things they do, mostly connected with hearing appeals; and, as has been rightly said, that duty will not begin until the duty of the other assessors is completed; and so it may be that these latter emoluments will not commence until after the 1st of April. But anterior to that time, and from the 1st of January, will be daily accruing the fourfold emoluments to which I have called the attention of the committee. So much upon this point. A few words on another.

This great healing and saving ordinance, as I am told the thirty-ninth section is, is designed to enable the State of New York, for example, to distribute and disperse this great tax over all the taxable property within her jurisdiction. Now, sir, I venture, with great deference to any gentleman learned in the law, who has declared that such will be its legal effect, to doubt the soundness of such a conclusion.

If this bill is so framed that its sections imposing a direct tax do not go into operation at all, do not attach to any one, or any State or thing, until the 1st of April, and then its operation is completely suspended by the acceptance by the States of the proffered commutation, I will admit, for the sake of argument, (though I doubt it,) that the State of New York, or any other State, will be at liberty, under that power which my distinguished friend from Ohio [Mr. BINGHAM] well said is not derived from Congress, but inheres in States—though I do not think they are sovereignties, as I have heard said upon the other side of the House—I say that under this inherent power of taxation, the States, were the bill, as I have supposed, might go forward and lay a tax upon window-panes or chimneys, or by way of hearth money, or any thing else, provided their constitution allows them to do so; and, of course, for the same reason, upon all the property taxable in the State.

But that argument is inapplicable here, and for this reason: these officers are appointed absolutely upon the first Tuesday of December, or thereabouts. They are to enter upon their functions, and upon all their functions, and they are to continue them, not only down to the day when the acceptance of the commutation may be tendered to the Government, but forever after that. On every single day, unless it is Sunday, which is *dies non*, are the functions of these officials to continue. And why? Because, first, for the purpose of laying the direct tax, they go on and act down to the 1st of April; and second, for the purpose of enforcing what the committee has denominated "internal duties," they go on forever after that, so long as this act shall stand upon the statute-book. The act, therefore, will go into operation, remain in operation, and individual rights will vest under it, conforming, as my friend from Ohio says, to the express injunction of that paramount authority called the Constitution of the United States. Congress, acting under the express requirement and restriction of that instrument, imposes a tax upon a specific thing, to wit: all the realty, and all that savors of the realty, in the various States. In doing this, the law-making power has subjected a certain class of persons to that tax, to wit: the real estate owners, and have exempted from it all other persons.

Now, there is in my district, for instance, a man possessing $100,000 of bonds and mortgages, and possessing nothing else. The courts have decided in my State—and I presume the same is the case in other States—that every tax payer, in a city for instance, is a *quasi* stockholder, and is entitled to file his bill in chancery for the benefit of himself and all others who choose to come in and contribute, for the purpose of ascertaining and asserting his rights. Now, a man situated as I have stated, possessing, of personal estate but not of realty, $100,000 of taxable property, comes into court with his bill, in which he alleges he was situated as I have stated on a certain day; that on that day the Congress of the United States passed this law, levying a direct tax, and subjecting to it, not his property, but exempting his property *ex vi termini;* that after that, and in pursuance of the act of Congress, the Legislature of the State of New York assumed to pass a law the effect of which was to exempt his neighbor,

who owned $100,000 of real estate, from the operation of the Federal tax, which property Congress said should be taxed, and to transfer the burden to him, the owner of this personal property, which the Congress said should not be taxed, and that for the reason that the Constitution of the United States, as my friend says, compels Congress to say that all his personal property shall not be taxed, but that the tax shall be confined to real estate; I say, when a man comes into court with that case, should he be turned remediless away? My friend from Massachusetts [Mr. DAWES] put it forcibly the other day in a question he framed for my ingenious friend here from Ohio to answer, that it is of doubtful competency for a State to pursue that line of legislation which will put upon one man that burden which we here, by our legislation, have laid expressly and carefully upon another.

If the doctrine is a sound one, the argument proves too much, for it proves conclusively this: that State Legislatures may distribute and disseminate this tax; they may transfer it altogether to another and different species of property; and therefore, in the State of Iowa and the other northwestern States, where they are suffering for the need of the currency, and still more of coin wherewith to pay this tax, if the farming community, the agricultural interest, is so strong as to carry sufficient sway in their Legislatures, they may pass a bill by which the personal property is not only brought in and subjected to taxation like real estate; but by which the personal property is made solely and exclusively subject to the tax which belongs to the real estate. May they not? Now, in the absence of any act of Congress, if there is nothing in the State constitution to prevent it, the Legislature of Iowa may do precisely this: they may lay a tax for any purpose tolerated by the State constitution, may throw it into the sea, if you please, or make it a present to me; but if the citizens of the State of Iowa, or certain citizens of Iowa, have, by the Constitution of the United States and acts passed under it which have gone into operation, substantial vested rights of person or property—as, for example, express immunity from a certain tax which has been laid upon others—I say, speaking cautiously, measuring my statement, that it is an exceedingly close question, whether any power residing in the Legislature of Iowa could divest these rights and utterly destroy them.

I know that, under one of the bills which have been referred to here—the act of 1812, which, however, contained no such provision as this—certain States made their terms with the General Government; but I do not know, and no gentleman knows, that any State assumed to lay a tax in furtherance and continuance of the act of Congress upon different property, for the purpose of making those terms. My point is, that under the bill, as it stands now, however it might be changed so as to evade or obviate the objection, it gives to the tax-payers, exempted by it, a vested right, which I doubt the power of their States to deprive them of.

Now, sir, I think this objection worth considering; and I have alluded to it in general terms, because, some days ago, I referred to it, and I desired at some time to explain, in part, at least, what I meant.

But, passing this by, the committee will see there is an important and practical consideration as to the time—whether it shall be the month of April or some other month—when notice by the States must be given. Assuming the section does all that is claimed for it, fees of officers are to be lavished for nothing for a long and needless time; so that if any good is to be derived at all from the suggestion made by the committee that January is a typographical error for April, then sections five and seven, which we have passed, should also be amended, to the end that this mammoth machine, which is to move on golden wheels, may not be set in motion until the 1st day of April.

Mr. BINGHAM. Mr. Chairman, I oppose the amendment of the gentleman from New York, for the purpose merely, however, of stating my position in regard to the thirty-ninth section. As I understand the remarks of the gentleman from New York, he objects to this thirty-ninth section as not being what I claim it is in fact, a provision by which the several States of this Union (except such as are positively restrained by the terms of their own fundamental laws) can assume and pay this tax—which was wrongfully called a *debt* in the report of my remarks the other day—and distribute the burden of its repayment to its own Treasury, according to any system of taxation known to its own laws and customs. If I understood the gentleman from New York at all, in so far as he referred to what I said upon this subject, he seems to differ with me in regard to that proposition.

Now, sir, I attach great importance to the thirty-ninth section of this bill, for the reason that I believe, in respect to every State in this Union, including the gentleman's own State of New York, it is perfectly competent for the State, under the existing constitution and laws therein, to assume and pay this tax to the Federal Government; and to assess a tax to that amount upon the people of the State in which the assumption is so made, according to the laws thereof, upon all the taxable property of its citizens. The gentleman's remarks, when he said that this could not be done, seemed to proceed upon the idea that it becomes a debt against and a charge upon the specific property of those holding real estate within the State, and is not, therefore, to be transferred by act of the State to persons not thus charged with it. The gentleman from New York gives, as an illustration of his proposition, the case of a person holding $100,000 in money and no land, and therefore not charged or chargeable under the provisions of this bill. Now, the mistake the gentleman makes is in his premises. Admitting his premises, his conclusions logically and necessarily result therefrom. But his premises are these: that the assumption of the payment of this tax by the State does not extinguish the liability of the landholders under the Federal law; and that the tax becomes a charge or lien on the real estate of the citizens before payment by the State. That is his mistake. I undertake to say here that there is no exception to the general rule of the common law, that a debt once paid is paid forever, whether paid voluntarily by a stranger or in any other way; and that the holder of it can maintain no action of law against the party originally liable. I hold further that no debt is created by this bill against any citizen, in case the State assumes to pay within the time limited.

Mr. ROSCOE CONKLING. Will the gentleman allow me a moment?

Mr. BINGHAM. If it does not interfere with my time.

Mr. ROSCOE CONKLING. I simply want to set the gentleman right. He entirely misapprehends the point.

Mr. BINGHAM. The gentleman can make his statement.

Mr. ROSCOE CONKLING. The gentleman states pretty broadly the proposition that a debt once paid is paid forever. If he uses "payment" as a term of art, and means "extinguished," I agree with him; but I made no such point. My suggestion was this: not that the owner of the real estate had a specific incumbrance, or I think "charge" was the word my friend used, on his realty; but that the man who is exempt from the operation of this law, the owner of the personalty, acquired under this act a vested right, of which vested right he could not be ousted by any rearrangement of the State in reference to its policy in the levying of that tax.

Mr. BINGHAM. I understood the gentleman. His statement is substantially what he said before—that the charge is against the owner of the realty, and therefore the owner of personalty has "a vested right" to be exempt. I undertake to say, and I wish to put it upon record, that if this section ever passes, and a State assumes to pay, and does pay, within the time limited by this bill, its quota of taxes, such State may assess the amount on all taxable property of her citizens. I use the words "pay and payment" as terms of art; they are legal terms, having a definite legal meaning, and can receive but one construction. The words "pay" and "payment" are the operative words in the section in regard to the States. I put it upon record here, deliberately, that if a State does assume to pay, and makes the "payment," as is provided in this section, there is no lien, no charge, no incumbrance, no debt, against or upon the realty of any citizen of the United States within the limits of such State. In such case no debt has been created; the statute does not take effect against any citizen of such State; and no "vested right" attaches by virtue of a statute which never took effect.

Mr. ROSCOE CONKLING. I do not think there is.

Mr. BINGHAM. Then, sir, there is no ground for the supposed complaint of the gentleman who has $100,000 in money and no land, that the State has violated his "vested right" if she subjects him to his just share of taxation to provide for the State's liabilities, under a State law distributing the tax equally among all its citizens, according to the actual value of their property, whether it be land or money. In such event no mere owner of personalty can say that the charge which might have been but was not laid on the realty of his neighbor is being wrongfully transferred to himself.

Mr. Chairman, there was an intimation made here yesterday in regard to my own State in this connection, which, I suppose, was an oversight or inadvertance on the part of my colleague, [Mr. HARRISON.] My colleague intimated that there is a constitutional limitation in the State of Ohio. She may not contract a debt larger than $750,000. It is true there is a limitation in the constitution of the State of Ohio against the Legislature contracting a debt *to supply a casual deficit in the treasury* beyond the sum of $750,000. There is a similar constitutional limitation in the State of New York, against contracting a debt beyond $1,000,000, or thereabouts, to supply such casual deficit. But, sir, in the constitution of both these States—as though the representatives of the people, in framing the fundamental laws for these two great States, anticipated just such events as are now transpiring around us—there are provisions that debts may be contracted in either without limitation, without restriction, and without restraint, "to repel invasion, suppress insurrection, and defend the State in war." In my own State, and I believe in the gentleman's State also, an interpretation of the Legislature has been put upon that provision to this effect. Ohio has already contracted a debt, and issued her State certificates—which are being distributed everywhere—to the amount of $2,700,000, for the very purpose of repelling invasion, and defending the State in this war.

I think, sir, this thirty-ninth section is all I claim it to be—a provision which enables each State to assume her share or just quota of the expenses of this war, and to distribute its burdens, justly chargeable to her, among all her loyal citizens. In other words, any State may assume to pay and make payment of her quota, and may supply herself with the means of self-defense against this war upon her rights, by taxing all her citizens on all their property within the limits of such State, subject only to the restraints of her own constitution.

Mr. STEVENS. I move to amend the amendment of the gentleman from New York by substituting the "2d of April." I offer the amendmend simply for the purpose of answering a part of the objections of the gentleman from New York which have not been referred to by the gentleman from Ohio.

It is true that this section sets the time when these officers shall receive instruction in their duties, but the time when they shall commence the actual discharge of their duties is set forth in the thirty-eighth section:

"The Secretary of the Treasury shall notify the collectors of the several collection districts the day on which it shall be the duty of the said collectors to commence laying and collecting the annual direct tax by this act laid and imposed," &c.

Mr. ROSCOE CONKLING. Will the gentleman read the seventh section? It is about collectors that the gentleman is now reading; and I spoke about assessors, not collectors.

Mr. STEVENS. "To commence laying and collecting the tax." The collectors do not lay it. I say, sir, that, although these officers are to be appointed immediately after the commencement of Congress, they are not to proceed in the actual discharge of their duty until directed by the Treasury Department.

Now, then, what have we provided further? That the States may assume these debts on or before the 1st of April, and that, if they do assume them, then, so far as the assessment of real estate

is concerned, these officers are not to discharge that part of their duty. Still it is necessary that the officers should be appointed and instructed in their duties, because the assuming that part of the tax called "direct tax," does not excuse these officers from assessing, on items of personal property, the internal duty. Therefore they must proceed with that. This bill provides that the Legislatures shall have up to the 1st of April to give notice of their assuming this direct tax, which will be after the time that all the Legislatures, except that of New Hampshire, will have met. So that I see no inconvenience from that.

But the gentleman has stated that the Legislatures of the different States cannot assume this portion of the direct tax apportioned among them. What is there to prevent the Legislature of any State from assuming it in the first place? And if they do assume it, what is there to prevent their paying it in just such a way as the sovereign power of that State shall determine? The Legislature of each State is sovereign in all things with respect to legislation, except restrained by the Constitution of the United States. Now, the Constitution of the United States nowhere limits the power of taxation in a State; neither as to the amount, the objects of taxation, nor the purposes for which that taxation shall be laid. And if a State, through its organ, the sovereign Legislature, shall determine to assume a portion of the direct tax as apportioned on that State, there is really no limitation in any part of the Constitution of the United States to prevent such assumption.

If I understood the gentleman, he undertook to say, that after they have assumed and paid it, they cannot raise the money to refund the State treasury except in the same way that Congress itself might have raised these taxes. Where does he find authority for that? Where is the limitation on the Legislature in that respect? It is not in the Constitution of the United States; and unless it be in the constitution of the States themselves, there is no power to restrain them. They have all the powers necessary to carry on the State government, except where they are restrained by their own constitution or by the Constitution of the United States. Now, I cannot find any such restriction; I cannot find any such power denied to the States by the Constitution of the United States; and as it is not denied to them, they possess full power, unless their State constitution prohibits it, and I do not understand that it does.

MESSAGE FROM THE SENATE.

The committee rose informally, and a message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that the Senate had passed, without amendment, an act (H. R. No. 29) to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795; and an act (H. R. No. 45) to define and punish certain conspiracies, with an amendment, in which he was directed to ask the concurrence of the House.

ADDITIONAL REVENUE BILL—AGAIN.

The committee resumed its session.

Mr. OLIN. The objection, Mr. Chairman, to the provisions of the thirty-ninth section consists in the fact, as I understand it, that that section does not obviate at all the objections that it was designed to remedy. Its object was, undoubtedly, to confer on each State that might be disposed to pay this tax voluntarily the right to do so, and to collect it through the instrumentality of its own government, thus avoiding the expense, trouble, and annoyance, of levying the tax through the machinery of the General Government. If the bill had been properly drawn, unquestionably that object might have been attained; for I do not doubt at all that every State of the Union, loyal to the Constitution to-day, would readily seize on the provisions of this thirty-ninth section, and raise the money necessary to pay the tax, without the employment of all the machinery provided in this bill, and without its attendant expense. Now, it is quite obvious, on a comparison of the fifth and seventh sections of the bill, that, although a State were disposed to pay this tax, and when it indemnifies itself, if possible, distributes the sum to be collected according to the manner of its own local taxation, all the enormous expense of this machinery is by no means obviated by its stepping forward and paying that tax; for all the duties imposed, and most of the expense to be incurred, will have been performed and incurred before the State can signify its intention to pay the tax. Obviously, this might have been avoided if the Committee of Ways and Means had framed the bill for that purpose. I am asked how were they to do it. Simply by providing that the expensive machinery provided in this bill should not be put in operation in any State until after the Legislature of the State had had time to determine whether they would or would not assume and pay the tax.

Mr. ELIOT. I agree a good deal with what my friend is saying, but I want to ask him whether, supposing a plan could be devised by which the State machinery could be put into operation before the appointment of the officers, any plan could then be devised to save the State from its share of the expense incurred under the bill in collecting the taxes levied in other States, whose Legislatures did not assume them? Would not the State that did assume them have to pay her share of the expenses for the States that did not?

Mr. OLIN. Very likely she would; but I assume now, and I think no man on the floor doubts it, that every State in the Union which is loyal to the Constitution would gladly seize on the provisions of this thirty-ninth section and collect this tax under its own State machinery, and pay it in the manner therein prescribed; and every State that did so would in so far diminish the expenses of its collection in such State or States as might happen to fail to do so.

Mr. F. A. CONKLING. If my friend will permit me, I desire to ask him whether his argument does not proceed on the assumption that each State will defer signifying its intention in regard to commuting this tax, until the 1st of April next? Now, it is provided by the second section of the bill that the appointment of the assessors and collectors, or any of them, shall not be made until the commencement of the next session of Congress. If the State of New York, for instance, whose Legislature meets on the first Tuesday of January in each year, intends to commute this tax, and pay the gross sum into the Treasury of the United States, the presumption is that that intention will be understood in advance, and that the President will make no appointment of assessors; and that, consequently, the expenses of this machinery will not be incurred at all.

Mr. OLIN. In reply to that question, Mr. Chairman, I have not examined to see at what prescribed times the Legislatures of the various States meet; but I see no difficulty in their deciding this question so soon as they do meet. The Legislature of my State meets on the first Tuesday in January next; and it will undoubtedly require but very little time for it to determine whether they will comply with the provisions of the thirty-ninth section. The bill should be so drawn as to accommodate, if possible, the Legislatures of all the States. The Legislature of the State of Michigan meets, as I understand, some time in April next; and what I insist upon is this: that the bill shall be so framed that the appointment of assessors, or at least the discharge of duties by them, shall be postponed until the Legislatures of the various States have time to make their determination known.

My friend from Ohio, [Mr. BINGHAM,] who undertook to answer the argument of my friend on the left, [Mr. ROSCOE CONKLING,] had rather an unfortunate way of answering the legal proposition presented by that gentleman. I do not profess to be much of a lawyer, but I assert here that it is a question of the gravest significance, whether, under the provisions of this act, a tax-payer in the State of New York would not have a right to restrain by law the collection of a tax attempted to be imposed by the State of New York which should distribute that tax in a different manner from that prescribed in the act which we are about to pass. My friend from Ohio does not answer that question at all; and if my friend from Pennsylvania [Mr. STEVENS] were not a much older man than myself, I should say the soundness of his argument on the subject was equally questionable.

Somewhat familiar with the rules of law pertaining to this subject in my own State, I undertake to assert here that it is a question of the gravest significance whether our State Legislatures would have a right to apportion this tax in a mode different from that proposed by a law of Congress; to assume the payment of it, and then levy a tax to reimburse the State, distributing the tax upon property exempted by Congress from taxation. My own opinion is, that a person exempted from tax under the operation of this bill by its terms, would have the right, if by State legislation, a State undertook to levy the tax upon property, to demand and to enforce his demand that the tax be imposed in the way provided by act of Congress, and in no other way.

One word further. My duties elsewhere have precluded me from that careful attention to this bill which I should otherwise have bestowed on it; but I may be permitted to say that I have read it through in all its details as carefully as time would permit, and, in my judgment, it is an unfortunate and exceedingly faulty one in many of its provisions. It manifestly has not received that careful scrutiny and consideration which a measure of its importance to all the interests of the country ought to receive at the hands of this House. Whether we shall have time to secure for it that consideration during the present session, may be possibly doubtful; but I regard it as extremely unfortunate that a measure of its magnitude has not had a more careful revision than the committee of this House are likely to have time to give to it. But whatever consideration has been given to it by the Committee of Ways and Means, it it should be remembered that "everybody knows more than anybody;" and I think, if it should undergo the searching scrutiny of this House, it might be vastly improved in some of its provisions.

The amendment to the amendment was withdrawn.

Mr. McKNIGHT moved that the committee rise.

Mr. WICKLIFFE. Would it be in order to amend that motion, so as that the committee, when they rise, shall report the bill to the House? I want to get the bill into some shape where it can be essentially changed.

The CHAIRMAN. The amendment is now pending offered by the gentleman from New York, and it would not be in order to rise and report the bill to the House, until that amendment shall be disposed of.

Mr. ROSCOE CONKLING. I withdraw my amendment.

The CHAIRMAN. Still it will not be in order to report the bill to the House until it shall have been read through for amendment, except by unanimous consent.

Mr. WICKLIFFE. I move, then, to strike out the enacting clause of the bill.

The CHAIRMAN. That motion is not in order, while the motion that the committee rise is pending.

Mr. WICKLIFFE. I appeal to the gentleman who made that motion to withdraw it.

Mr. McKNIGHT. I would be very glad to accommodate the gentleman from Kentucky, but I understand there is a bill being prepared to be offered as a substitute at the proper time. I do not think the committee is ready to take a vote upon the pending section to-night, and I therefore prefer to insist on the motion that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. COLFAX reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 71, to provide additional revenues for defraying the expenses of Government and maintaining the public credit by the assessment and collection of a direct tax and internal duties, and had come to no resolution thereon.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill to authorize the issue of a register to the steamer Estella; which thereupon received the signature of the Speaker.

ARMS FOR HOME PROTECTION.

Mr. BLAIR, of Missouri, asked leave to report back, from the Committee on Military Affairs, a

bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States the inhabitants of which now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

Mr. BURNETT. I cannot give my consent to that bill, and therefore object.

COMPENSATION OF OFFICERS.

On motion of Mr. STEVENS, Senate bill No. 48, to provide a commission to examine and report as to the compensation of officers of the Government, and for other purposes, was taken from the Speaker's table, read a first a second time, and referred to the Committee of Ways and Means.

POTOMAC BRIDGE.

On motion of Mr. STEVENS, by unanimous consent, bill No. 46, to provide for the construction of a bridge across the Potomac, was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

MAINTENANCE OF THE UNION.

On motion of Mr. STEVENS, by unanimous consent, Senate joint resolution No. 10, declaratory of the determination of Congress to maintain the supremacy of the Government and the integrity of the Union, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

Mr. McKNIGHT. I move that the House do now adjourn.

BALTIMORE PETITION.

Mr. MAY. I hope the House will, before it adjourns, allow me to present a petition. I have not a word to say about it.

Mr. CURTIS. The gentleman can present it under the rule.

Mr. MAY. It is of the character which is generally presented in open House. It is from loyal authority in the city of Baltimore.

Several MEMBERS objected.

The motion of Mr. McKNIGHT was then agreed to; and thereupon (at four o'clock) the House adjourned.

IN SENATE.

SATURDAY, *July* 27, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, stating that, in compliance with a resolution of the Senate of the 19th instant, orders have been given for the publication weekly, in each of the newspapers of the city of Washington, of the name and location of each public hospital in the District of Columbia, and the number of sick or wounded of the various regiments in the several hospitals; which was ordered to lie on the table.

PETITION.

Mr. MORRILL. I have a petition of Jacob Gideon, W. W. Seaton, Lewis Clephane, (the postmaster of this city,) and Z. Richards, (President of the Board of Common Council of this city,) praying for the suppression of grog-shops in the District of Columbia. From the representations made to me, I am sure there is not, either within or without the lines of the American army, an enemy so fatal to its health, order, and discipline, as that of intemperance. No masked batteries of the enemy are so fatal to our Army as the grog-shops of this city. I move that this memorial be referred to the Committee on the District of Columbia.

The motion was agreed to.

METROPOLITAN POLICE.

Mr. GRIMES. I hold in my hand a petition of sundry citizens of the District of Columbia, praying for the passage of the metropolitan police bill, for the purpose of protecting their lives and property. As the committee have had that subject under consideration, and have reported a bill, I move that the petition lie on the table.

The motion was agreed to.

Mr. GRIMES. Yesterday, Senate bill No. 49, to create a metropolitan police district of the District of Columbia, and to establish a police therefor, was made the special order of the day for one o'clock to-day. If there be no other business, I move that that bill be taken up now.

The motion was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill (S. No. 49) to create a metropolitan police district of the District of Columbia, and to establish a police therefor.

The bill provides for the establishment of a metropolitan police district of the District of Columbia, to be constituted of the corporations of Washington and Georgetown and of the county of Washington outside of the limits of those corporations. The police force is to consist of a superintendent of police, ten sergeants, and such number of patrolmen as may be necessary, not exceeding, for the regular service, one hundred and fifty; under five commissioners of police as their chief officers. The board of police commissioners are to be appointed for three years, by the President of the United States, by and with the advice and consent of the Senate, three from the city of Washington, one from Georgetown, and one from the county of Washington; together with the Mayors of Washington and Georgetown, who are to be members of the board *ex officio*. A president and a treasurer are to be appointed by the board from their own number, and the board may also employ a clerk. The bill defines the duties and powers of the force which it creates, and confers on the superintendent of police the authority, as head of the police department, which is now executed by the Mayors of Washington and Georgetown, but in subordination to the board of police commissioners, on whom is conferred all the powers now possessed by the Mayors of Washington and Georgetown in respect to ordering military assistance in aid of the civil authorities in certain cases. The appointment of the police force under this act supersedes the existing auxiliary guard.

Mr. GRIMES. I move to strike out after the words "United States," in the tenth line of the eighth section, all down to the word "or," in the twelfth line; to strike out, in other words, that limitation which confines the appointment to persons who have resided a certain number of years in the District of Columbia.

The words to be stricken out are:

"Or who shall not have resided in the District of Columbia during a term of —— years next preceding his appointment."

The amendment was agreed to.

Mr. GRIMES. I move to fill the blank in the fourteenth section, line twenty-six, with the word "commissioners."

The amendment was agreed to.

Mr. MORRILL. I move to amend the bill in section seventeen, by striking out all after the word "enact," in line nine, to the end of the section.

The words to be stricken out are:

"The board of police shall have power to erect and maintain such lines of telegraph within said district as for purposes of police the board shall deem necessary."

The amendment was agreed to.

Mr. MORRILL. There is a verbal amendment necessary in section twenty-two, line three. I move to strike out the word "other," after the word "each," in that line.

The amendment was agreed to.

Mr. TEN EYCK. I propose a mere verbal amendment; the change of the word "qualified," in line ten, of section three, to "authorized."

The PRESIDENT *pro tempore*. No objection being made, the section will be so modified.

The bill was reported to the Senate, as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 12) to place the name of Commander Amasa Paine upon the active-service list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 13) to place the name of Lieutenant Charles Hunter on the active-service list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 14) to place the name of Lieutenant Peter Turner upon the active-service list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ANTHONY. These are officers who were retired by the board whose proceedings have been so often denounced and reversed in this Chamber. They have all tendered their services to the Government, and they are all now in that active employment, to the emoluments and rank of which they ask to be restored.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed the following bill and joint resolution:

A bill (S. No. 14) for the better organization of the Marine Corps; and

A joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be holden in London in the year 1862.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 59) for the relief of John C. McConnell; and

A bill (No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804.

The message further announced that the House had passed the bill of the Senate (No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are or hereafter may be in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

The message further announced that the House had passed the bill of the Senate (No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, with amendments, in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed a bill (H. R. No. 73) to authorize the issue of a register to the steamer Estella; which thereupon received the signature of the President *pro tempore*.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore*. A special order having been made for one o'clock, unless there be other business appropriate to the morning hour, the hour of one o'clock being so near at hand, if no objection be made, the Chair will call up that proposition, which is the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion; the pending question being on the passage of the resolution, on which the Senator from Tennessee [Mr. JOHNSON] has the floor.

Mr. JOHNSON, of Tennessee. Mr. President, when I came from my home to the seat of Government, in compliance with the proclamation of the President of the United States calling us together in extra session, it was not my intention to engage in any of the discussions that might transpire in this body; but since the session began, in consequence of the course that things have taken, I feel unwilling to allow the Senate to adjourn without saying a few words in response to many things that have been submitted to the Senate since its session commenced. What little I shall say to-day will be said without much method

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. MONDAY, JULY 29, 1861. NEW SERIES.....No. 19.

or order. I shall present the suggestions that occur to my mind, and shall endeavor to speak of the condition of the country as it is.

On returning here, we find ourselves, as we were when we adjourned last spring, in the midst of a civil war. That war is now progressing, without much hope or prospect of a speedy termination. It seems to me, Mr. President, that our Government has reached one of three periods through which all Governments must pass. A nation, or a people, have first to pass through a fierce ordeal in obtaining their independence or separation from the Government to which they were attached. In some instances this is a severe ordeal. We passed through this ordeal in the Revolution; we were seven years in effecting the separation, and in taking our position amongst the nations of the earth as a separate and distinct Power. Then, after having succeeded in establishing its independence, and taken its position among the nations of the earth, a nation must show its ability to maintain that position, that separate and distinct independence against other Powers, against foreign foes. In 1812 this ordeal commenced, and terminated in 1815. Our Government has passed through this ordeal.

There is still another ordeal through which a nation must pass. After having passed through these two, it has to contend against internal foes; against enemies at home; against those who have no confidence in its integrity, or in the institutions that may be established under its organic law. We are now in the midst of this third ordeal, and the struggle through which this Government is passing now is to determine whether it is capable of maintaining its existence against internal foes and domestic traitors to the Constitution. The problem now being solved before the nations of the earth, and before the people of the United States, is whether we can succeed in maintaining ourselves against the internal foes of the Government; whether we can succeed in putting down traitors and treason, and in establishing the great fact that we have a Government with sufficient strength to maintain its existence against whatever combination may be presented in opposition to it.

This brings me to a proposition laid down by the Executive in his recent message to the Congress of the United States. In that message the President said:

"This is essentially a people's contest. On the side of the Union, it is a struggle for maintaining in the world, that form and substance of Government, whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government, for whose existence we contend."

I think the question is pretty clearly stated in that paragraph. It is now a contest for the existence of the Government against internal foes and traitors. It is a contest whether a people are capable of governing themselves or not. We have reached that crisis in our country's history, and the time has arrived when, if the Government has the power, if the people are capable of self-government, and can establish this great truth, that it should be done; and this is the ordeal through which we must pass in the establishment of this great truth, or this great problem of man's capability of self-government. I trust and hope that we shall succeed in the experiment; I feel confident we shall; but the time has arrived when the energies of the nation must be put forth, when there must be union and concert on the part of all those who agree in man's capability of self-government, without regard to their former divisions or party prejudices, in order to demonstrate that great proposition.

Since this discussion commenced, it has been urged and argued, by Senators on one side, that there was a disposition to change the nature and character of the Government; and that, if we proceeded as we were going, it would result in establishing a dictatorship. It has been said that the whole framework, nature, genius, and character of the Government would be entirely changed; and great apprehensions have been thrown out that it would result in a consolidation of the Government or a dictatorship. Sir, I agree that there is an effort, a very great effort, being made to change the nature and character of our institutions, and the whole framework of the Government. We find, in the speech delivered by the distinguished Senator from Kentucky, [Mr. BRECKINRIDGE,] the other day, the following paragraph, alluding to what will be the effect of the passage of this joint resolution approving the action of the President:

"Here in Washington, in Kentucky, in Missouri, everywhere where the authority of the President extends, in his discretion he will feel himself warranted by the action of Congress upon this resolution to subordinate the civil to the military power; to imprison citizens without warrant of law; to suspend the writ of *habeas corpus;* to establish martial law; to make seizures and searches without warrant; to suppress the press; to do all those acts which rest in the will and in the authority of a military commander. In my judgment, sir, if we pass it, we are upon the eve of putting, so far as we can, in the hands of the President of the United States, the power of a dictator."

Then, in reply to the Senator from Oregon, [Mr. BAKER,] he seems to have great apprehension in reference to his allusion to a dictator. The Senator goes on to say:

"The pregnant question, Mr. President, for us to decide is, whether the Constitution is to be respected in this struggle; whether we are to be called upon to follow the flag over the ruins of the Constitution? Without questioning the motives of any, I believe that the whole tendency of the present proceedings is to establish a Government without limitation of powers, and to change radically our frame and character of Government."

Sir, I most fully concur with the Senator that there is a great effort being made to change the nature and character of our Government. I think that effort is being demonstrated and manifested most clearly every day; but we differ as to the parties making this great effort. I think the question is fairly and properly stated by the President, that it is a struggle whether the people shall rule; whether the people shall have a Government based upon their intelligence, upon their integrity, upon their purity of character, sufficient to govern themselves. I think this is the true issue; and there is an effort being made, and that effort has been long contemplated, to overthrow and upturn the institutions of this Government that we call free, which is based upon man's capability of self-government.

The Senator alludes furthermore in his speech to a conversation he had with some very intelligent gentleman who formerly represented our country abroad. It appears from that conversation that foreigners were accustomed to say to Americans, "I thought your Government existed by consent; now how is it to exist?" and the reply was, "we intend to change it; we intend to adapt it to our condition; these old colonial geographical divisions and States will ultimately be rubbed out, and we shall have a Government strong and powerful enough." The Senator seemed to have great apprehensions based on those conversations. He furthermore read a paragraph from a paper indicating that State lines were to be rubbed out. In addition to all this he goes on to enumerate that the writ of *habeas corpus* has been violated, and he says that since the Government commenced, there has not been a case equal to the one which has recently transpired in Maryland. I shall take up some of his points in their order, and speak of them as I think they deserve to be spoken of. In his speech, he says:

"The civil authorities of the country are paralyzed, and a practical martial law is being established all over the land. The like never happened in this country before, and would not be tolerated in any country in Europe which pretends to the elements of civilization and regulated liberty. George Washington carried the thirteen colonies through the war of the Revolution without martial law. The President of the United States cannot conduct the Government three months without resorting to it."

The Senator puts great stress on the point, and speaks of it in very emphatic language, that General Washington carried the country through the seven years of the Revolution without resorting to martial law during all that period of time. Now, how does the matter stand? When we come to examine the history of the country, it would seem that the Senator had not hunted up all the cases. We can find some, and one in particular, not very different from the case which has recently occurred, and of which he was speaking. In 1777, the second year of the war of the Revolution, members of the Society of Friends in Philadelphia were arrested on suspicion of being disaffected to the cause of American freedom. A publication now before me says:

"The persons arrested, to the number of twenty," * * * "were taken into custody, by military force, at their homes or usual places of business; many of them could not obtain any knowledge of the cause of their arrest, or of any one to whom they were amenable, and they could only hope to avail themselves of the intervention of some civil authority.

"The Executive Council [of the State of Pennsylvania] being formed of residents of the city and county of Philadelphia, had a better knowledge of the Society of Friends and of their individual characters than the members of Congress assembled from the various parts of the country, and ought to have protected them. But instead of this, they caused these arrests of their fellow-citizens to be made with unrelenting severity, and from the 1st to the 4th day of September, 1777, the party was taken into confinement in the Mason's Lodge, in Philadelphia.

"On the minutes of Congress of 3d September, 1777, it appears that a letter was received by them from George Bryan, Vice President of the Supreme Executive Council, dated 2d September, stating that arrests had been made of persons inimical to the American States, and desiring the advice of Congress particularly whether Augusta and Winchester, in Virginia, would not be proper places at which to secure prisoners." * * * * * * *

"Congress must have been aware that it was becoming a case of very unjust suffering, for they passed their resolution of 6th September, 1777, as follows:

"'That it be recommended to the Supreme Executive Council of the State of Pennsylvania to hear what the said remonstrants can allege to remove the suspicions of their being disaffected or dangerous to the United States.'

"But the Supreme Executive Council on the same day, referring to the above,

"'*Resolved*, That the President do write to Congress to let them know that the Council has not time to attend to that business in the present alarming crisis, and that they were, agreeably to the recommendation of Congress, at the moment the resolve was brought into Council, disposing of everything for the departure of the prisoners.'"

* * * * * * * * * * *

"As the recommendation of Congress of the 6th of September, to give the prisoners a hearing, was refused by the Supreme Executive Council, the next minute made by Congress was as follows:

"'In Congress, 8th September, 1777.

"'*Resolved*, That it would be improper for Congress to enter into a hearing of the remonstrants or other prisoners in the Mason's Lodge, they being inhabitants of Pennsylvania; and therefore, as the Council declines giving them a hearing for the reasons assigned in their letter to Congress, that it be recommended to said Council to order the immediate departure of such of the said prisoners as yet refuse to swear or affirm allegiance to the State of Pennsylvania, to Staunton, in Virginia.

"The remonstrances made to Congress, and to the Supreme Executive Council, being unavailing, the parties arrested were ordered to depart for Virginia, on the 11th September, 1777, when, as their last resource, they applied, under the laws of Pennsylvania, to be brought before the judicial court by writs of *habeas corpus*.

"The departure of the prisoners was committed to the care of Colonel Jacob Morgan, of Bucks county, and they were guarded by six of the light-horse, commanded by Alexander Nesbitt and Samuel Caldwell, who were to obey the dispatches from the Board of War, of which General Horatio Gates was president, directed to the lieutenants of the counties through which the prisoners were to pass.

"The writs of *habeas corpus*, on being presented to the Chief Justice, were marked by him, 'Allowed by Thomas McKean,' and they were served on the officers who had the prisoners in custody, when they had been taken on their journey as far as Reading, Pennsylvania, on the 14th day of September, but the officers refused to obey them.

"It appears by the Journal of the Supreme Executive Council of the 16th of September, that Alexander Nesbitt, one of the officers, had previously obtained information about the writs, and made a report of them; when the Pennsylvania Legislature, at the instance of the Supreme Executive Council, passed a law on the 16th of September, 1777, to suspend the *habeas corpus* act; and although it was an *ex post facto* law, as it related to their case, the Supreme Executive Council on that day ordered the same to be carried into effect."

In the progress of the history of this case we find that—

"The party consisted of twenty persons, of whom seventeen were members of the Society of Friends. They were ordered first to Staunton, then a frontier town in the western settlement of Virginia, but afterwards to be detained at Winchester, where they were kept in partial confinement nearly eight months, without provision being made for their support; for the only reference to this was by a resolution of the Supreme Executive Council of Pennsylvania, dated April 8, 1778, as follows:

"'*Ordered*, That the whole expenses of arresting and

confining the prisoners sent to Virginia, the expenses of their journey, and all other incidental charges, be paid by the said prisoners.'

"During the stay of the exiles at Winchester, nearly all of them suffered greatly from circumstances unavoidable in their situation—from anxiety, separation from their families, left unprotected in Philadelphia, then a besieged city, liable at any time to be starved out or taken by assault; while from sickness and exposure during the winter season, in accommodations entirely unsuitable for them, two of their number departed this life in the month of March, 1778."

Thus, Mr. President, we find that the writ of *habeas corpus* was suspended by the authorities of Pennsylvania, during the Revolution, in the case of persons who were considered dangerous and inimical to the country. A writ was taken out and served upon the officers, and they refused to surrender the prisoners, or even to give them a hearing. If the Senator from Kentucky had desired an extreme case, and wished to make a display of his legal and historical information, it would have been very easy for him to have cited this case—much more aggravated, much more extravagant, much more striking, than the one in regard to which he was speaking. Let it be remembered, also, that this case, although it seems to be an extravagant and striking one, occurred during the war of the Revolution, under General Washington, before we had a President. We find that at that time the writ of *habeas corpus* was suspended, and twenty individuals were denied even the privilege of a hearing, because they were considered inimical and dangerous to the liberties of the country. In the midst of the Revolution, when the writ of *habeas corpus* was as well understood as it is now, when they were familiar with its operation in Great Britain, when they knew and understood all the rights and privileges it granted to the citizen, we find that the Legislature of Pennsylvania passed a law repealing the power to issue the writ of *habeas corpus*, and went back and relieved the officers who refused to obey the writs, and indemnified them from the operation of any wrong they might have done. This occurred in the Revolution, during the very period referred to by the Senator from Kentucky. If he wanted a strong and striking case, one that would bear comment, why did he not go back to this case, that occurred during the period to which he referred in our revolutionary struggle for independence? But no; all these cases seem to have been forgotten, and the mind was fixed down upon a case of recent occurrence. There is a great similarity in the cases; but the one to which I have alluded is much more extravagant than the one referred to by the Senator. It was in Philadelphia, where Congress was sitting; it was in Pennsylvania where these persons, who were considered inimical to the freedom of the country, were found. Congress was appealed to, but Congress executed the order; and the Legislature of Pennsylvania, after it was executed, though it was in violation of the right to the writ of *habeas corpus*, passed a law indemnifying the persons that had violated it, and made it retrospective in its operation. Hence we see that the Senator's case does not amount to much. We find a much more extravagant case when we were struggling for our independence as a people, when this course was sustained by the authorities of the country. What is our case now? We are not struggling for the establishment of our nationality, but we are now struggling for the existence of the Government. Suppose the writ of *habeas corpus* has been suspended: the question arises whether it was not a justifiable suspension at the time; and ought we not now to indorse simply what we would have done if we had been here ourselves at the time the power was exercised?

The impression is sought to be made on the public mind that this is the first and only case where the power has been exercised. I have shown that there is one tenfold more striking, that occurred during our struggle for independence. Is this the first time that persons in the United States have been placed under martial law? In 1815, when New Orleans was about to be sacked, when a foreign foe was upon the soil of Louisiana, New Orleans was put under martial law, and Judge Hall was made a prisoner because he attempted to interpose. Is there a man here, or in the country, who condemns General Jackson for the exercise of the power of proclaiming martial law in 1815? Could that city have been saved without placing it under martial law, and making Judge Hall submit to it? I know that General Jackson submitted to be arrested, tried, and fined $1,000; but what did Congress do in that case? It did just what we are called on to do in this case. By the restoration of his fine—an act passed by an overwhelming majority in the two Houses of Congress—the nation said "we approve what you did." Suppose, Mr. President, (which may have been the case,) that the existence of the Government depended upon the protection and successful defense of New Orleans; and suppose, too, it was in violation of the strict letter of the Constitution for General Jackson to place New Orleans under martial law, but without placing it under martial law the Government would have been overthrown: is there any reasonable, any intelligent man in or out of Congress who would not indorse and acknowledge the exercise of a power which was indispensable to the existence and maintenance of the Government? The Constitution was likely to be overthrown, and the law was about to be violated, and the Government trampled under foot; and when it became necessary to prevent this, even by exercising a power that comes in conflict with the Constitution in time of peace, it should and ought to be exercised. If General Jackson had lost the city of New Orleans, and thereby the Government had been overthrown, by refusing to place Judge Hall and the city of New Orleans under martial law, he ought to have lost his head. But he acted as a soldier; he acted as a patriot; he acted as a statesman; as one devoted to the institutions and the preservation and the existence of his Government; and by so acting the Government was saved and preserved.

Then, sir, the power which has been exercised in this instance is no new thing. In great emergencies, when the life of a nation is in peril, when its very existence is flickering, to question too nicely, to scan too critically, its acts in the very midst of that flickering, in the very midst of that crisis, when the Government is likely to be overthrown, is to make war upon it, and to try to paralyze its energies. If war is to be made upon those who seem to violate the laws of the United States in their efforts to preserve the Government, wait until the country passes out of its peril; wait until the country is relieved from its difficulty; wait until the crisis passes by, and then come forward, dispassionately, and ascertain to what extent the law has been violated, if indeed it has been violated at all.

A great ado has been made in reference to the Executive proclamation calling out the militia of the States to the extent of seventy-five thousand men. That call was made under the authority of the act of 1795, and is perfectly in accordance with the law. It has been decided by the Supreme Court of the United States that that act is constitutional, and that the President alone is the judge of the question whether the exigency has arisen. This decision was made in the celebrated case of Martin *vs.* Mott. The opinion of the court was delivered by Judge Story. Let me read from the opinion of the court:

"It has not been denied here that the act of 1795 is within the constitutional authority of Congress, or that Congress may not lawfully provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place. In our opinion, there is no ground for a doubt on this point, even if it had been relied on; for the power to provide for repelling invasion includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil.

"The power thus confided by Congress to the President is, doubtless, of a very high and delicate nature. A free people are naturally jealous of the exercise of military power; and the power to call the militia into actual service is certainly felt to be one of no ordinary magnitude. But it is not a power which can be executed without a correspondent responsibility. It is, in its terms, a limited power, confined to cases of actual invasion, or of imminent danger of invasion. If it be a limited power, the question arises, by whom is the exigency to be judged of and decided? Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered as an open question, upon which every officer, to whom the orders of the President are addressed, may decide for himself, and equally open to be contested by every militia man who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that this construction necessarily results from the nature of the power itself and from the manifest object contemplated by the act of Congress. The power itself is to be exercised upon sudden emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service, and the command of a military nature; and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopard the public interests."—*Martin vs. Mott*, 12 *Wheaton's Reports*, p. 29.

We see, then, that the power is clear as to calling out the militia; we see that we have precedents for the suspension of the writ of *habeas corpus*. It must also be evident that this is an unpropitious time to be making war upon the Government, while it is in its greatest peril, and thereby paralyze, weaken, and destroy public confidence in the Government, when there is a power actively contending in the field to overthrow and upturn our institutions and destroy the Government itself.

The next objection made is, that the President had no power to make additions to the Navy and Army. I say, in these two instances, he is justified by the great law of necessity. At the time, I believe it was necessary to the existence of the Government; and it being necessary, he had a right to exercise all those powers that, in his judgment, the crisis demanded for the maintenance of the existence of the Government itself. The simple question—if you condemn the President for acting in the absence of law—is, do you condemn the propriety of his course; do you condemn the increase of the Army; do you condemn the increase of the Navy? If you oppose the measure simply upon the ground that the Executive called them forth anticipating law, what will you do now? The question presents itself at this time, is it not necessary to increase the Army and the Navy? If you condemn the exercise of the power of the Executive in the absence of law, what will you do now, as the law-making power, when it is manifest that the Army and Navy should be increased? You make war upon the Executive for anticipating the action of Congress. What do gentlemen do now, when called upon to support the Government? Do they do it? They say the President anticipated the action of Congress. Does not the Government need an increase of the Army and the Navy? Where do gentlemen stand now? Are they for it? Do they sustain the Government? Are they giving it a helping hand? No; they go back and find fault with the exercise of a power that they say was without law; but now, when they have the power to make the law, and when the necessity is apparent, they stand back and refuse. Where does that place those who take that course? It places them against the Government, and against placing the means in the hands of the Government to defend and perpetuate its existence. The object is apparent, Mr. President. We had enemies of the Government here last winter; in my opinion, we have enemies of the Government here now.

I said that I agreed with the Senator from Kentucky that there was a design—a deliberate determination—to change the nature and character of our Government. Yes, sir, it has been the design for a long time. All the talk about slavery and compromise has been but a pretext. We had a long disquisition, and a very feeling one, from the Senator from Kentucky. He became pathetic in the hopelessness of compromises. Did not the Senator from California [Mr. LATHAM] the other day show unmistakably that it was not compromise they wanted? I will add, that compromise was the thing they most feared; and their great effort was to get out of Congress before any compromise could be made. At first, their cry was peaceable secession and reconstruction. They talked not of compromise; and, I repeat, their greatest dread and fear was, that something would be agreed upon; that their last and only pretext would be swept from under them, and that they would stand before the country naked and exposed.

The Senator from California pointed out to you a number of them who stood here and did not vote for certain propositions, and those propositions were lost. What was the action before the committee of thirteen? Why did not that committee agree? Some of the most ultra men from the North were members of that committee, and they proposed to amend the Constitution so as to provide that Congress in the future never should interfere with the subject of slavery. The committee failed to agree, and some of its members at once telegraphed to their States that they must

go out of the Union at once. But after all that transpired in the early part of the session, what was done? We know what the argument has been; in times gone by I met it; I have heard it again and again. It has been said that one great object was, first to abolish slavery in the District of Columbia and the slave trade between the States, as a kind of initiative measure; next, to exclude it from the Territories; and when the free States were three fourths of all the States, so as to have power to change the Constitution, they would amend the Constitution so as to give Congress power to legislate upon the subject of slavery in the States, and expel it from the States in which it is now. Has not that been the argument? Now, how does the matter stand? At the last session of Congress seven States withdrew, it may be said that eight withdrew; reducing the remaining slave States down to one fourth of the whole number of States. Now we have reached the point at which the charge has been made, that whenever the free States constituted a majority in the Congress of the United States, sufficient to amend the Constitution, they would so amend it as to legislate upon the institution of slavery within the States, and that the institution of slavery would be overthrown. This has been the argument; it has been repeated again and again; and hence the great struggle about the Territories. The argument was, we wanted to prevent the creation of free States; we did not want to be reduced down to that point where, under the sixth article of the Constitution, three fourths could amend the Constitution so as to exclude slavery from the States. This has been the great point; this has been the rampart; this has been the very point to which it has been urged that the free States wanted to pass. Now, how does the fact stand? Let us "render unto Cæsar the things that are Cæsar's." We reached, at the last session, just the point where we were in the power of the free States; and then what was done? Instead of an amendment to the Constitution of the United States conferring power upon Congress to legislate upon the subject of slavery, what was done? This joint resolution was passed by a two-thirds majority in each House:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

"ART. 13. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or interfere, within any State, with the domestic institutions thereof, including that of persons held to service or labor by the laws of said State."

Is not that very conclusive? Here is an amendment to the Constitution of the United States to make the Constitution unamendable upon that subject, as it is upon some other subjects; that Congress, in the future, should have no power to legislate on the subject of slavery within the States. Talk about "compromise," and about the settlement of this question; how can you settle it more substantially? How can you get a guarantee that is more binding than an amendment to the Constitution, which is unamendable, that Congress in the future shall not even legislate on the subject? This places the institution of slavery in the States entirely beyond the control of Congress. Why have not the Legislatures that talk about "reconstruction" and "compromise" and "guarantees," taken up this amendment to the Constitution and adopted it? Some States have adopted it. How many southern States have done so? Take my own State, for instance. Instead of accepting guarantees protecting them in all future time against the legislation of Congress on the subject of slavery, they undertake to pass ordinances violating the Constitution of the country, and taking the State out of the Union and into the southern confederacy. It is evident to me that with many the talk about compromise and the settlement of this question is mere pretext, especially with those who understand the question.

What more was done at the last session of Congress, when the North had the power? Let us tell the truth. Three territorial bills were brought forward and passed. You remember in 1847, when the agitation arose in reference to the Wilmot proviso. You remember in 1850 the contest about slavery prohibition in the Territories. You remember in 1854 the excitement in reference to the Kansas Nebraska bill, and the power conferred on the Legislature by it. Now we have a constitutional amendment, proposed at a time when the Republicans have the power; and at the same time they come forward with three territorial bills, and in neither of those bills can be found any prohibition, so far as slavery is concerned, in the Territories. Colorado, Nevada, and Dakota, are organized without any prohibition of slavery. But what do you find in these bills? Mark, Mr. President, that there is no slavery prohibition; mark too, the language of the sixth section, conferring power upon the Territorial Legislature:

"SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed."

Can there be anything more clear and conclusive? First, there is no prohibition; next, the Legislature shall have no power to legislate so as to impair the rights of private property, and shall not tax one description of property higher than another. Now, Mr. President, right here I ask any reasonable, intelligent man throughout the Union, to take the amendment to the Constitution, take the three territorial bills, put them all together, and how much of the slavery question is left? Is there any of it left? Yet we hear talk about compromise; and it is said the Union must be broken up because you cannot get compromise. Does not this settle the whole question? There is no slavery prohibition by Congress, and the Territorial Legislatures are expressly forbidden from legislating so as to impair the rights of property. I know there are some who are sincere in this talk about compromise; but there are others who are merely making it a pretext, who come here claiming something in the hope that it will be refused, and that then, upon that refusal, their States may be carried out of the Union. I should like to know how much more secure we can be in regard to this question of slavery. These three territorial bills cover every square inch of territory we have got; and here is an amendment to the Constitution embracing the whole question, so far as the States and the public lands of the United States are concerned.

I am as much for compromise as any one can be; and there is no one who would desire more than myself to see peace and prosperity restored to the land; but when we look at the condition of the country, we find that rebellion is rife; that treason has reared it head. A distinguished Senator from Georgia once said, "when traitors become numerous enough, treason becomes respectable." Traitors are getting to be so numerous now that I suppose treason has almost got to be respectable; but God being willing, whether traitors be many or few, as I have hitherto waged war against traitors and treason, and in behalf of the Government which was constructed by our fathers, I intend to continue it to the end. [Applause in the galleries.]

The PRESIDENT *pro tempore*. Order!

Mr. JOHNSON, of Tennessee. Mr. President, we are in the midst of a civil war; blood has been shed; life has been sacrificed. Who commenced it? Of that we will speak hereafter. I am speaking now of the talk about compromise. Traitors and rebels are standing with arms in their hands, and it is said that we must go forward and compromise with them. They are in the wrong; they are making war upon the Government; they are trying to upturn and destroy our free institutions. I say to them that the compromise I have to make under the existing circumstances is, "ground your arms; obey the laws; acknowledge the supremacy of the Constitution—when you do that, I will talk to you about compromises." All the compromise that I have to make is the compromise of the Constitution of the United States. It is one of the best compromises that can be made. We lived under it from 1789 down to the 20th of December, 1860, when South Carolina undertook to go out of the Union. We prospered; we advanced in wealth, in commerce, in agriculture, in trade, in manufactures, in all the arts and sciences, and in religion, more than any people upon the face of God's earth had ever done before in the same time. What better compromise do you want? You lived under it until you got to be a great and prosperous people. It was made by our fathers, and cemented by their blood. When you talk to me about compromise, I hold up to you the Constitution under which you derived all your greatness, and which was made by the fathers of your country. It will protect you in all your rights.

But it is said that we had better divide the country and make a treaty and restore peace. If, under the Constitution which was framed by Washington and Madison and the patriots of the Revolution, we cannot live as brothers, as we have in times gone by, I ask can we live quietly under a treaty, separated as enemies? The same causes will exist; our geographical and physical position will remain just the same. Suppose you make a treaty of peace and division: if the same causes of irritation, if the same causes of division continue to exist, and we cannot live as brothers in fraternity under the Constitution made by our fathers, and as friends in the same Government, how can we live in peace as aliens and enemies under a treaty? It cannot be done; it is impracticable.

But, Mr. President, I concur fully with the dislike expressed by the distinguished Senator from Kentucky to a change in the form of our Government. He seemed to be apprehensive of a dictatorship. He feared there might be a change in the nature and character of our institutions. I could, if I chose, refer to many proofs to establish the fact that there has been a design to change the nature of our Government. I could refer to Mr. Rhett; I could refer to Mr. Inglis; I could refer to various others to prove this. The Montgomery Daily Advertiser, one of the organs of the so-called southern confederacy, says:

"Has it been a precipitate revolution? It has not. With coolness and deliberation the subject has been thought of for forty years; for ten years it has been the all-absorbing theme in political circles. From Maine to Mexico all the different phases and forms of the question have been presented to the people, until nothing else was thought of, nothing else spoken of, and nothing else taught in many of the political schools."

This, in connection with other things, shows that this movement has been long contemplated, and that the idea has been to separate from and break up this Government, to change its nature and character; and now, after they have attempted the separation, if they can succeed, their intention is to subjugate and overthrow and make the other States submit to their form of government.

To carry out the idea of the Senator from Kentucky, I want to show that there is most conclusive proof of a design to change our government.

I quote from the Georgia Chronicle:

"Our own republican Government has failed midway in its trial, and with it have nearly vanished the hopes of those philanthropists who, believing in man's capacity for self-government, believed, therefore, in spite of so many failures, in the practicability of a republic."

"If this Government has gone down," asks the editor, "what shall be its substitute?" And he answers by saying that, as to the present generation, "it seems their only resort must be to a constitutional monarchy." Hence you see the Senator and myself begin to agree in the proposition that the nature and character of the Government are to be changed.

William Howard Russell, the celebrated correspondent of the London Times, spent some time in South Carolina, and he writes:

"From all quarters have come to my ears the echoes of the same voice; it may be feigned, but there is no discord in the note, and it sounds in wonderful strength and monotony all over the country. Shades of George III, of North, of Johnson, of all who contended against the great rebellion which tore these colonies from England, can you hear the chorus which rings through the State of Marion, Sumter, and Pinckney, and not clap your ghostly hands in triumph? That voice says, 'if we could only get one of the royal race of England to rule over us, we should be content!' Let there be no misconception on this point. That sentiment, varied in a hundred ways, has been repeated to me over and over again. There is a general admission that the means to such an end are wanting, and that the desire cannot be gratified. But the admiration for monarchial institutions on the English model, for privileged classes, and for a landed aristocracy and gentry, is undisguised and apparently genuine. With the pride of having achieved their independence, is mingled in the South Carolinian's heart a strange regret at the result and consequences, and many are they who 'would go back to-morrow if we could.' An intense affection for the British connection, a love of British habits and customs, a respect for British sentiment, law, authority, order, civilization

and literature, preëminently distinguish the inhabitants of this State," &c.

This idea was not confined to localities. It was extensively prevalent, though policy prompted its occasional repudiation. At a meeting of the people of Bibb county, Georgia, the subject was discussed, and a constitutional monarchy was not recommended for the southern States, "as recommended by some of the advocates of immediate disunion." Here is evidence that the public mind had been sought to be influenced in that direction; but the people were not prepared for it. Mr. Toombs, of Georgia, during the delivery of a speech by Mr. A. H. Stephens, before the Legislature of that State, did not hesitate to prefer the form of the British Government to our own.

Not long since—some time in the month of May—I read in the Richmond Whig, published at the place where their government is now operating, the center from which they are directing their armies which are making war upon this Government, an article in which it is stated that rather than submit to the Administration now in power in the city of Washington, they would prefer passing under the constitutional reign of the amiable Queen of Great Britain. I agree, therefore, with the Senator from Kentucky, that there is a desire to change this Government. We see it emanating from every point in the South. Mr. Toombs was not willing to wait for the movement of the people. Mr. Stephens, in his speech to the Legislature of Georgia, preferred the calling of a convention; but Mr. Toombs was unwilling to wait. Mr. Stephens was unwilling to see any violent action in advance of the action of the people; but Mr. Toombs replied: "I will not wait; I will take the sword in my own hand, disregarding the will of the people, even in the shape of a convention;" and history will record that he kept his word. He and others had become tired and dissatisfied with a government of the people; they have lost confidence in man's capacity for self-government; and furthermore, they would be willing to form an alliance with Great Britain; or, if Great Britain were slow in forming the alliance, with France; and they know they can succeed there, on account of the hate and malignity which exist between the two nations. They would be willing to pass under the reign of the amiable and constitutional Queen of Great Britain! Sir, I love woman, and woman's reign in the right place; but when we talk about the amiable and accomplished Queen of Great Britain, I must say that all our women are ladies, all are queens, all are equal to Queen Victoria, and many of them greatly her superiors. They desire no such thing; nor do we. Hence we see whither this movement is tending. It is a change of Government; and in that the Senator and myself most fully concur.

The Senator from Kentucky was wonderfully alarmed at the idea of a "dictator," and replied with as much point as possible to the Senator from Oregon, who made the suggestion. But, sir, what do we find in the Richmond Examiner, which is published at the seat of government of the so-called confederate States?

"In the late debates of the congress of this confederacy, Mr. Wright, of Georgia, showed a true appreciation of the crisis when he advocated the grant of power to the president that would enable him to make immediate defense of Richmond, and to bring the whole force of the confederacy to bear on the affairs of Virginia. It is here that the fate of the confederacy is to be decided; and the time is too short to permit red tape to interfere with public safety. No power in executive hands can be too great, no discretion too absolute, at such moments as these. We need a dictator. Let lawyers talk when the world has time to hear them. Now let the sword do its work. Usurpations of power by the chief, for the preservation of the people from robbers and murderers, will be reckoned as genius and patriotism by all sensible men in the world now, and by every historian that will judge the deed hereafter."

The articles of their leading papers, the Whig and the Examiner, and the speeches of their leading men, all show unmistakably that their great object is to change the character of the Government. Hence we come back to the proposition that it is a contest whether the people shall govern or not. I have here an article that appeared in the Memphis Bulletin, of my own State, from which it appears that under this reign of secession, this reign of terror, this disintegrating element that is destructive of all good, and the accomplisher of nothing that is right, they have got things beyond their control:

"In times like these, there must be one ruling power to which all others must yield. 'In a multitude of counsellors,' saith the Book of Books, 'there is safety;' but nowhere are we told, in history or revelation, that there is aught of safety in a multitude of rulers. Any 'rule of action,' sometimes called the 'lah,' is better than a multitude of conflicting, irreconcilable statutes, Any one head is better than forty, each of which may conceive itself the nonpareil, *par excellence*, supreme '*caput*' of all civil and military affairs.

"Let Governor Harris be king, if need be, and Baugh a despot."

"Let Governor Harris be king, and Baugh a despot," says the Bulletin. Who is Baugh? The mayor of Memphis. The mob reign of terror gotten up under this doctrine of secession is so great that we find that they are appealing to the one-man power. They are even willing to make the mayor of the city a despot, and Isham G. Harris, a little petty Governor of Tennessee, a king. He is to be made king over the State that contains the bones of the immortal, the illustrious Jackson. Isham G. Harris a king! Or Jeff. Davis a dictator, and Isham G. Harris one of his satraps. He a king over the free and patriotic people of Tennessee! Isham G. Harris to be my king. Yes, sir, my king! I know the man. I know his elements. I know the ingredients that constitute the compound called Isham G. Harris. King Harris to be my master, and the master of the people that I have the proud and conscious satisfaction of representing on this floor! Mr. President, he should not be my slave. [Applause in the galleries.]

The PRESIDENT *pro tempore*. Order! A repetition of the offense will compel the Chair to order the galleries to be cleared forthwith. The order of the Senate must and shall be preserved. No demonstrations of applause or of disapprobation will be allowed. The Chair hopes not to be compelled to resort to the extremity of clearing the galleries of the audience.

Mr. JOHNSON, of Tennessee. I was proceeding with this line of argument to show that in the general proposition that there was a fixed determination to change the character and nature of the Government, the Senator from Kentucky and myself agree; and so far I think I have succeeded very well. And now, when we are looking at the elements of which this southern confederacy is composed, it may be well enough to examine the principles of the elements out of which a government is to be made that they prefer to this. We have shown, so far as the slavery question is concerned, that that whole question is settled; and it is now shown to the American people and the world that the people of the southern States have now got no right which they said they had lost before they went out of this Union; but, on the contrary, many of their rights have been diminished, and oppression and tyranny have been inaugurated in their stead. Let me ask you, sir, to-day, and let me ask the nation, what right has any State in this so-called confederacy lost under the Constitution of the United States? Let me ask each individual citizen in the United States, what right has he lost by the continuance of this Government based on the Constitution of the United States? Is there a man North or South, East or West, who can put his finger on one single privilege, or one single right, of which he has been deprived by the Constitution or Union of these States? Can he do it? Can he touch it? Can he see it? Can he feel it? No, sir; there is no one right that he has lost. How many rights and privileges, and how much protection have they lost by going out of the Union, and violating the Constitution of the United States?

Pursuing this line of argument in regard to the formation of their government, let us take South Carolina, for instance, and see what her notions of government are. She is the leading spirit, and will constitute one of the master elements in the formation of this confederate government when it is formed. What qualifications has South Carolina affixed upon even members of the Legislature? Let us see what are her notions of government—a State that will contribute to the permanent formation of the government that is to exist hereafter. In the constitution of South Carolina it is provided that—

"No person shall be eligible to a seat in the House of Representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident of this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives, unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land and ten negroes."

This is the notion that South Carolina has of the necessary qualifications of a member of the lower branch of the State Legislature. Now, I desire to ask the distinguished Senator from Kentucky—who seems to be so tenacious about compromises, about rights, and about the settlement of this question, and who can discover that the Constitution has been violated so often and so flagrantly, yet never can see that it has been violated anywhere else—if he desires to seek under this South Carolina government for his lost rights? I do not intend to be personal? I wish he were in his seat, for he knows that I have the greatest kindness for him. I am free to say, in connection with what I am about to observe, that I am a little selfish in this; because if I lived in South Carolina, with these disabilities or qualifications affixed upon a member, I would not be eligible to a seat in the lower branch of the Legislature. That would be a poor place for me to go and get my rights; would it not? I doubt whether the Senator from Kentucky is eligible to-day to a seat in the lower branch of the Legislature of South Carolina. I do not refer to him in any other than the most respectful terms, but I doubt whether he would be qualified to take a seat in the lower branch of her Legislature. I should not be, and I believe I am just as good as any who do take seats there.

In looking further into the constitution of South Carolina, in order to ascertain what are her principles of government, what do we find? We find it provided that, in the apportionment of these representatives, the whole number of white inhabitants is to be divided by sixty-two, and every sixty-second part is to have one member. Then all the taxes are to be divided by sixty-two, and every sixty-second part of the taxes is to have one member also. Hence we see that slaves, constituting the basis of property, would get the largest amount of representation; and we see that property goes in an equal representation to all the numbers, while those numbers constitute a part of the property-holders. That is the basis of their representation.

Sir, that is not the place for me to go to get my rights, nor do a large proportion of my people think it is the place for them to go to get their rights. Notwithstanding they have been borne down; notwithstanding there has been an army of fifty-five thousand men created by the Legislature; notwithstanding $5,000,000 of money has been appropriated to be expended against the Union; and notwithstanding the arms manufactured by the Government, and distributed among the States for the protection of the people, have been denied to them by this little petty tyrant of a king, and are now turned upon the Government for its overthrow and destruction, those people, when left to themselves to carry out their own government and the honest dictates of their own consciences, will be found to be opposed to this revolution.

Mr. President, while the congress of the confederate States was engaged in the formation of their constitution, I find a protest from South Carolina against a decision of that congress in relation to the slave trade, in the Charleston Mercury, of February 13. It is written by L. W. Spratt to "Hon. John Perkins, delegate from Louisiana." It begins in this way:

"From the abstract of the constitution for the provisional government, published in the papers this morning, it appears that the slave trade, except with the slave States of North America, shall be prohibited. The congress, therefore, not content with the laws of the late United States against it, which, it is to be presumed, were readopted, have unalterably fixed the subject, by a provision of the constitution."

He goes on and protests. We all know that that constitution is made for the day, just for the time being, a mere tub thrown out to the whale, to amuse and entertain the public mind for a time. We know this to be so. But in making his argument what does he say? Mr. Spratt, a commissioner who went to Florida, a member of the South Carolina convention that took the State out of the Union, says in this protest:

"The South is now in the formation of a *slave* republic. This, perhaps, is not admitted generally. There are many contented to believe that the South, as a geographical section, is in mere assertion of its independence; that it is instinct with no especial truth—pregnant of no distinct social nature; that for some unaccountable reason, the two sections have become opposed to each other; that for reasons equally insufficient, there is disagreement between the people that direct them; and that from no overruling

necessity, no impossibility of coexistence, but as mere matter of policy, it has been considered best for the South to strike out for herself, and establish an independence of her own. This, I fear, is an inadequate conception of the controversy."

This indicates the whole scheme.

"The contest is not between the North and South as geographical sections, for between such sections merely there can be no contest; nor between the people of the North and the people of the South, for our relations have been pleasant; and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practice yet, in intercourse, with great respect, the courtesies of common life. But the real contest is between the two forms of society which have become established, the one at the North, and the other at the South."

The protest continues:

"With that perfect economy of resources, that just application of power, that concentration of forces, that security of order which results to slavery from the permanent direction of its best intelligence, there is no other form of human labor that can stand against it, and it will build itself a home, and erect for itself at some point within the present limits of the southern States, a structure of imperial power and grandeur—a glorious confederacy of States that will stand aloft and serene for ages amid the anarchy of democracies that will reel around it." * * * *

"But it may be that to this end another revolution may be necessary. It is to be apprehended that this contest between democracy and slavery is not yet over. It is certain that both forms of society exist within the limits of the southern States; both are distinctly developed within the limits of Virginia; and there, whether we perceive the fact or not, the war already rages. In that State there are about five hundred thousand slaves to about one million of whites; and as at least as many slaves as masters are necessary to the constitution of slave society, about five hundred thousand of the white population are in legitimate relation to the slaves, and the rest are in excess."

Hence we see the propriety of Mr. Mason's letter, in which he declared that all those who would not vote for secession must leave the State, and thereby you get clear of the excess of population to the slaves. They must emigrate.

"Like an excess of alkali or acid in chemical experiments, they are unfixed in the social compound. Without legitimate connection with the slave, they are in competition with him."

The protest continues:

"And even in this State [South Carolina] the ultimate result is not determined. The slave condition here would seem to be established. There is here an excess of one hundred and twenty thousand slaves; and here is fairly exhibited the normal nature of the institution. The officers of the State are slaveowners, and the representatives of slaveowners. In their public acts they exhibit the consciousness of a superior position. Without unusual individual ability, they exhibit the elevation of tone and composure of public sentiment proper to a master class. There is no appeal to the mass, for there is no mass to appeal to; there are no demagogues, for there is no populace to breed them; judges are not forced upon the stump; governors are not to be dragged before the people; and when there is cause to act upon the fortunes of our social institution, there is perhaps an unusual readiness to meet it."

Again:

"It is probable that more abundant pauper labor may pour in, and it is to be feared that even in this State, the purest in its slave condition, democracy may gain a foothold, and that here also the contest for existence may be waged between them.

"It thus appears that the contest is not ended with a dissolution of the Union, and that the agents of that contest still exist within the limits of the southern States. The causes that have contributed to the defeat of slavery still occur; our slaves are still drawn off by higher prices to the West. Their is still foreign pauper labor ready to supply their place. Maryland, Virginia, Kentucky, Missouri, possibly Tennessee and North Carolina, may lose their slaves, as New York, Pennsylvania, and New Jersey, have done. In that condition they must recommence the contest. There is no avoiding that necessity. The systems cannot mix; and thus it is that slavery, like the Thracian horse returning from the field of victory, still bears a master on his back; and, having achieved one revolution to escape democracy at the North, it must still achieve another to escape it at the South. That it will ultimately triumph none can doubt. It will become redeemed and vindicated, and the only question now to be determined is, shall there be another revolution to that end?" * * * *

"If, in short, you shall own slavery as the source of your authority, and act for it, and erect, as you are commissioned to erect, not only a southern, but a slave republic, the work will be accomplished." * * * *

"But if you shall not; if you shall commence by ignoring slavery, or shall be content to edge it on by indirection; if you shall exhibit care but for the republic, respect but a democracy; if you shall stipulate for the toleration of slavery, as an existing evil, by admitting assumptions to its prejudice, and restrictions to its power and progress, you reinaugurate the blunder of 1789; you will combine States, whether true or not, to slavery; you will have no tests of faith; some will find it to their interests to abandon it; slave labor will be fettered; hireling labor will be free; your confederacy is again divided into antagonistic societies; the irrepressible conflict is again commenced; and as slavery can sustain the structure of a stable Government, and will sustain such structure, and as it will sustain no structure but its own, another revolution comes; but whether in the order and propriety of this, is gravely to be doubted."

In another part of this protest, I find this paragraph:

"If the clause be carried into the permanent government, our whole movement is defeated. It will abolitionize the border slave States—it will brand our institution. Slavery cannot share a government with democracy—it cannot bear a brand upon it; thence another revolution. It may be painful, but we must make it. The Constitution cannot be changed without. The border States, discharged of slavery, will oppose it. They are to be included by the concession; they will be sufficient to defeat it. It is doubtful if another movement will be as peaceful."

In this connection, let me read the following paragraph from De Bow's Review:

"*All government begins with usurpation, and is continued* by force. Nature puts the ruling elements uppermost, and the masses below and subject to those elements. Less than this is not government. The right to govern resides in a very small minority; the duty to obey is inherent in the great mass of mankind."

We find by an examination of all these articles, that the whole idea is to establish a republic based upon slavery exclusively, in which the great mass of the people are not to participate. We find an argument made here against the admission of non-slaveholding States into their confederacy. If they refuse to admit a non-slaveholding State into the confederacy, for the very same reason they will exclude an individual who is not a slaveholder, in a slaveholding State, from participating in the exercise of the powers of the Government. Take the whole argument through, and that is the plain meaning of it. Mr. Spratt says, that sooner or later it will be done; and if the present revolution will not accomplish it, it must be brought about even if another revolution has to take place. We see, therefore, that it is most clearly contemplated to change the character and nature of the Government so far as they are concerned. They have lost confidence in the integrity, in the capability, in the virtue and intelligence of the great mass of the people to govern. Sir, in the section of the country where I live, notwithstanding we reside in a slave State, we believe that freemen are capable of self-government. We care not in what shape their property exists; whether it is in the shape of slaves or otherwise. We hold that it is upon the intelligent free white people of the country that all Governments should rest, and by them all Governments should be controlled.

I think, therefore, sir, that the President and the Senator from Kentucky have stated the question aright. This is a struggle between two forms of government. It is a struggle for the existence of the Government we have. The issue is now fairly made up. All those that favor free government must stand with the Constitution, and in favor of the Union of the States as it is. That Union being once restored, the Constitution again becoming supreme and paramount, when peace, law, and order, shall be restored, when the Government shall be restored to its pristine position, then, if necessary, we can come forward under proper and favorable circumstances to amend, change, alter, and modify the Constitution, as pointed out by the fifth article of the instrument, and thereby perpetuate the Government. This can be done, and this should be done.

We have heard a great deal said in reference to the violation of the Constitution. The Senator from Kentucky seems exceedingly sensitive about violations of the Constitution. Sir, it seems to me, admitting that his apprehensions are well founded, that a violation of the Constitution for the preservation of the Government, is more tolerable than one for its destruction. In all these complaints, in all these arraignments of the present Government for violation of law and disregard of the Constitution, have you heard, as was forcibly and eloquently said by the Senator from Illinois, [Mr. BROWNING,] before me, one word said against violations of the Constitution and the trampling under foot of law by the States, or the party, now making war upon the Government of the United States? Not one word, sir.

The Senator enumerates what he calls violations of the Constitution—the suspension of the writ of *habeas corpus*, the proclaiming of martial law, the increase of the Army and Navy, and the existing war; and then he asks, "Why all this?" The answer must be apparent to all.

But first, let me supply a chronological table of events on the other side.

December 27. Fort Moultrie and Castle Pinckney, at Charleston, seized.

December 27. The revenue cutter William Aiken surrendered by her commander, and taken possession of by South Carolina.

December 30. The United States arsenal at Charleston seized.

January 2. Forts Pulaski and Jackson, and the United States arsenal, at Savannah, seized by Georgia troops.

January 2. Fort Macon and the United States arsenal at Fayetteville seized by North Carolina.

January 4. Fort Morgan and the United States arsenal at Mobile seized by Alabama.

January 8. Forts Johnson and Caswell, at Smithville, seized by North Carolina; restored by order of Governor Ellis.

January 9. The Star of the West, bearing reinforcements for Major Anderson, fired at in Charleston harbor.

January 12. Fort McRae, at Pensacola, seized by Florida.

January 10. The steamer Marion seized by South Carolina; restored on the 11th.

January 11. The United States arsenal at Baton Rouge, and Forts Pike, St. Philip, and Jackson, seized by Louisiana.

January 11. Fort Barrancas and the navy-yard at Pensacola seized by Florida.

These forts cost $5,947,000, are pierced for one thousand and ninety-nine guns, and are adapted for a war garrison of five thousand four hundred and thirty men.

We find, as was shown here the other day, and as has been shown on former occasions, that the State of South Carolina seceded, or attempted to secede, and withdrew from this confederacy of States without cause. In seceding, her first step was a violation of the Constitution. She seceded on the 20th of last December, making the first innovation and violation of the law and the Constitution of the country. On the 27th day of December what did she do? She seized Fort Moultrie and Castle Pinckney, and caused your little band of sixty or seventy men under the command of Major Anderson to retire to a little pen in the ocean—Fort Sumter. She commenced erecting batteries, arraying cannon, preparing for war; in effect, proclaiming herself at once our enemy. Seceding from the Union, taking Fort Sumter and Castle Pinckney, driving your men in fact into Fort Sumter, I say were practical acts of war. You need not talk to me about technicalities, and the distinction that you have got no war until Congress declares it. Congress could legalize it, or could make war, it is true; but that was practical war. Who began it? Then, sir, if South Carolina secedes, withdraws from the Union, becomes our common enemy, is it not the duty, the constitutional duty of the Government and of the President of the United States to make war, or to resist the attacks and assaults made by an enemy? Is she not as much our enemy as Great Britain was in the revolutionary struggle? Is she not to-day as much our enemy as Great Britain was during the war of 1812?

In this connection, I desire to read some remarks made by the Senator from Missouri [Mr. POLK] in his speech the other day, in regard to this general idea of who made the war. He said, speaking of the war:

"This has all been brought about since the adjournment of the last Congress—since the 4th of March; indeed, since the 15th of April. Congress has declared no war. The Constitution of the United States says 'that Congress shall be authorized to declare war;' and yet, sir, though Congress has declared no war, we are in the midst of a war monstrous in its character, and hugely monstrous in its proportions. That war has been brought on by the President of the United States since the 4th of March, of his own motion and of his own wrong; and under what circumstances? Before the close of the last Congress, as early as the month of January, secession was an accomplished fact. Before the close of the last Congress, as many States had seceded from the Union, or had claimed to secede, as had on the 15th of April; and yet the last Congress made no declaration of war; the last Congress passed no legislation calculated to carry on a war; the last Congress refused to pass bills having this direction, or having any purpose of coercion. Now, sir, how has this war been brought on? I have said that, in my judgment, it has been brought on by the President of the United States; and a portion of the procedure which has resulted in it is named in the preamble of this joint resolution, which it is proposed that we shall approve and legalize."

The Senator from Kentucky [Mr. POWELL] spoke pretty much in the same language. Speaking of the refusal of Kentucky to respond to the first call of the President for seventy-five thousand men, he said:

"She believed that the calling forth of such an immense armament was for the purpose of making a war of subjugation on the southern States, and upon that ground she

refused to furnish the regiments called for. The Senator seems to be a little offended at the neutrality of Kentucky. Sir, Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to imbrue her hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as unholy, unrighteous, and unjust. Kentucky believes that this war, if carried out, can result in nothing else than a final disruption of this Confederacy. She hopes, she wishes, she prays, that this Union may be maintained. She believes that cannot be done by force of arms; that it must be done by compromise and conciliation, if it can be done at all; and hence, being devoted truly to the Union, she desires to stay this war, and desires measures of peace to be presented for the adjustment of our difficulties."

I desired in this connection to place before the Senate the remarks of both the Senators from Kentucky and the Senator from Missouri, and to answer them at the same time. The Senator from Missouri says the war was brought on since the 4th of March by the President of the United States of his own motion. The Senator from Kentucky [Mr. POWELL] pronounces it an unjust, an unrighteous, and an unholy war. Sir, I think it is an unjust, an unrighteous, and an unholy war.

But, sir, I commenced enumerating the facts in regard to the question of who commenced the war. How do they stand? I have just stated that South Carolina seceded—withdrew from the Confederacy; and in the very act of withdrawing, she makes practical war upon the Government, and becomes its enemy. The Star of the West, on the 7th of January, laden simply with provisions to supply those starving men in Fort Sumter, attempted to enter the harbor, and was fired upon, and had to tack about, and leave the men in the forts to perish or do the best they could. We also find, that on the 11th of April General Beauregard had an interview with Major Anderson, and made a proposition to him to surrender. Major Anderson stated, in substance, that he could do no such thing; that he could not strike the colors of his country, and refused to surrender; but he said, at the same time, that by the 15th of the month his provisions would give out, and if not reinforced and supplied, starvation must take place. It seems that at this time, Mr. Pryor, from Virginia, was in Charleston. The convention of Virginia was sitting, and it was important that the cannon's roar should be heard in the land. Virginia was to be taken out of the Union, although a majority of the delegates in the convention were elected against secession, and in favor of the Union. We find that after being in possession of the fact that by the 15th of the month, the garrison would be starved out and compelled to surrender, on the morning of the 12th they commenced the bombardment, fired upon your fort and upon your men. They knew that in three days they would be compelled to surrender; but they wanted war. It was indispensable to produce an excitement in order to hurry Virginia out of the Union, and they commenced the war. The firing was kept up until such time as the fort was involved in smoke and flames, and Major Anderson and his men were compelled to lie on the floor with their wet handkerchiefs to their faces to save them from suffocation and death. Even in the midst of all this, they refused to cease their firing, but kept it up until he was compelled to surrender.

Who then commenced the war? Who struck the first blow? Who violated the Constitution in the first place? Who trampled the law under foot, and violated the law morally and legally? Was it not South Carolina, in seceding? And yet you talk about the President having brought on the war by his own motion, when these facts are incontrovertible. No one dare attempt to assail them. But after Fort Sumter was attacked and surrendered, what do we find stated in Montgomery when the news reached there? Here is the telegraphic announcement of the reception of the news there:

"MONTGOMERY, Friday, *April* 12, 1861.

"An immense crowd serenaded President Davis and Secretary Walker, at the Exchange Hotel to-night."

Mr. Davis refused to address the audience, but his Secretary of War did. The Secretary of War, Mr. Walker, said:

"No man could tell where the war this day commenced would end, but he would prophesy that the flag which now flaunts the breeze here would float over the dome of the old Capitol, at Washington, before the 1st of May. Let them try southern chivalry and test the extent of southern resources, and it might float eventually over Faneuil Hall itself."

What is the announcement? We have attacked Fort Sumter, and it has surrendered, and no one can tell where this war will end. By the 1st of May our flag will waive in triumph from the dome of the old Capitol at Washington, and ere long perhaps from Fanueil Hall in Boston. Then, was this war commenced by the President on his own motion? You say the President of the United States did wrong in ordering out seventy-five thousand men, and in increasing the Army and Navy under the exigency. Do we not know, in connection with these facts, that so soon as Fort Sumter surrendered they took up the line of march for Washington? Do not some of us that were here know that we did not even go to bed very confidently and securely, for fear the city would be taken before the rising sun? Has it not been published in the southern newspapers that Ben McCulloch was in readiness, with five thousand picked men, in the State of Virginia, to make a descent and attack the city, and take it?

What furthermore do we find? We find that the congress of this same pseudo-republic, this same southern confederacy that has sprung up in the South, as early as the 6th of March passed a law preparing for this invasion—preparing for this war which they commenced. Here it is:

"That in order to provide speedily forces to repel invasion, maintain the rightful possession of the confederate States of America in every portion of territory belonging to each State, and to secure the public tranquillity and independence against threatened assault, the President be, and he is hereby, authorized to employ the militia, military, and naval forces of the confederate States of America, and ask for and accept the services of any number of volunteers, not exceeding one hundred thousand."

Senators talk about the enormous call of the President of the United States for seventy-five thousand men, when your forts were surrendered, and when the President of the so-called southern confederacy was authorized to call out the entire militia, naval, and military force, and then to receive in the service of the confederate States one hundred thousand men; and yet there is alarm here at the President calling out seventy-five thousand men to defend the capital and the public property. Are we for the Government, or are we against it? That is the question. Taking all the facts into consideration, do we not see that an invasion was intended? It was even announced by Mr. Iverson upon this floor that ere long their Congress would be sitting here and this Government would be overthrown. When the facts are all put together we see the scheme, and it is nothing more nor less than executing a programme deliberately made out; and yet Senators hesitate, falter, and complain, and say the President has suspended the writ of *habeas corpus*, increased the Army and Navy, and they ask, where was the necessity for all this? With your forts taken, your men fired upon, your ships attacked at sea, and one hundred thousand men called into the field by this so-called southern confederacy, and with the additional authority to call out the entire military and naval force of those States, Senators talk about seventy-five thousand men being called out by the President of the United States, and the increase he has made of the Army and Navy. Mr. President, it all goes to show, in my opinion, that our sympathies are with the one government and against the other. Admitting that there was a little stretch of power; admitting that the margin was pretty wide when the power was exercised, the query now comes, when you have got the power, when you are sitting here in a legislative attitude, are you willing to sustain the Government and give it the means to sustain itself? It is not worth while to talk about what has been done before. The question on any measure should be, is it necessary now? If it is, it should not be withheld from the Government.

Senators talk about violating the Constitution and the laws. A great deal has been said about searches and seizures, and the right of protection of persons, and of papers. I reckon it is equally as important to protect a Government from seizure as it is an individual. I reckon the moral and the law of the case would be just as strong in seizing upon that which belonged to the Federal Government as it would upon that belonging to an individual. What belongs to us in the aggregate is protected and maintained by the same law and moral and legal, as that that belongs to an individual. These rebellious States, after commencing this war, after violating the Constitution, seized our forts, our arsenals, our dock-yards, our custom-houses, our public buildings, our ships, and last, though not least, plundered the independent treasury at New Orleans of $1,000,000. And yet Senators talk about violations of the law and the Constitution. They say the Constitution is disregarded, and the Government is about to be overthrown. Does not this talk about violations of the Constitution and law come with a beautiful grace from that side of the House? I repeat again, sir, is there not to be more toleration to violations of the Constitution for its protection and vindication than there is to violations of it, in order to overthrow and destroy the Government? We have seen instances, and other instances might occur, where it might be indispensibly necessary for the Government to exercise a power, and to assume a position that was not clearly legal and constitutional, in order to resist the entire overthrow and upturning of the Government and all our institutions.

But the President issued his proclamation. When did he issue it, and for what? He issued his proclamation calling out seventy-five thousand men after the congress of the so-called southern confederacy had passed a law to call out the entire militia, and to receive into their service one hundred thousand men. The President issued his proclamation after they had taken Fort Moultrie and Castle Pinckney; after they had fired upon and reduced Fort Sumter. Fort Sumter was taken on the 12th, and on the 15th he issued his proclamation. Taking all these circumstances together, it showed that they intended to advance, and that their object was to extend their power, to subjugate the other States, and to overthrow the Constitution and the laws and the Government.

Senators talk about violations of the Constitution. Have you heard any intimation of complaint from those Senators about this southern confederacy—this band of traitors to their country and their country's institutions? I repeat, substantially, the language of the Senator from Illinois, [Mr. BROWNING:] "Have you heard any complaint or alarm about violations of constitutional law on that side? Oh, no! But we must stand still; the Government must not move while they are moving with a hundred thousand men; while they have the power to call forth the entire militia and the army and the navy. While they are reducing our forts, and robbing us of our property, we must stand still; the Constitution and the laws must not be violated; and an arraignment is made to weaken and paralyze the Government in its greatest peril and trial."

On the 15th of April, the proclamation was issued calling out seventy-five thousand men, after the confederate States had authorized one hundred thousand men to be received by their president—this man Davis, who stood up here and made a retiring speech—a man educated and nurtured by the Government; who sucked its pap; who received all his military instruction at the hands of this Government; a man who got all his distinction, civil and military, in the service of this government, beneath the stars and stripes, and then, without cause—without being deprived of a single right or privilege—the sword he unsheathed in vindication of that flag in a foreign land, given to him by the hand of his cherishing mother, he stands this day prepared to plunge into her bosom! Such men as these have their apologists here in Congress to excuse and extenuate their acts, either directly or indirectly. You never hear from them of law or Constitution being violated down there. Oh, no; that is not mentioned.

On the 15th the President issued his proclamation calling seventy-five thousand men into the service of the United States, and on the 17th this same Jefferson Davis, being President of the southern confederacy, issued a proclamation proposing or opening the door to the issuance of letters of marque and reprisal, and that, too, in violation of the pseudo-hermaphrodite government that has been gotten up down there. In retalliation for the proclamation issued by the President of the United States, he, in violation of the constitution of this pseudo-confederacy, issued his proclamation proposing to issue letters of marque and reprisal. In other words, he proposed to do what? To open an office and say, we will give out licences to rob the citizens of the United States of all their property wherever it can be picked up upon the high seas. This he proposed to do not only in

violation of the constitution of the confederate States, but in violation of the law of nations; for no people—I care not by what name you call it—has a right to issue letters of marque and reprisal until its independence is first acknowledged as a separate and distinct power. Has that been done? I think, therefore, Senators can find some little violation of constitution and law down there among themselves. Sir, they have violated the law and the Constitution every step they progressed in going there, and now they violate it in trying to come this way. There was a general license offered, a premium offered, to every freebooter, to every man who wanted to plunder and play the pirate on the high seas, to come and take a commission, and plunder in the name of the southern confederacy; to take, at that time, the property of Tennessee or the property of Kentucky, your beef, your pork, your flour, and every other product making its way to a foreign market. Mr. Davis authorized letters of marque and reprisal to pick them up and appropriate them. After that, their congress saw that he had gone ahead of their constitution and the laws of nations, and they passed a law modifying the issuance of letters of marque and reprisal, that they should prey upon the property of the citizens of the United States, excepting certain States—excepting Kentucky and Tennessee—holding that out as a bait, as an inducement to get them in.

I do not think, therefore, when we approach the subject fairly and squarely, that there was any very great wrong in the President of the United States, on the 19th, issuing his proclamation blockading their ports, saying you shall not have the opportunity, so far as I can prevent it, of plundering and appropriating other people's property on the high seas. I think he did precisely what was right. He would have been derelict to his duty, and to the high behest of the American people, if he had sat here and failed to exert every power within his reach and scope to protect the property of citizens of the United States on the high seas.

Senators seem to think it is no violation of the Constitution to make war on your Government; and when its enemies are stationed in sight of the capital, there is no alarm, no dread, no scare, no fright. Some of us would not feel so very comfortable if they were to get this city. I believe there are others who would not be very much disturbed. I do not think I could sleep right sound if they were in possession of this city; not that I believe I am more timid than most men, but I do not believe there would be much quarter for me; and, by way of self-protection, and enjoying what few rights I have remaining, I expect it would be better, if they were in possession of this city for me to be located in some other point, not too inconvenient or too remote. I believe there are others who would feel very comfortable here.

Then, Mr. President, in tracing this subject along, I cannot see what great wrong has been committed by the Government in taking the course it has taken. I repeat again, this Government is now passing through its third ordeal; and the time has arrived when it should put forth its entire power, and say to rebels and traitors wherever they are, that the supremacy of the Constitution, and laws made in pursuance thereof, shall be sustained; that those citizens who have been borne down and tyrannized over, and who have had laws of treason passed against them in their own States and threatened with confiscation of property, shall be protected. I say it is the paramount duty of this Government to assert its power and maintain its integrity. I say it is the duty of this Government to protect those States, or the loyal citizens of those States in the enjoyment of a republican form of government; for we have seen one continued system of usurpation carried on, from one end of these southern States to the other, disregarding the popular judgment; disregarding the popular will; setting at defiance the judgment of the people; disregarding their rights; paying no attention to their State constitutions in any sense whatever. We are bound, under the Constitution, to protect those States and their citizens. We are bound to guaranty to them a republican form of government; it is our duty to do it. If we have got no Government, let the delusion be dispelled; let the dream pass away; and let the people of the United States, and the nations of the earth, know at once that we have no Government. If we have a Government, based on the intelligence and virtue of the American people, let that great fact be now established, and once established, this Government will be on a more enduring and permanent basis than it ever was before. I still have confidence in the integrity, the virtue, the intelligence, and the patriotism of the great mass of the people; and so believing, I intend to stand by the Government of my fathers to the last extremity.

In the last presidential contest I am free to say that I took some part. I advocated the pretensions and claims of one of the distinguished sons of Kentucky, as a Democrat. I am a Democrat to-day; I expect to die one. My Democracy rests upon the great principle I have stated; and in the support of measures, I have always tried to be guided by a conscientious conviction of right; and I have laid down for myself, as a rule of action, in all doubtful questions, to pursue principle; and in the pursuit of a great principle I can never reach a wrong conclusion. I intend, in this case, to pursue principle. I am a Democrat, believing the principles of this Government are Democratic. It is based upon the Democratic theory. I believe Democracy can stand, notwithstanding all the taunts and jeers that are thrown at it throughout the southern confederacy. The principles which I call Democracy—I care not by what name they are sustained, whether by Republicans, by Whigs, or not—are the great principles that lie at the foundation of this Government, and they will be maintained. We have seen that so far the experiment has succeeded well; and now we should make an effort, in this last ordeal through which we are passing, to crush out the fatal doctrine of secession and those who are coöperating with it in the shape of rebels and traitors.

I advocated the professions of a distinguished son of Kentucky at the late election, for the reason that I believed he was a better Union man than any other candidate in the field. Others advocated the claims of Mr. Bell, believing him to be a better Union man; others those of Mr. Douglas. In the South we know that there was no Republican ticket. I was a Union man then; I was a Union man in 1833; I am a Union man now. And what has transpired since the election in November last that has produced sufficient cause to break up this Government? The Senator from California enumerated the facts up to the 25th day of May, 1860, when there was a vote taken in this body declaring that further legislation was not necessary for the protection of slave property in the Territories. Now, from the 6th of November up to the 20th of December, tell me what transpired of sufficient cause to break up this Government? Was there any innovation, was there any additional step taken in reference to the rights of the States or the institution of slavery? If the candidate whose claims I advocated had been elected President—I speak of him as a candidate, of course not meaning to be personal—I do not believe this Government would have been broken up. If Stephen A. Douglas had been elected, I do not believe this Government would have been broken up. Why? Because those who advocated the pretensions of Mr. Lincoln would have done as all parties have done heretofore: they would have yielded to the high behest of the American people.

Then, is the mere defeat of one man, and the election of another, according to the forms of law and the Constitution, sufficient cause to break up this Government? No; it is not sufficient cause. Do we not know, too, that if all the seceding Senators had stood here as faithful sentinels, representing the interests of their States, they had it in their power to check any advance that might be made by the incoming Administration. I showed these facts, and enumerated them at the last session. They were shown here the other day. On the 4th of March, when President Lincoln was inaugurated, we had a majority of six upon this floor in opposition to his Administration. Where, then, is there even a pretext for breaking up the Government upon the idea that he would have encroached upon our rights? Does not the nation know that even Mr. Lincoln could not have made his cabinet without the consent of the majority of the Senate? Do we not know that he could not even have sent a minister abroad without the majority of the Senate confirming the nomination? Do we not know that if any minister whom he sent abroad should make a treaty inimical to the institutions of the South, that treaty could not have been ratified without a majority of two thirds of the Senate?

With all these facts staring them in the face, where is the pretense for breaking up this Government? Is it not clear that there has been a fixed purpose, a settled design to break up the Government and change the nature and character and whole genius of the Government itself? Does it not prove conclusively, as there was no cause, that they simply selected it as an occasion that was favorable to excite the prejudices of the South, and thereby enable them to break up this Government and establish a southern confederacy?

Then when we get at it, what is the real cause? If Mr. Davis had been elected President of the United States, it would have been a very nice thing, he would have respected the judgment of the people, and no doubt his confidence in their capacity for self government would have been increased; but it so happened that he was not elected. They thought proper to elect somebody else, according to law and the Constitution. Then, as all parties had done heretofore, it was the duty of the whole people to acquiesce; if he made a good President, sustain him; if he became a bad one, condemn him; if he violated the law and the Constitution, impeach him. We had our remedy under the Constitution and in the Union.

What is the real cause? Disappointed ambition; an unhallowed ambition. Certain men could not wait any longer, and they seized this occasion to do what they had been wanting to do for a long time—break up the Government. If they could not rule a large country, they thought they might rule a small one. Hence one of the prime movers in the Senate ceased to be a Senator, and passed out to be president of the southern confederacy. Another, that was bold enough on this floor to proclaim himself a rebel, retired as a Senator, and became secretary of state. All perfectly disinterested, no ambition about it! Another, Mr. Benjamin, of Louisiana—one that understands something about the idea of dividing garments; who belongs to that tribe that parted the garments of our Saviour, and for his vesture cast lots—went out of this body and was made attorney general, to show his patriotism and disinterestedness—nothing else! Mr. Slidell, disinterested altogether, is to go as minister to France. I might enumerate many such instances. This is all patriotism, pure disinterestedness! Do we not see where it all ends? Disappointed, impatient, unhallowed ambition. There has been no cause for breaking up this Government; there have been no rights denied, no privileges trampled upon under the Constitution and Union, that might not have been remedied more effectually in the Union than outside of it. What rights are to be attained outside of the Union? The seceders have violated the Constitution, trampled it under foot; and what is their condition now? Upon the abstract idea that they had a right to secede, they have gone out; and what is the consequence? Oppression, taxation, blood, and civil war. They reasoned upon the principle of a madman, who happened to discover somehow that man had dominion over the beasts of the forest; and because he had, he said he had a right to shear a wolf. A friend remonstrated with him, and asked him if he had considered the danger and the difficulty of the attempt to shear a wolf; and after the shearing was over, what would it be worth? "Oh no," said he, in the midst of his frenzy and madness, "I have a right to shear a wolf, and therefore I will shear a wolf." Yes, they have sheared the wolf, and what has come? They have gone out of the Union; and, I repeat again, they have got taxes, usurpations, blood, and civil war.

I said just now that I had advocated the election to the Presidency of the distinguished Senator from Kentucky, on the ground that he was a good Union man. I wish we could now hear his eloquent voice in favor of the old Government of our fathers, and in vindication of the stars and stripes, that have been borne in triumph everywhere until a very recent date. I hold in my hand a document which was our text book in the campaign. It is headed "Breckinridge and Lane Campaign Document No. 16. Who are the disunionists? Breckinridge and Lane the true Union candidates." It contains an extract which

I will read from the Senator's address on the removal of the Senate from the old to the new Chamber. I would to God he was as good a Union man to-day as I think he was then:

"Such is our country; ay, and more—far more than my mind could conceive or my tongue could utter. Is there an American who regrets the past? Is there one who will deride his country's laws, pervert her Constitution, or alienate her people? If there be such a man, let his memory descend to posterity laden with the execrations of all mankind." * * * * "Let us devoutly trust that another Senate, in another age, shall bear to a new and larger Chamber this Constitution vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the Representatives of American States still united, prosperous, and free."

Now this was the text—an extract from a speech of the Senator, after the nomination was made:

"When that convention selected me as one of its candidates, looking at my humble antecedents and the place of my habitation, it gave to the country, so far as I was concerned, a personal and geographical guarantee that its interest was in the Union."

In addition to that, in Tennessee we headed our electoral ticket as if to give unmistakable evidence of our devotion to the Union, and the reason why we sustained him, "National Democratic ticket. 'Instead of dissolving the Union, we intend to lengthen it and to strengthen it.'—*Breckinridge*." Where are his eloquent tones now? They are heard arraigning the Administration for what he conceives to be premature action in advance of the law, or a slight departure from the Constitution. Which is the most tolerable, premature action, action in advance of law, a slight departure from the Constitution, (putting it on his own ground,) or an entire overthrow of the Government? Are there no advances, are there no inroads, being made to-day upon the Constitution and the existence of the Government itself? Let us look at the question plainly and fairly. Here is an invading army almost within cannon shot of the capital, headed by Jeff. Davis and Beauregard. Suppose they advance on the city to-night; subjugate it; depose the existing authorities; expel the present Government: what kind of government have you then? Is there any Constitution in it? Is there any law in it? He can stand here almost in sight of the enemy, see the citadel of freedom, the Constitution, trampled upon, and there is no apprehension; but he can look with an eagle eye, and, with an analytic process almost unsurpassed, discriminate against and attack those who are trying to manage your Government for its safety and preservation. He has no word of condemnation for the invading army that threatens to overthrow the capital, that threatens to trample the Constitution and the law under foot. I repeat, suppose Davis, at the head of his advancing columns, should depose your Government and expel your authority: what kind of government will you have got? Will there be any Constitution left? How eloquent my friend was upon constitutions. He told us the Constitution was the measure of power, and that we should understand and feel constitutional restraints; and yet when your Government is perhaps within a few hours of being overthrown, and the law and Constitution trampled under foot, there are no apprehensions on his part; no words of rebuke for those who are endeavoring to accomplish such results.

The Old Dominion has got the brunt of the war upon her hands. I sympathize with her most deeply, and especially with the loyal portion of her citizens, who have been brow-beaten and domineered over. Now the war is transferred to Virginia, and her plains are made to run with blood; and when this is secured, what do we hear in the far South? Howell Cobb, another of these disinterested patriots, said not long since, in a speech in Georgia:

"The people of the gulf States need have no apprehensions; they might go on with their planting and their other business as usual: the war would not come to their section; its theater would be along the borders of the Ohio river and in Virginia."

She ought to congratulate herself upon that position, for she has got the war. Now they want to advance. Their plans and designs are to get across into Maryland, and carry on a war of subjugation. There is wonderful alarm among certain gentlemen here at the term "subjugate." They are alarmed at the idea of making citizens who have violated the law simply conform to it by enforcing their obedience. If a majority of the citizens in a State have violated the Constitution, have trampled it under foot, and violated the law, is it subjugation to assert the supremacy of the Constitution and the law? Is it any more than a simple enforcement of the law? It would be one of the best subjugations that could take place if some of them were subjugated, and brought back to their constitutional position that they occupied before. I would to God that Tennessee stood to-day where she did three months ago.

Mr. President, it is provided in the Constitution of the United States that "no State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay." The State authorities of Tennessee, before her people had even voted upon an ordinance to separate her from the Union, formed a league by which they transferred fifty-five thousand men, the whole army, over to the confederate States for the purpose of prosecuting their war. Is it not strange that such a palpable violation of the Constitution should not be referred to and condemned by any one? Here is a member of the Union, without even having the vote taken upon an ordinance of separation or secession, forming a league, by its commissioners or ministers, and handing over fifty-five thousand men to make war upon the Government of the United States, though they were themselves then within the Union. No one seems to find fault with that. The fact is, that, in the whole progress of secession, the Constitution and the law have been violated at every step from its incipiency to the present point. How have the people of my State been treated? I know that this may not interest the Senate to any very great extent; but I must briefly refer to it. The people of a portion of that State, having devotion and attachment to the Constitution and the Government as framed by the sires of the Revolution, still adhering to it, gave a majority of more than twenty thousand votes in favor of the Union at the election. After that, this portion of the State, East Tennessee, called a convention, and the convention published an address, in which they sum up some of the grievances which we have been bearing in that portion of the country. They say:

"The Memphis Appeal, a prominent disunion paper, published a false account of our proceedings, under the head 'the traitors in council,' and styled us, who represented every county but two in East Tennessee, '*the little* batch of disaffected traitors who hover around the noxious atmosphere of ANDREW JOHNSON's home.' Our meeting was telegraphed to the New Orleans Delta, and it was falsely said that we had passed a resolution recommending submission if seventy thousand votes were not cast against secession. The dispatch added that 'the southern rights men are determined to hold possession of the State, though they should be in a minority.'"

They had fifty-five thousand men and $5,000,000 to sustain them, the State authorities with them, and made the declaration that they intended to hold the State though they should be in a minority. This shows the advance of tyranny and usurpation. By way of showing the Senate some of the wrongs which that people have borne and submitted to, who are loyal to the Government—who have been deprived of the arms furnished by the Government for their protection—withheld by this little man Harris, the Governor of the State—I will read a few paragraphs from the address:

"It has passed laws declaring it treason to say or do anything in favor of the Government of the United States, or against the confederate States; and such a law is now before, and we apprehend will soon be passed by the Legislature of Tennessee.

"It has involved the southern States in a war whose success is hopeless, and which must ultimately lead to the ruin of the people.

"Its bigoted, overbearing, and intolerant spirit, has already subjected the people of East Tennessee to many petty grievances; our people have been insulted; our flags have been fired upon and torn down; our houses have been rudely entered; our families subjected to insult; our peaceable meetings interrupted; our women and children shot at by a merciless soldiery; our towns pillaged; our citizens robbed, and some of them assassinated and murdered.

"No effort has been spared to deter the Union men of East Tennessee from the expression of their free thoughts. The penalties of treason have been threatened against them, and murder and assassination have been openly encouraged by leading secession journals. As secession has been thus overbearing and intolerant while in the minority in East Tennessee, nothing better can be expected of the pretended majority than wild, unconstitutional, and oppressive legislation; an utter contempt and disregard of law; a determination to force every Union man in the State to swear to the support of a constitution he abhors; to yield his money and property to aid a cause he detests; and to become the object of scorn and derision, as well as the victim of intolerable and relentless oppression."

These are some of the wrongs that we are enduring in that section of Tennessee; not near all of them, but a few which I have presented that the country may know what we are submitting to. Since I left my home, having only one way to leave the State through two or three passes coming out through Cumberland Gap, I have been advised that they had even sent their armies to blockade these passes in the mountains, as they say, to prevent JOHNSON from returning with arms and munitions to place in the hands of the people to vindicate their rights, repel invasion, and put down domestic insurrection and rebellion. Yes, sir, there they stand in arms environing a population of three hundred and twenty-five thousand loyal, brave, patriotic, and unsubdued people; but yet powerless, and not in a condition to vindicate their rights. Hence I come to the Government, and I do not ask it as a suppliant, but I demand it as a constitutional right, that you give us protection, give us arms and munitions; and if they cannot be got there in any other way, to take them there with an invading army, and deliver the people from the oppression to which they are now subjected. We claim to be the State. The other divisions may have seceded and gone off; and if this Government will stand by and permit those portions of the State to go off, and not enforce the laws and protect the loyal citizens there, we cannot help it; but we still claim to be the State, and if two thirds have fallen off, or have been sunk by an earthquake, it does not change our relation to this Government. If the Government will let them go, and not give us protection the fault is not ours; but if you will give us protection we intend to stand as a State, as a part of this Confederacy, holding to the flag that was borne by Washington through a seven years' struggle for independence and separation from the mother country. We demand it according to law; we demand it upon the guarantees of the Constitution. You are bound to guaranty to us a republican form of Government, and we ask it as a constitutional right. We do not ask you to interfere as a party, as your feelings or prejudices may be one way or another in reference to the parties of the country; but we ask you to interfere as a Government according to the Constitution. Of course we want your sympathy, and your regard, and your respect; but we ask your interference on constitutional grounds.

The amendments to the Constitution, which constitute the bill of rights, declare that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Our people are denied this right secured to them in their own constitution and the Constitution of the United States; yet we hear no complaints here of violations of the Constitution in this respect. We ask the Government to interpose to secure us this constitutional right. We want the passes in our mountains opened, we want deliverance and protection for a downtrodden and oppressed people who are struggling for their independence without arms. If we had had ten thousand stand of arms and ammunition when the contest commenced, we should have asked no further assistance. We have not got them. We are a rural people; we have villages and small towns—no large cities. Our population is homogenous, industrious, frugal, brave, independent; but harmless and powerless, and rode over by usurpers. You may be too late in coming to our relief; or you may not come at all, though I do not doubt that you will come; they may trample us under foot; they may convert our plains into graveyards, and the caves of our mountains into sepulchers; but they will never take us out of this Union, or make us a land of slaves—no, never. We intend to stand as firm as adamant, and as unyielding as our own majestic mountains that surround us. Yes, we will profit by their example, resting immovably upon their basis. We will stand as long as we can; and if we are overpowered, and liberty shall be driven from the land, we intend before she departs, to take the flag of our country, with a stalwart arm, and a patriotic heart, and an honest tread, and place it upon the summit of the loftiest and most majestic mountain. We intend to plant it there, and leave it, to indicate to the inquirer who may come in

after times, the spot where the Goddess of Liberty lingered and wept for the last time, before she took her flight from a people once prosperous, free, and happy.

We ask the Government to come to our aid. We love the Constitution as made by our fathers We have confidence in the integrity and capacity of the people to govern themselves. We have lived entertaining these opinions; we intend to die entertaining them. The battle has commenced. The President has placed it upon the true ground. It is an issue on the one hand for the people's Government, and its overthrow on the other. We have commenced the battle of freedom. It is freedom's cause. We are resisting usurpation and oppression. We will triumph; we must triumph. Right is with us. A great and fundamental principle of right, that lies at the foundation of all things, is with us. We may meet with impediments, and may meet with disasters, and here and there a defeat; but ultimately freedom's cause must triumph, for—

> "Freedom's battle once begun,
> Bequeathed from bleeding sire to son,
> Though baffled oft, is ever won."

Yes, we must triumph. Though sometimes I cannot see my way clear in matters of this kind, as in matters of religion, when my facts give out, when my reason fails me, I draw largely upon my faith. My faith is strong, based on the eternal principles of right, that a thing so monstrously wrong as this rebellion is, cannot triumph. Can we submit to it? Can bleeding justice submit to it? Is the Senate, are the American people, prepared to give up the graves of Washington and Jackson, to be encircled and governed and controlled by a combination of traitors and rebels? I say let the battle go on—it is freedom's cause—until the stars and stripes (God bless them) shall again be unfurled upon every cross road, and from every house top throughout the Confederacy, North and South. Let the Union be reinstated; let the law be enforced; let the Constitution be supreme.

If the Congress of the United States were to give up the tombs of Washington and Jackson, we should have rising up in our midst another Peter the Hermit, in a much more righteous cause—for ours is true, while his was a delusion—who would appeal to the American people and point to the tombs of Washington and Jackson, in the possession of those who are worse than the infidel and the Turk who held the Holy Sepulcher. I believe the American people would start of their own accord, when appealed to, to redeem the graves of Washington and Jackson and Jefferson, and all the other patriots who are lying within the limits of the southern confederacy. I do not believe they would stop the march, until again the flag of this Union would be placed over the graves of those distinguished men. There will be an uprising. Do not talk about Republicans now; do not talk about Democrats now; do not talk about Whigs or Americans now; talk about your country and the Constitution and the Union. Save that; preserve the integrity of the Government; once more place it erect among the nations of the earth; and then if we want to divide about questions that may arise in our midst, we have a Government to divide in.

I know it has been said that the object of this war is to make war on southern institutions. I have been in free States and I have been in slave States, and I thank God that, so far as I have been, there has been one universal disclaimer of any such purpose. It is a war upon no section; it is a war upon no peculiar institution; but it is a war for the integrity of the Government, for the Constitution, and the supremacy of the laws. That is what the nation understands by it.

I have already detained the Senate much longer than I intended when I rose, and I shall conclude in a few words more. Although the Government has met with a little reverse within a short distance of this city, no one should be discouraged and no heart should be dismayed. It ought only to prove the necessity of bringing forth and exerting still more vigorously the power of the Government in maintenance of the Constitution and the laws. Let the energies of the Government be redoubled, and let it go on with this war—not a war upon sections, not a war upon peculiar institutions anywhere; but let the Constitution and the Union be its frontispiece, and the supremacy and enforcement of the laws its watchword. Then it can, it will, go on triumphantly. We must succeed. This Government must not, cannot fail. Though your flag may have trailed in the dust; though a retrograde movement may have been made; though the banner of our country may have been sullied, let it still be borne onward; and if, for the prosecution of this war in behalf of the Government and the Constitution, it is necessary to cleanse and purify that banner, I say let it be baptized in fire from the sun and bathed in a nation's blood! The nation must be redeemed; it must be triumphant. The Constitution—which is based upon principles immutable, and upon which rest the rights of man and the hopes and expectations of those who love freedom throughout the civilized world—must be maintained.

The people whom I represent appeal to the Government and to the nation to give us that constitutional protection that we need. I am proud to say that I have met with every manifestation of that kind in the Senate, with only a few dissenting voices. I am proud to say, too, that I believe old Kentucky, God bless her! will ultimately rise and shake off the stupor which has been resting upon her; and instead of denying us the privilege of passing through her borders, and taking arms and munitions of war to enable a downtrodden people to defend themselves, will not only give us that privilege, but will join us and help us in the work. The people of Kentucky love the Union; they love the Constitution; they have no fault to find with it; but in that State they have a duplicate to the Governor of ours. When we look all around, we see how the Governors of the different States have been involved in this conspiracy—the most stupendous and gigantic conspiracy that was ever formed, and as corrupt and as foul as that attempted by Catiline in the days of Rome. We know it to be so. Have we not known men to sit at their desks in this Chamber, using the Government's stationery to write treasonable letters; and while receiving their pay and sworn to support the Constitution and sustain the law, engaging in midnight conclaves to devise ways and means by which the Government and the Constitution should be overthrown? The charge was made and published in the papers. Many things we know that we cannot put our finger upon; but we know from the concert of action, the regular steps that were taken in this work of breaking up the Government, or trying to break it up, that there was system, concert of action. It is a scheme more corrupt than the assassination planned and conducted by Catiline in reference to the Roman Senate. The time has arrived when we should show to the nations of the earth that we are a nation capable of preserving our existence, and give them evidence that we will do it.

Mr. HALE. I move that the further consideration of this subject be postponed until Monday; and that the Senate proceed to the consideration of executive business.

Mr. COLLAMER. I have no objection to the first motion of the gentleman, but I object to his putting another motion on top of it. One question at a time, Mr. President.

Mr. SUMNER. I move that the Senate proceed to the consideration of executive business. I believe that motion is in order.

Mr. COLLAMER. I have a small bill here.

Mr. SUMNER. I withdraw it.

Mr. COLLAMER. I take it, the question pending is on deferring this subject until Monday.

The PRESIDING OFFICER, (Mr. SHERMAN.) It is moved that this joint resolution be postponed until Monday at one o'clock, and made the special order for that hour.

The motion was agreed to.

COLLECTION OF DUTIES.

Mr. COLLAMER. I have a very small bill, Mr. President, in addition to an act passed at this session, and in explanation of it, which I desire to put upon its passage now, unless there be some objection. In a bill passed by us in the early part of the session, the President was authorized by one section of it, in case of an insurrection in any State or part of a State, to declare and proclaim the people of that State or part of a State in a condition of insurrection; and then certain provisions followed. Now, a doubt has arisen upon the whole context of that section, as to whether it would apply except to that part in which the insurrection existed when the militia was first called out, such is the peculiar phraseology of it. To remove doubt about that, I present this bill, which merely provides that the power of the President to declare the inhabitants of any State, or any part of a State, in a state of insurrection, as provided in the fifth section of that act, shall extend to and include any State or part of a State where such an insurrection exists against the United States, and this shall be found so to be by the President at any time. That is all.

By unanimous consent, the bill (S. No. 51,) in addition to an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July, 1861, was read three times, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 59) for the relief of John C. McConnell—to the Committee on Military Affairs and the Militia.

A bill (No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804—to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill (S. No. 3) providing for the better organization of the military establishment.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore*.

A bill (S. No. 2) to increase the present military establishment of the United States; and

A bill (H. R. No. 20) to provide for the suppression of rebellion against any resistance to the laws of the United States, and to amend the act entitled "An act to provide for the calling forth of the militia to execute the laws of the Union," &c., passed February 28, 1795.

THE TARIFF BILL.

Mr. SIMMONS. I ask leave from the Committee on Finance to submit an amendment to the bill that was made the special order for this morning at half past twelve o'clock. I desire to have the amendment printed for the use of the Senate. I should like to call that bill up, in order to make it the special order for Monday, at half past twelve o'clock. I move to take it up.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes.

Mr. SIMMONS. I move that the bill be postponed until Monday next, at half past twelve o'clock, and made the special order for that hour; and that the amendment, which I now propose, be printed.

The motion was agreed to.

EXECUTIVE SESSION.

Several messages, in writing, were received from the President of the United States, by Mr. NICOLAY, his Secretary.

On motion of Mr. HALE, the Senate proceeded to the consideration of executive business; and, after some time spent in executive session, the doors were reopened; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 27, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MARITIME RIGHTS.

The SPEAKER laid before the House the following communications:

To the House of Representatives:

In answer to the resolution of the House of Represent-

atives of the 22d instant, requesting a copy of the correspondence between this Government and foreign Powers with reference to maritime rights, I transmit a report from the Secretary of State.

ABRAHAM LINCOLN.

WASHINGTON, *July* 25, 1861.

DEPARTMENT OF STATE, WASHINGTON, *July* 25, 1861.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 22d instant, requesting the President, if compatible with the public interest, to communicate to that House "all, or such parts as he may deem advisable, of the correspondence on file in the Department of State between this Government and all foreign Powers, from 1853 to the present time, with reference to maritime rights," has the honor to report that it is believed the communication of the correspondence called for would not, at this time, comport with the public interest.

Respectfully submitted. WILLIAM H. SEWARD.

To the PRESIDENT.

On motion, the communications were laid upon the table, and ordered to be printed.

FOREIGN POWERS ON THE INSURRECTION.

The SPEAKER also laid before the House the following communications:

To the House of Representatives:

In answer to the resolution of the House of Representatives, of the 15th instant, requesting a copy of the correspondence between this Government and foreign Powers on the subject of the existing insurrection in the United States, I transmit a report from the Secretary of State.

ABRAHAM LINCOLN.

WASHINGTON, *July* 25, 1861.

DEPARTMENT OF STATE, WASHINGTON, *July* 25, 1861.

The Secretary of State, to whom was referred the resolution of the House of Representatives, of the 15th instant, requesting the President, if not, in his opinion, incompatible with the public interests, to submit to that House "the correspondence between this Government and foreign Powers on the subject of the existing insurrection in the United States," has the honor to report that at present it is not deemed expedient to communicate the correspondence called for.

Respectfully submitted. WILLIAM H. SEWARD.

To the PRESIDENT.

On motion, the communications were laid upon the table, and ordered to be printed.

INDIANS AND NEGROES IN SERVICE OF REBELS.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in compliance with a resolution of the House of the 22d instant, requesting to be informed "whether the southern confederacy, so called, or any State thereof, has in its military service any Indians, and if so, in what number and of what tribes; and also whether it has in its service any negroes," the statement that the War Department had no information on the subject; which was laid upon the table, and ordered to be printed.

STEAMER CATILINE.

The SPEAKER also laid before the House a communication from the Secretary of War, in compliance with a resolution of the House stating that the necessary orders had been issued to withhold the payment of any and all claims of any person or persons on account of the loss of the steamer Catiline until the committee of investigation shall report thereon; which, on motion of Mr. DAWES, was referred to the special committee on contracts for Government supplies, and ordered to be printed.

ARMS FOR THE LOYAL CITIZENS.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported back Senate bill No. 38, making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion, with the recommendation that it do pass.

The bill was read. It appropriates $2,000,000, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the President of the United States, in supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in his judgment may be expedient and proper to place in the hands of any of the loyal citizens residing in any of the States of which the inhabitants are in rebellion against the Government of the United States, or in which rebellion is or may be threatened, and likewise for defraying such expenses as may be properly incurred in organizing, and sustaining while so organized, any of said citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

The bill was ordered to be read a third time; and it was accordingly read the third time.

Mr. BLAIR, of Missouri, demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

REGIMENTAL BANDS.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, also reported back Senate bill No. 24, authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, with an amendment.

The amendment was read, as follows:

SEC. 2. *And be it further enacted*, That the President, in accepting and organizing volunteers under an act entitled "An act authorizing the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861, may accept the service of such volunteers without previous proclamation, and in such numbers, from any State or States as, in his discretion, the public service may require."

Mr. BLAIR, of Missouri, demanded the previous question.

The previous question was seconded, and the main question ordered.

The amendment was agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. BLAIR, of Missouri. I move to amend the title of the bill by adding, "and for other purposes."

The amendment was agreed to.

ASSEMBLING OF TROOPS AT THE CAPITAL.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported the following resolution:

Resolved, That the Secretary of War be requested to communicate to this House a copy of the letter and report of Hon. Joseph Holt, to the President of the United States, dated 18th February, 1861, in response to a resolution of the House of Representatives, of the 11th of said month, requesting the reasons for assembling the United States troops at the seat of Government of the United States.

The resolution was adopted.

JOHN C. M'CONNELL.

Mr. WRIGHT. I ask the unanimous consent of the House that the Committee of the Whole House be discharged from the further consideration of House bill No. 59, for the relief of John C. McConnell, and that it be put upon is passage.

The bill, which was read, directs the Secretary of war to adjust the accounts of John C. McConnell for commissary supplies and medicines furnished by him to the United States volunteers of the State of Maryland now in service, on the principles of equity and justice, provided that the same shall not exceed the sum of $8,500; to be paid out of any money in the Treasury not otherwise appropriated.

Mr. BLAIR, of Missouri. That bill was reported from the Committee on Military Affairs; and I think it ought to be passed.

There was no objection; and the Committee of Whole House was discharged from the further consideration of the bill.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on Senate bill No. 2, to increase the present military establishment of the United States; that it had insisted upon its disagreement to the amendments of the House to Senate bill No. 3, providing for the better organization of the military establishment, and had agreed to the committee of conference asked for, and had appointed Messrs. WILSON, GRIMES, and RICE, managers of said conference on its part; and also that it had passed Senate bill No. 43, to prevent and punish fraud on the part of the officers intrusted with the making of contracts for the Government, in which he was directed to ask the concurrence of the House.

POST OFFICE AT KEY WEST, FLORIDA.

Mr. BLAKE, by unanimous consent, introduced a bill paying a salary to the postmaster at Key West, Florida; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

BOUNTY LAND.

Mr. HOLMAN. I ask the unanimous consent of the House for leave to introduce a bill granting bounty land to certain officers and soldiers who have been or who may be engaged in the military service of the United States, and to have it referred to a special committee of nine.

Mr. McKNIGHT. Why not refer it to one of the standing committees?

Mr. HOLMAN. They have now as much as they can attend to.

Mr. WASHBURNE objected.

PREVENTION OF FRAUDS.

Mr. DAWES. I move that the House take from the Speaker's table Senate bill No. 43, to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government, in order that it may be put on its passage.

Mr. SHEFFIELD. I think that it had better go to a committee first.

Mr. DAWES. If the House will examine the bill, they will see that its provisions are such that it ought to become a law. It reduces every contract to writing in the first instance, to be signed by the contracting parties. It brings all the proposals for a contract, and all the transactions in relation to it, into one file. It then causes a book to be kept, in which shall be registered, with a proper index, every contract made by the War and Navy Departments. It imposes a penalty upon every party making a contract who fails to return the papers according to the provisions of the law. It further provides for a clerk for copying, filing, preserving, and furnishing copies of the contracts to anybody who asks for them. This throws the whole subject open to observation. It does not go further. It does not seek to punish frauds in the making of contracts. If there were time, we ought to provide here, or in an independent law, for the punishment of frauds. That matter is already before a committee of this House, which is instructed to investigate it. I think this bill ought to be put on its passage. I think no one can object to it, as far as it goes. Those who desire further legislation will not be precluded. They will have a better considered measure brought from a committee of this House at a future day. I call for the previous question.

Mr. VALLANDIGHAM. I would suggest to the gentleman from Massachusetts that, from the very character of the measure, it is one that ought to be considered by a committee, before action by the House. Respect due to ourselves would require that that course should be pursued.

Mr. DAWES. Of course I have no objection to the reference of this bill if any gentleman desires. I have no wish to press the bill on the House at this time, if objection be made. I thought, as the bill was before the House, and as it was one which would commend itself to everybody, we might as well put it on its passage. If, however, the House desire that it shall be referred, I will withdraw the demand for the previous question, and move to refer the bill to the select committee on contracts.

Mr. VALLANDIGHAM. I have no objec-

tion to that. I think we should adhere to our old usage as far as possible.

The bill was accordingly referred.

PUNISHMENT OF CONSPIRACIES.

Mr. BINGHAM. I ask the consent of the House to take up the bill of the House to define and punish certain conspiracies. The bill passed the House, and has come to us with a merely verbal amendment, which I ask the House to concur in.

Mr. VALLANDIGHAM. I must object to that.

Mr. BINGHAM. If the gentleman will hear me for a moment, I wish to say that this bill passed this House before without division, and that the amendment simply strikes out the words "social or solitary."

Mr. VALLANDIGHAM. I must correct the gentleman in that statement. The bill did not pass the House without opposition; and I desire it now to go on record that I object to it.

Mr. BINGHAM. I ask, then, that the bill be taken up and referred to the Committee on the Judiciary.

There being no objection, the bill was taken up and referred.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. COLFAX in the chair,) and proceeded to the consideration, as a special order, of House bill No. 71, to provide additional revenues for defraying the expenses of the Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties.

The Clerk proceeded to read the bill by sections for amendment, commencing at the thirty-ninth section, where the reading was left off yesterday.

Mr. SHELLABARGER. I move to amend the thirty-ninth section by inserting, after the word "quota," in the second line, the words "or any part thereof;" so that it shall read:

That each State may pay into the Treasury of the United States its quota, or any part thereof, of the direct tax laid by this act, &c.

The effect of the amendment will be, as will be perceived, to allow every State to pay into the United States Treasury its full quota, or any part thereof. The object of the amendment, of course, will be to enable a State, if it should not be able to pay its full quota of direct taxes, to pay such a part of it as it may be able and willing to pay at the time, and thus save the fifteen or other per centum named in the bill as an inducement for payment, and also the expense of collection on whatever part it may pay into the Treasury. I suppose there can be no objection to that.

Mr. STEVENS. I wish to say to the gentleman, that this amendment will involve the necessity of amending other parts of the bill. Though his amendment is adopted, yet the whole machinery provided for by this bill must go on.

Mr. SHELLABARGER. I was about to remark that the adoption of my amendment will require the insertion of some similar words in other parts of the section; for example, in the sixth line, after the word "quota," should be inserted the words, "or such part as shall be paid;" and, in the fourteenth line, it will be necessary to modify the language, so that it will read, "whenever notice of the intention to make such payment of its full quota," &c. Although the payment of a part of the quota that may be assigned to a State may not suspend the operation of this expensive machinery, it will save the percentage on whatever part shall be paid, to the extent of fifteen per cent. I hope that there may be devised some mode to save all the expense of this machinery for collecting.

While I am up, I may be permitted to say, in the hearing of the chairman of the Committee of Ways and Means, that although I think there are difficulties in the matter growing out of the necessity of the Government resorting to its own instrumentality for the enforcement of its own laws, yet there is no objection to providing in this bill that the Legislature may provide by legislation for the collection of their quota in their own way; and if such instrumentality shall be effectual before a given time, then this governmental instrument will not be called into requisition. So there will lie back of any provision that the States may make, the governmental provision, to be resorted to only in case the States do not accept the offer of the Government. We give the States the opportunity of saving entirely the expenses of this Federal machinery.

Mr. STEVENS. The only good to be accomplished by this amendment will be the saving of a portion of the percentage, but it would not save any portion of the expenses arising from these assessors and assistant assessors. And if a State pay a portion of its quota, who is to make a new apportionment? Will it be done by the Legislature of the State, or will they have to wait until Congress meets? This seems to be an insuperable difficulty to the whole proposition. And again, any State that will assume a part, would be most likely to assume the whole.

In reference to what the gentleman says about devising some scheme by which the whole of this expense may be saved, I will say to him that I do not see how it can be done. I am inclined to think that the proposition contained in this bill is the best.

The amendment was not agreed to.

Mr. DIVEN. I move to amend the thirty-ninth section by striking out of line thirteen the word "first," and insert in lieu thereof the word "fifteen," and by striking out "April," and inserting "January;" so that it will read:

That notice of the intention to make such payment by the State be given to the Secretary of the Treasury on or before the 15th day of January in each year.

Then I propose, in connection with these amendments, if they shall be adopted, at the proper time to propose that the time for the appointment of assessors by the General Government shall be postponed until after the 15th of January, so that no expenses shall be incurred until after the States, through their Legislatures, shall have had time to make their election, and give notice of the same to the Government. That will save the whole expense arising from the appointment of these assessors, by postponing the time of their appointment from December to the 15th day of January. I think that will create no embarrassment. It seems to me that these amendments ought to make the bill acceptable to every State of the Union, and to every Representative of every State of the Union.

While up, I wish to answer what two of my colleagues pleased to denominate a legal objection to this provision. But the only answer I shall make to that legal argument, will be simply to state the question as it is. Their legal proposition is simply this: that by this bill the Government has provided that they will collect the quota of taxes of each State after a given day, and in a particular way; provided that before that day the States among which the tax is distributed do not pay it in another way; and because the Government has said that it will collect it in a particular way, if the States do not collect it another way, therefore the States cannot collect it in another way. That is the whole argument. One of my colleagues is entirely satisfied that it cannot be done; while another colleague thinks it is an exceedingly close question. To my mind, there is simply no question at all; and with this simple statement of the proposition, I am willing to leave it.

Mr. STEVENS. I should have no objection to any modification that will satisfy the States; but the member from New York should remember that many of the State Legislatures do not meet until the 15th of January; as, for instance, the Pennsylvania and Rhode Island and New Jersey Legislatures do not meet until the middle of January. I am willing to adopt a provision that no action shall be taken by the officers appointed; so as not to incur any expense until after January.

Mr. DIVEN, by unanimous consent, withdrew his amendment.

Mr. UPTON. I offer the following amendment, to come in at the end of the section:

And provided further, That where any loyal citizen or property holder has suffered waste and damage by the existing war, he or she may file a claim for such damage with the assessor or assistant assessor hereinbefore referred to, who, upon review, shall allow the same, if it be just, as an offset, in whole or in part, for the tax levied upon such citizen or property holder.

I had not intended to make a speech upon this bill, though I will now say a few words. I believe that the Committee of Ways and Means will agree to and consent to adopt this amendment. I wish to say that this bill, which I shall vote for whether my amendment is adopted or not, will bear with peculiar severity upon a portion of my constituents, upon whom this tax will be levied before they can get indemnity for what they have suffered by a waste of their property.

Mr. STEVENS. Do I understand the gentleman from Virginia to offer his provision as an amendment to this thirty-ninth section?

Mr. UPTON. I move it as a proviso, to come in at the end of the section.

Mr. STEVENS. If I understand it, it proposes to provide an indemnity for damages sustained during the war.

Mr. UPTON. It provides for a remission of the tax in whole or in part, as an offset.

Mr. STEVENS. I do not see how that question can be considered as germane to this bill, though I do not like to raise a question of order upon it.

The CHAIRMAN. The Chair will state that the amendment can only be received by unanimous consent. It is in the nature of a private claim, and cannot be in order here, in the opinion of the Chair.

Mr. BURNETT. Does that refer to the faithful citizens in Fairfax?

Mr. UPTON. It is not limited to Fairfax. It applies to the loyal citizens of your State as well.

Mr. BURNETT. I do not think that belongs to this bill. We want a clean bill for that purpose. I object.

Mr. MORRILL, of Vermont. I move to amend by striking out "May," in line seven, and inserting "June;" by striking out "September," in line eight, and inserting "October;" and, in line ten, by striking out "January," and inserting "April."

The amendments were agreed to.

Mr. MORRILL, of Vermont. I move also to amend by striking out of line thirteen "1st day of April," and inserting "2d day of February."

The amendment was not agreed to.

Mr. SEDGWICK. I offer the following as a substitute for the thirty-ninth section of the bill:

That each State may pay into the Treasury of the United States its quota of the direct tax laid by this act for the first and for any and every succeeding year; and in consideration of such payment the State shall be entitled to a deduction of fifteen per centum from the amount of such quota as fixed by this act, if paid before the 1st day of June, and to a deduction of ten per centum if paid before the 1st day of October, in the year to which such payment relates, such year being regarded as commencing on the 1st day of April: *Provided*, That notice of the intention to make such payment by the State be given to the Secretary of the Treasury, by the Governor thereof, on or before the 1st day of January in each year: *Provided further*, That whenever notice of the intention to make such payment by the State shall have been given to the Secretary of the Treasury by the Governor thereof, agreeably to the provisions of this act, all further acts and proceedings in relation to the direct tax on the part of the assessors, assistant assessors, and collectors in any State so giving notice, shall cease, and no appointment of officers for such State shall be made, and no pay, per diem or other, for services connected with the direct tax, shall thereafter be paid or allowed: *And provided further*, That the amount of direct tax apportioned to any State shall be liable to be paid and satisfied, in whole or in part, by the release of such State, duly executed, to the United States, of any duly liquidated and determined claim of such State of equal amount against the United States: *Provided*, That in case of such release, such State shall be allowed the same abatement of the amount of such tax as would be allowed in case of payment of the same in money: *Provided further*, That in case the Legislature of said State which, by its Governor, has given such notice of intention, shall fail or refuse to make provision for such payment before the 1st day of April next, then the President of the United States shall proceed to district said State and appoint the officers provided by this act, and they shall proceed with the assessment and collection of the tax imposed by this act, according to the terms thereof.

Mr. Chairman, the object of this substitute is to authorize the notice required by the original section to be given by the Governor, instead of the State Legislature. It seems to have been understood, in the discussion that has been had on this section, that the notice should be given by the Legislature. It authorizes the Governor to pledge the State, so far as the Executive is concerned, and prevents the appointment of this horde of officers; but if the Legislature does not sustain the Governor by making provision for the pay-

ment, then the section stands as altered, so that the President will proceed (if the Legislature fails to make provision) to district the State, and the officers will be appointed on the 1st of April, instead of the time provided by the section. What I desire is, to save the expense of the appointment of this multitude of Federal officers, and the odium that will surely come upon us, if it is not prevented, in those States which are willing to assume and pay the tax that is required by this law. What I desire to accomplish is to delay the appointment of these officers until the State Legislatures, following up the notice of the Governor, have had an opportunity to make provision for the payment of the tax.

Mr. BINGHAM. I desire to inquire whether this bill does not provide that the internal tax, as it is called, and the excise tax, as it is called, shall be collected by these very same appointees of the Federal Government?

Mr. SEDGWICK. I do so understand it.

Mr. BINGHAM. Well, then, if that be so, I submit that the appointment of these Federal officers cannot be evaded nor avoided by adopting the amendment which the gentleman has sent up.

Mr. SEDGWICK. It is quite possible that the House may decide not to collect the excise tax.

Mr. BINGHAM. Oh, certainly.

Mr. SEDGWICK. It is quite possible, I think; and not only possible, but quite probable.

Mr. BINGHAM. I take the gentleman's suggestion; and if it is the purpose of the committee to strike out the excise and internal taxes, and the House does strike them out, then I am in favor of the gentleman's amendment.

Mr. SEDGWICK. We have to adopt the amendment before passing from this section. It will not do to wait and see what action the House may take on a subsequent part of the bill, because if we pass this section now, we cannot amend it at all.

Mr. BINGHAM. I would suggest to the gentleman from New York, that if his expectations should not be realized, and the provisions in relation to the excise and internal taxes should not be stricken out, then, if his amendment be adopted, there will be no officers left to collect the excise or the internal tax. I suggest, therefore, to the gentleman that he modify his amendment, by striking out the words "this act," and inserting in lieu thereof the words "the sections that provide for a direct tax." That will accomplish his whole purpose; but if he leaves the amendment as it is, he leaves the Government without the means to collect either the internal or excise taxes, amounting to $10,000,000. The States cannot do it at all. I suggest, then, to the gentleman that he modify his amendment by striking out the words "this act," and inserting "so much of this act as relates to a direct tax."

Mr. SEDGWICK. I accept the modification.

The question was taken on Mr. SEDGWICK's amendment; and it was rejected—ayes twenty-five, noes not counted.

Mr. ELIOT. I offer the following amendment: After the word "year," in the fourth line of the thirty-ninth section, insert the following:

And may cause the same to be assessed and collected in such manner, and upon the rolls and such property as each State by its Legislature may direct.

Mr. Chairman, I attended with some interest to the debate upon this bill yesterday, and especially to that which was elicited upon that section of the bill by the suggestions and the amendments offered by the honorable gentleman from New York, [Mr. ROSCOE CONKLING.] I cannot say, Mr. Chairman, that I assent entirely to the views expressed by the gentleman from New York. If I understand him, his theory is, that because, by the law of the land, we are not authorized to impose a tax upon any except real estate, therefore, although any State may see fit to make a prepayment, that State shall be compelled to raise the money to reimburse itself by a tax, not upon the property of the inhabitants, but upon the real estate of the inhabitants, and within the State. I cannot think that that is correct law. It seems to me, Mr. Chairman, that the simple state of the case is this: Congress calls upon all the States to pay a round sum of $30,000,000; it apportions that sum among the several States; it calls upon Massachusetts to pay a million and more of that amount. Now, sir, if that State, or any other State, should have in its treasury money on hand, I suppose there is no one who believes that, upon the payment of that money, it would become necessary for the State to impose a tax for the express purpose of reimbursement. If a State shall borrow money, and shall make the advance, then it becomes a debt which the State owes, and I cannot see why the State should not be authorized to pay that debt by an assessment according to its own laws, or according to the will of its own Legislature.

But, Mr. Chairman, I have always found, in making laws, that it is a good rule, when a gentleman so skilled in law as the gentleman from New York [Mr. ROSCOE CONKLING] expresses a clear and decided opinion, sustained also by the judgment of his colleague, [Mr. OLIN,] who, without giving his entire assent, yet expressed himself as of the opinion that this is a close question, to do all that we can to obviate entirely the objection, or if it cannot be obviated, so far to ward off its effect as that the objection itself may perhaps be harmless.

Now, sir, I think the amendment which I have offered to the committee will do that. It will exclude a conclusion, and that is a great thing. It will show that Congress by this act did not intend that the States advancing the money should be confined to the real estate within its borders. It will show, moreover, the fact to be, not that Congress had that intention, but that although according to the adjudged law Congress could only assess a tax upon real estate, yet it left all the States free, having paid the money, to assess that amount upon their own inhabitants, and upon all their property, according to the will of its own Legislature, by the standing laws, or by any laws which such Legislature might see fit to adopt.

This amendment, then, Mr. Chairman, I beg my friends of the committee to observe, can possibly do no harm. That is a good thing. But, in my judgment, it will do good. It will operate actively and beneficially. If the objection raised by the gentleman from New York [Mr. ROSCOE CONKLING] is well founded, and can be removed, my amendment removes it. If it cannot be removed, it goes as far towards its removal as it is in our power to make it go. It will inform the judges of any court, who may have to decide the question, that the intention of Congress was that the States should have full power in the premises; and it recognizes the required power in the State, if it does not confer it.

Mr. UPTON. I am opposed to the amendment offered by the gentleman from Massachusetts, because I am reluctant at any time to admit that there is sovereignty in a State; and am particularly reluctant to do so at this time. I desire to leave the question of direct taxation entirely in the hands of the national Government. I had supposed that this question was settled yesterday. I had understood the honorable gentleman from New York [Mr. ROSCOE CONKLING] to assent to the proposition of the gentleman from Ohio, [Mr. BINGHAM,] that if any State took advantage of the provisions of this section, and paid its quota, the bill would not attach to its Legislature. Am I right?

Mr. ROSCOE CONKLING. I cannot hear my friend from Virginia, and therefore cannot answer his question.

Mr. UPTON. I understood the honorable gentleman from Ohio, in answering the argument of the gentleman from New York that this section would bring about a conflict of jurisdiction, to say that if any State or States took advantage of the provisions of this section, and paid its quota in advance, the provisions of the whole bill would not attach to such State; and that the gentleman from New York assented to that.

Mr. ROSCOE CONKLING. No, sir; I dissent from it *toto cœlo*.

Mr. UPTON. Then, if this act passes, the gentleman will have a chance to get an appeal. I am in favor of keeping this measure of taxation in the hands of the national Government. I insist upon it that it is necessary we should make the people feel the arm of the national Government, and know that we are in earnest in this matter. They can only do so by the passage of such a measure as this. This is the true supply bill—not your loan bill, not even the tariff bill. I beg leave to dissent *toto cœlo*—using the emphatic language of the gentleman from New York—from those of the committee who think that this bill might be postponed till the next Congress. I think that this is the time to pass this bill, or some equivalent—a bill to impose direct taxes. We cannot rely with any certainty on revenue from imports in the present distracted state of the country. Nor will the millions expected to be derived from the tax on tea, coffee, and sugar, be received in a short time. The blockade of the southern ports will confine consumption to the North, and enhanced duties will be followed by diminished consumption. This bill is the only certain source of revenue to the country. The credit of the Government in this crisis must be maintained, or all is lost. On my way to the House this morning, I passed a broker's office where I saw on placards in large characters, the words, "Treasury notes wanted." I had the curiosity to go in and inquire what price they were giving for Treasury notes, and was told that they were buying at two and a half per cent. discount the notes of this Government bearing six per cent. interest. Do you call that sustaining the credit of the Government? Sir, the credit of this Government should be as good as gold, and will be if you pass this bill, and pass it now.

[Here the hammer fell.]

Mr. RIDDLE. I move to amend the amendment by striking out the last three words of the amendment. This section of the bill was doubtless framed with a design to obviate some great objections to the bill, by permitting the States to assume that portion of the tax which is directly assessed by the bill. It is said that it fails of the accomplishment of that purpose. I presume that no constitutional lawyer will contend on this floor that a State receives any power whatever under this bill. Nobody will contend that this bill, or any other act of Congress, can confer any power whatever on a State as a State. Whatever right or authority a State may have to accept of this proposed commutation, it derives entirely from some other source than this or any other proposed act. The power certainly is not prohibited by the Constitution of the United States. It would seem, then, that the State has it, unless the State, in a given instance, is prohibited from the exercise of that power by the provisions of its own constitution. It was remarked by a very able and ingenious colleague of mine—whom the House will learn to recognize, as he is recognized at home, as an able lawyer—that the provisions of the constitution of the State of Ohio prohibit the State from creating a debt above a given amount. The answer to that is, that the State Legislature does not create this debt. In no form in which indebtedness may be said to be created by a contracting party, can it be claimed that the State creates this debt. This is a debt assessed against the mass of its citizens. The State comes forward in the room of its citizens and takes that indebtedness on itself; but it does not create it.

Again, my learned and ingenious friend from New York [Mr. ROSCOE CONKLING] argues, in effect, that if a State assumes the amount of this debt which is assessed against its citizens, the State is subrogated to the rights of the United States. I inquire what this subrogation is, and my friend answers that this is a sort of vested right. My friend shakes his head, as if there was something in it—not in his head, for there is; but in his argument. Why, sir, did he not say that in the State of New York one of its citizens could go into a court of chancery and file a bill and get an injunction to save his property from the assessment made upon it? I certainly understood the gentleman to some such effect as that. Well, sir, I submit to gentlemen learned in the law, that there is no equitable or legal means of a State assuming this debt. None at all. You have got a vast amount of debt hovering in the atmosphere, so to speak, a sort of nebulous matter, which may harden into an equitable, or possibly a legal form. But until your assessor has appraised the real estate, and taken the essential steps to fasten the indebtedness on the real estate according to the provisions of the law, there is not even an equitable claim.

[Here the hammer fell.]

Mr. RIDDLE, by unanimous consent, withdrew his amendment.

Mr. MALLORY. I move to strike out the enacting clause of the bill. I think it is time to come to some action in relation to it.

Mr. ELIOT. I raise the question of order that, on the discussion of an amendment to a section of the bill, it is not in order to move to strike out the enacting clause of the bill.

The CHAIRMAN. The Chair overrules the point of order. A motion to strike out the enacting clause of a bill takes precedence of a motion to amend.

Mr. ELIOT. While a motion to amend is under discussion?

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. WICKLIFFE. The motion to strike out the enacting clause of the bill I understand to be debatable without limit.

The CHAIRMAN. All debate in committee upon this bill has been limited to five-minutes speeches. The only question in the mind of the Chair is, whether the motion is debatable at all. The Chair is of opinion that, inasmuch as the effect of the motion, if carried, is to require the committee to rise, it is not debatable.

Mr. RICHARDSON. The Chair will recollect, however, that by the rule of the House, every motion to amend is debatable, no matter what the effect of the motion may be. The effect of the motion is not what is to control the Chair in deciding whether it is debatable.

The CHAIRMAN. The Chair, upon reflection, is confirmed in his decision that the motion to strike out the enacting clause of the bill is not debatable. The resolution adopted by the House cuts off all debate, with the single exception that a member may speak five minutes in favor of an amendment, and another member five minutes against it. The rule provides that a motion to strike out the enacting clause shall take precedence of a motion to amend, clearly determining that it is not a motion to amend; and the Chair can see no other course, therefore, than to decide that the motion is not debatable.

Mr. RICHARDSON. Still it is a motion to amend.

The CHAIRMAN. The Chair dislikes very much to place his opinion in opposition to that of a gentleman so well versed in parliamentary law as the gentleman from Illinois. He has, however, intimated his decision. If there be no objection, the Chair will hear discussion upon both sides of the motion.

Mr. STEVENS. I object. We had better stick to the law.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois, that if he doubts the correctness of his decision he will not feel aggrieved if the gentleman takes an appeal, and the committee overrule his decision.

Mr. RICHARDSON. I have no disposition at all to appeal from the decision of the Chair.

Mr. WICKLIFFE. I ask the consent of the committee, then, to submit a few remarks in support of the motion to strike out the enacting clause of the bill.

Mr. STEVENS. I object. If we open the debate at large, we shall never get through with this bill. I desire to get through with it, and I shall therefore object to every thing which the orders of the House do not allow.

Mr. RICHARDSON. I appeal to the gentleman from Pennsylvania to permit a little debate upon this motion.

The CHAIRMAN. Does the gentleman from Pennsylvania persist in his objection?

Mr. STEVENS. I certainly do. I did not make it frivolously.

Tellers were ordered; and Messrs. MALLORY and STEVENS were appointed.

The committee divided; and the tellers reported—ayes 44, noes 46; no quorum voting.

The roll was then called; and the following members failed to answer to their names:

Messrs. Aldrich, Ancona, Appleton, Goldsmith F. Bailey, Baker, William G. Brown, Burnham, Cooper, Covode, Cutler, Davis, Delaplaine, Edwards, Ely, Fenton, Fisher, Goodwin, Hale, Hickman, Hutchins, Johnson, Francis W. Kellogg, Kerrigan, Killinger, Lazear, Loomis, May, McKnight, Marston, Mitchell, Moorhead, Morris, Nixon, Noble, Noell, Patton, Perry, James S. Rollins, Shanks, Sloan, John B. Steele, Benjamin F. Thomas, Francis Thomas, Train, Trimble, Verree, Ward, Chilton A. White, and Wood.

The committee then rose; and the Speaker having resumed the chair, Mr. COLFAX reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the additional revenue bill; and finding itself without a quorum, had caused the roll to be called, and had instructed him to report the facts to the House, with the names of the absentees.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was received, by Mr. NICOLAY, his Private Secretary, announcing that he had approved and signed bills originating in the House of Representatives of the following titles:

An act (No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th June, 1862, and appropriations of arrearages for the year ending 30th June, 1861;

An act (No. 69) to indemnify the States for expenses incurred by them in defense of the United States;

An act (No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore; and to enable the Mint to furnish small gold coins; and to provide for the manufacture or purchase of field signals;

An act (No. 53) relative to the revenue marine, to fix the compensation of officers thereof, and for other purposes; and

An act (No. 64) to refund the duties on arms imported by the States.

ADDITIONAL REVENUE BILL—AGAIN.

A quorum of the House having appeared, the committee again resumed its session, (Mr. COLFAX in the chair,) the question being on striking out the enacting clause of the bill, upon which tellers had been ordered.

Mr. WICKLIFFE. I desire to inquire of the Chair whether, if the motion to strike out the enacting clause be carried by the committee and the bill be taken to the House, it will then be in order to refer the bill to the Committee of Ways and Means, with instructions?

The CHAIRMAN. The Chair would reply to the gentleman's question in the negative. Under the rule, as amended at the last Congress, if the House concur with the committee in striking out the enacting clause, the bill is dead. If the House non-concur with the committee, the effect is to immediately send the bill back to the Committee of the Whole, to be placed at the foot of the Calendar.

Mr. McCLERNAND. Does the Chair decide that it would not be in the power of the House to refer the bill back to the Committee of Ways and Means?

The CHAIRMAN. That question will be for the Speaker of the House to decide, if the committee shall decide to strike out the enacting clause of the bill. The Chair has given his opinion; but it is merely an opinion on his part. It will be for the Speaker to decide.

Mr. McCLERNAND. I suppose if the House do not concur with the Committee of the Whole in striking out the enacting clause, it is clearly in their power to recommit the bill to the Committee of Ways and Means.

The CHAIRMAN. The Chair will suggest that it will be proper for the gentleman to state his point of order to the Speaker, when the bill shall be taken before the House. The Chair has no control over the subject. He has merely intimated his opinion, which, however, is in accordance with a former opinion of the Speaker of the House.

The tellers then resumed their places.

The committee again divided; and the tellers reported—ayes 58, noes 55.

So the enacting clause of the bill was stricken out.

The committee then rose; and the Speaker having resumed the chair, Mr. COLFAX reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 71, to provide additional revenue for defraying the expenses of Government, and maintaining the public credit by the assessment and collection of a direct tax and internal duties, and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

Mr. WICKLIFFE. My object, Mr. Speaker, in rising, is to ascertain, in the first instance, whether, upon this report of the Committee of the Whole on the state of the Union, a motion to recommit this bill to the Committee of Ways and Means is in order?

Mr. STEVENS. Is that motion in order? The bill is dead, as I understand it.

The SPEAKER. It is not dead yet. The House has not concurred with the committee in striking out the enacting clause of the bill.

Mr. STEVENS. The bill is reported as dead, and remains so unless it is revived by the House.

The SPEAKER. The Chair will state that the committee have reported the bill back to the House, with the recommendation that the enacting clause be stricken out. If the House concur in that recommendation, the bill is dead. If the House refuse to concur in it, it must go back to committee, and take its place at the foot of the Calendar. But while the bill is before the House, with the question of striking out the enacting clause undecided, it is competent to refer it to the Committee of Ways and Means.

Mr. MALLORY. Is not the first question upon concurring in the report of the committee?

The SPEAKER. The first question will be upon the motion to commit, in the opinion of the Chair. The gentleman from Kentucky, as the Chair understands him, moves to recommit the bill to the Committee of Ways and Means, with instructions.

Mr. WICKLIFFE. I move the following resolution:

Resolved, That the bill be recommitted to the Committee of Ways and Means, with instructions to report, on or before the eighteenth day of the next session, a bill remodeling the present tariff of duties on imports, with a view to the production of revenue; and if, in the opinion of the committee, such modifications will not produce a sum equal to the demands of the Government, then that they so modify this bill as to impose a tax equally upon the property of the country, embracing money, stocks, and mortgages, in the list of taxation.

Mr. Chairman, I will accompany my resolution with a few words of explanation. The other day I made the suggestion that an increase of taxation to meet the demands of the Government seemed to be the inevitable result of our present condition. The mode and manner of increase required, I then stated, more investigation than we had time to give it. There seems to be a general opinion on all sides of the House that the Government must be maintained, and that to do so some additional taxation to preserve our credit must be imposed. What shall be the mode and manner of that taxation is a question about which I think members are much divided, and there may be still greater division among our constituents in the country.

I am perfectly satisfied, sir, that the bill which we have under consideration cannot, will not, meet with favor from the American people. It is unjust in its main principles. It proposes to impose a tax upon a great interest of the country least able to bear it at this time—I allude to the landed and farming interest of the country. I submit my resolution, predicating it upon the fact stated by the bill itself that it is not intended to go into operation until after the meeting of the next session of Congress. If it be not necessary to pass it until then, *cui bono*? Why pass it now? We have not now the time to consider it and to deliberate upon its provisions properly. Are we here for the purpose of forming a permanent system of revenue to meet the exigencies of the country? I think not. If the bill purported to get the money between this and the next meeting of Congress, there might be some reason for pressing its passage upon the House. My desire is, that this subject of taxation in a time of war should be taken up with deliberation. I want the whole resources of the country able to meet the demands of the Government resorted to, as was the case in 1812–13. Our people demand a tax upon the commerce of the country with an eye to revenue, and not with a view to any peculiar favoritism of any section or any manufacturing interest. The present tariff was passed at a time when the present condition of affairs was not expected. We must yield, sir, to the demands of the country.

Mr. Chairman, I remarked the other day that, in times like this, as it was in 1812, the ability of the country to consume articles of luxury cannot be invoked; but that a resort must be had to a tax upon the necessary articles of consumption, in order to reach an adequate revenue. Hence, sir, the necessity for a revision of your tariff. If

in that way you cannot secure revenue enough to enable the Union to sustain itself at this crisis, then the people will come to its aid to the extent of their means, if an equitable tax be levied upon all of the property and interests of the country.

Mr. Chairman, when I made the suggestion I have stated, the other day, my colleague [Mr. BURNETT] seemed to think that I had committed a sin for which I will have to answer. Not only that, but he seemed to think that I had committed sins in my former public life for which I ought to repent. God knows, sir, it would be strange if, during fifty years of service to my country, at home and in the National Council, I should have escaped all political error, and have been always correct in my judgment. If I had done so, I could claim to be more than mortal. All I can say, sir, is, that during a long life, I never committed the heinous political sin of being against my country in her time of trial and of war. [Cries of "Good!" "Good!"] I have never sought to distract and divide the Union. I have never sympathized with a rebellion against the glory, the honor, and even the very existence of my beloved country. It is because of my deep loyalty to the Government that I ask the House now not to vote on this measure, which may be defeated by a vote of the House, and produce the impression abroad that this Congress is not prepared in a properly matured bill to give all the means necessary to sustain the credit of the Government. My prayer to God is, that things may take a turn before we meet here at the next session, looking more favorable to a result than they now show themselves to my mind. I hope that we may be enabled to supersede the necessity of resorting to direct taxation. But, sir, if it becomes necessary, I know that the American people will even resort to direct taxation to sustain the glory and the honor of the Union.

As I do not design trespassing long upon the attention of the House, I will call the attention of the House only briefly to the system of legislation adopted in a time of war by our predecessors, to show with what deliberation they acted, and with what justice they looked upon all the interests and resources of the country. I will not trouble the House with reading the law. It may be found in Statutes at Large, third volume, page 186. It is entitled "An act to provide additional revenue." And I will say that Congress, in that day, had no difficulty on the subject of imposing a tax upon slaves. They had no difficulty about the sale of goods and chattels. But, sir, the bill I have referred to was only a levy of $6,000,000. It was distributed upon lands and slaves and all other interests. There was not only an excise upon all the articles in this bill, but upon all the luxuries and upon nearly all the necessaries of life; upon the productions of the mechanic, upon the profits of the auctioneer, upon the profits of bankers, and indeed upon everything calculated to produce revenue for the purpose of carrying on a war with our enemy. I am not for imposing that tax now, because I do not see the necessity for doing so. Should the necessity arise, let those who come here at the next session of Congress—and I expect, if God spares my life, to be here—fix the subjects of taxation. Let it be apportioned equally. Let us all contribute to support that Government which we say is in danger. With these remarks, if nobody else wants to speak on my resolution, I demand the previous question.

Mr. BINGHAM. I hope the gentleman will withdraw the demand for the previous question for a moment.

Mr. WICKLIFFE. I withdraw it.

Mr. McCLERNAND obtained the floor, and yielded to

Mr. BINGHAM. I ask that the proposition of the gentleman from Kentucky be again reported.

The resolution was again read.

Mr. BINGHAM. Mr. Speaker, the resolution of the gentleman from Kentucky contains two propositions: one is to postpone the further consideration of this bill until the next session of Congress; and the other is a proposition to change the mode of taxation from a direct tax to a uniform tax upon the personal property, or the wealth, as the gentleman says, of the country. Touching the proposition of postponement, I have a word or two to say. It is well known to gentlemen on every side of the House, that an enemy to our Constitution and laws thunders this day at the gates of the capital. It is also well known, sir, that the enemy, thus at your very door, and threatening the overthrow of our institutions, is powerful in numbers, and resolved in purpose. Sir, one hundred thousand men at least, armed rebels, are within forty miles of the spot upon which I now stand, conspiring to shake down the pillars of your temple of liberty, and to blot out forever this last experiment of free representative government.

In this view of affairs, gentlemen on every hand say that the loyal men of the country of every section must be called from the peaceful avocations of life, from the quiet and seclusion of home, to stand as a wall of fire about your beleaguered capital. Sir, upon the first note of alarm, at the first blast of the trumpet, the loyal citizens of every section sprung to arms; and they are here, a hundred thousand strong, and hourly increasing. The men of New England, where every sod is a soldier's sepulcher, are here, to do their whole duty in this hour of the nation's extremity. Men of the Empire State are here, true and loyal to the Constitution. The men of the good old Keystone State are here, ready to lay down their lives a sacrifice in defense of the country and its laws. The men of the West, of the Great West, covering the valley of the Mississippi, are here, and they are coming here by thousands and tens of thousands while I speak, upon the same great purpose—the defense of the Constitution and the Union.

Gentlemen concede on every hand, men of every side of the House concede, that this grand Army of the Union now about your capital for the defense of the Constituton cannot be sustained from this until your next session of Congress without money. The munitions of war with which to fight your battles cannot be provided for them without money. The bread which is to sustain them in the camp and the march and the field cannot be furnished them without money. Tents and clothing to shelter them from the storm cannot be supplied without money. The transportation necessary for a successful vindication of the Constitution by arms, and by the dread arbitrament of battle, cannot be provided without money. It is well known that your Treasury is empty; and in order to supply a deficit, and to supply the necessary wants of the Government in this war for the Union against armed rebellion, you must replenish the Treasury. You have already provided for a loan of $250,000,000, and you have gone to the money market for the purpose of obtaining it. If you do not provide the means—and this is what I have to say upon the question of postponement—if you do not provide the ways and means during the present session of Congress, or another extraordinary session soon to be convened after this is closed, to meet the interest upon this great loan of $250,000,000, and to supply the deficit which there will be, after exhausting all other sources of revenue for carrying on even the peace establishment of the Government, I desire to say, that it is my conviction that within the next ninety days, in view of the perils which surround us, and in view of the present condition of the money market, your bonds and notes will fall to sixty cents on the dollar. What will be the result? Forty million upon every hundred million of your paper will go into the pockets of the Shylocks of Wall street—the money men of the world. A hundred million out of the $250,000,000, by way of discount on your Treasury notes and bonds, is to go into the pockets of the stock gamblers and dealers on change, if we postpone the bill and adjourn without providing additional revenue. I do not say that all the moneyed men of the country would take this advantage of the public want and the public necessities; but I say what I know to be a fact of history, that in all great emergencies, when all material interests were imperiled, when the interests dearest to the human race trembled in the balance, the men who were the very first to betray all that was sacred and worth preserving, were the money changers. That remark holds good, sir, from the day that Judas took the thirty pieces of silver for the betrayal of his master until this hour. I am not here, by the postponement of this bill, or any other bill which may be offered to accomplish the purpose of this one, to play into the hands of these men at the sacrifice of the material interests of the country. That, sir, is a part which no man can afford to play, and which no patriot will play in this great national conflict.

But if that were all the sacrifice of material interests only, it would be with me a comparatively small consideration. But that sacrifice is not all which in my judgment will result from this postponement. It is very doubtful, if you do not take some such measure as this presently—now—to sustain and uphold the country, you will not be able to obtain any considerable portion of the money at all; and if you fail in this you will not be able to prosecute your war; and it may result that you will not be able to defend the capital against invasion, or be able to sustain the mere fragment of the Army of the Union now here. I throw out these remarks not as an alarmist, but for the consideration of gentlemen.

Mr. Speaker, I have some remarks to make in reference to the other proposition of the gentleman from Kentucky, which is, that the Committee of Ways and Means be instructed to report a bill assessing a tax *uniformly* upon the whole wealth of the country. The House know well that there is but one kind of tax, under the Constitution of the United States, that can be apportioned among the several States upon population, and that is a direct tax, which includes a tax upon land, a *per capita* tax upon persons, or a tax upon slaves, to the extent that they are made the basis of representation.

Mr. WICKLIFFE. Do I understand the gentleman to take the position that the Congress of the United States have no mode of raising money by what is called the taxing system, than by a direct tax upon land and slaves?

Mr. BINGHAM. I took no such position. I stated—and I repeat my proposition—that there is only one kind of tax under the Federal Constitution, which can be laid by apportionment, according to population among the States, and that is a *direct tax*, as it is called in the Constitution. I say that the Constitution confers, upon the other hand, upon Congress, power to lay and collect *duties*, which is a tax; and to lay and collect *customs*, which is a tax; to lay and collect *excises*, which is a tax; and all these forms of taxation, duties, imposts, and excises, must be laid according to the individual wealth of the citizens of the United States, wherever he may be in the Union, and irrespective of the population of the State in which he may reside; and all such taxes must be laid uniformly. This is no new idea. It is the decision of your courts. It is the language of your judges, that the word *uniform*, as used in the Constitution, applies to all taxes, other than *direct taxes*, raised by the Federal Government, and therefore they must be laid *uniformly* upon all the citizens of the United States, irrespective of the population of the States to which they belong.

Sir, it is because of this limitation of the Constitution upon your general power of taxation that I oppose the second proposition of the gentleman from Kentucky. The second proposition of the gentleman from Kentucky is, I repeat, that you shall not lay a direct tax, but a general tax, not to be apportioned among the several States according to their respective numbers, or representative population, but to be laid *uniformly* upon the wealth of the country. This general tax thus laid would impose undue and unjust burdens upon the loyal citizens of the loyal States, and almost exempt the rebel States from taxation. To reach the rebel States you must lay a direct tax.

Mr. OLIN. Let me interrupt the gentleman. Do I understand him to assert here that the Government of the United States cannot levy a tax of $30,000,000 in precisely the same way that Ohio levies a tax upon her citizens?

Mr. BINGHAM. I have not said any such thing. The great trouble with the gentleman from New York is this: that he does not observe the fact that while the grant of power is made to Congress to lay and collect taxes, duties, imposts, and excises, there is this further limitation in the Constitution, first, "that no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken;" thus clearly showing that a capitation is a direct tax, because the Constitution says, "no capitation or *other* direct tax." If the gentleman from New York will turn to the other provision of the Constitution in reference to direct taxation, he will discover it is provided that "direct taxes

shall be apportioned among the several States," according to their respective numbers, &c.

Mr. WHITE, of Indiana. I wish to ask the gentleman whether it is competent for Congress to lay an *ad valorem* tax upon land and slaves?

Mr. BINGHAM. I have no doubt a direct tax, duly apportioned, may be charged on land and slaves. It was so decided long ago. The act of 1813, in laying a direct tax, included just land and slaves, and nothing else, and I never heard the constitutionality of the act questioned.

Mr. McCLERNAND. I find that the act of 1813 included slaves with land, as the subject of the direct tax. According to the view presented by the gentleman, I want to inquire of him upon what principle it is that slaves were included in that act, whether as lands, or personal property, or as persons?

Mr. BINGHAM. They were included as persons, because they are made the basis of representation, and it is in my judgment, because slaves are the basis of representation, that the apportionment of a direct tax as to slave States is to that extent increased, and the citizens of slave States to that extent taxed by such a bill.

Mr. McCLERNAND. Why, then, were not white persons named also?

Mr. BINGHAM. I answer the gentleman that the words "a capitation or other direct tax" are used in this Constitution; and no one doubts—although I am not aware that any such tax was ever laid—no one doubts, according to the language in Story, which I read the other day, that it is competent for Congress to lay a capitation tax (that is to say, a poll or direct tax) upon the head of every citizen of the United States, without regard to his property.

Mr. McCLERNAND. I do not wish to be understood as antagonizing the views of the gentleman.

Mr. BINGHAM. I do not so understand the gentleman. Now, I hope I have made myself understood. The irrevocable limitation of the Constitution is upon us; and if we wish to apportion the tax for the support of the Government of the United States in this its hour of peril, with that limitation binding us, there is no way under Heaven by which we can impose on the slave States their just proportion of taxation for the war but by a direct tax. If you lay a general tax upon personal property and moneys, you cannot apportion it.

Mr. McCLERNAND. One other question as to how it is in regard to imposing a tax upon slaves. The gentlemen says that the tax is imposed upon slaves on the ground that they are persons; and he quotes the clause of the Constitution which requires that all taxes shall be uniform. I ask him now whether it is competent for Congress to make that discrimination, limiting the tax upon persons to slaves, and not imposing it upon white persons?

Mr. BINGHAM. The great misfortune is that I have not been able to make myself heard by the gentleman from Illinois in all that I have said. I repeat again, for the information of the gentleman from Illinois, that our Supreme Court has already decided that the word "uniform," as used in the Constitution, does not apply to a direct tax at all; that the word "apportionment" applies to a direct tax, and that the word "uniform" applies to a general tax upon property. I have stated to the gentleman that by the very words of the Constitution itself a capitation tax is a direct tax, and therefore the word "uniform" does not apply to it. I hope the gentleman is answered.

Mr. McCLERNAND. Does the gentleman assume the position that a tract of land in Ohio worth $1,000 might be taxed $100; and a tract of land of the same value in Illinois be taxed $500?

Mr. BINGHAM. I assume this position, that when you come to tax the land of the country, by every construction and all precedent, you lay a direct tax, and apportion it among the several States according to their representative population.

Mr. McCLERNAND. And it must be uniform?

Mr. BINGHAM. No, sir; a direct tax must not be "uniform;" it must be "apportioned" amongst the several States according to their representative population respectively.

Mr. OLIN. I ask the gentleman whether the tax upon negroes is imposed as a direct tax or as a uniform tax?

Mr. BINGHAM. I have told the gentleman before that it is a direct tax. I understand my own position, whether the gentleman from New York does or not. Such is the express language of the bill.

Mr. OLIN. If it is such a tax as the gentleman states, it must be apportioned among the States.

Mr. BINGHAM. So it is.

Mr. OLIN. How is it apportioned among the white people?

Mr. BINGHAM. The gentleman seems to have given himself no trouble in examining this question, or else he supposes that nobody else knows anything about it. In the first place, the apportionment of a direct tax is not among "white people," but among States; and the rule of apportionment is simply the whole amount of population in each State which constitutes its basis of representation in the Congress of the United States. I trust the gentleman is answered. But that the gentleman from New York may not mistake my meaning, I state further: if South Carolina, for instance, has five hundred thousand of representative population and Ohio has a million of representative population, according to this provision of the Constitution, this being a direct tax that you are laying, you apportion to the State of South Carolina, to be levied upon the taxable property named in this act within her limits, just one half as much as you levy on the State of Ohio. I trust the gentleman now knows how it is apportioned, not among "white people," but among the States.

I desire to read from the text of the opinion of Judge Iredell, in the case to which I referred the other day, merely to show gentlemen here that I am not raising any captious objection, unconsidered and undigested on my part, to the motion of the gentleman from Kentucky. Judge Iredell, in delivering the opinion in the case reported in 3d Dallas, page 181, uses this language:

"The Congress possesses the power of taxing all taxable objects, without limitation, with the particular exception of a duty on exports. There are two restrictions only on the exercise of this authority: 1. All direct taxes must be apportioned. 2. All duties, imposts, and excises, must be uniform."

That is, all duties, imposts, and excises, must be uniform, irrespective of population and irrespective of representation in any State.

Now, sir, the gentleman from Kentucky proposes to abandon the proposition to impose a direct tax, which alone can be apportioned, and by which alone you can impose upon these rebel States their just proportion of the burden of prosecuting this war, and to transfer that burden from the rebel States of South Carolina, Florida, Louisiana, Mississippi, Alabama, Texas, Georgia, North Carolina, Virginia, and all their co-conspirators in other slave States, to the loyal States, New England, New York, Pennsylvania, and the Great West. I stand here to protest against it. I stand here to invoke that wise provision of the Constitution against these rebels. I stand here to ask the Representatives of the people to mortgage the lands this day over all that vast domain now peopled with rebels and traitors, for the purpose of sustaining our honest soldiers and loyal men in their determined purpose to uphold our flag and to vindicate the supremacy of our Constitution.

Let the gentleman's proposition prevail, and how will your legislation stand then? I venture here to assert the fact, that when you come to lay your tax, not upon land or slaves—for you cannot do that under the terms of that resolution—but upon the goods, chattels, money, credit, and effects, bonds and mortgages, railroad stocks and bank stocks, if you will, of the citizens of the United States within the several States, inasmuch as such a tax must be uniform and not apportioned, the great State of New York, loyal, faithful,

"Faithful found among the faithless,"

whose every pulsation is this moment on the side of the Constitution and the laws, will, by your unjust legislation, be compelled to pay as much as the entire slave States of this Union, to put down this War. Is that just? Is it fair? Is it right? Why, sir, by such legislation, you lay the burden of the war upon the loyal citizens of the loyal States, and almost exempt the wicked traitors—conspirators who inaugurated and made taxation a national necessity. I do not think those rebels entitled to any such special favor. I think justice demands that they should pay their due proportion at least; and I do not believe that justice, the attribute of the Deity, would be offended if all the burdens of this war were laid upon the rebels, who inaugurated and now wage it with savage cruelty.

Mr. WICKLIFFE. I would say to the gentleman that he has misconceived me, or perhaps I have misconceived the matter myself. In order to obviate any difficulty on the subject, I propose to modify my motion by directing the Committee of Ways and Means to report a bill for direct taxation, under the Constitution, and a system of revenue equal among the people of the United States.

Mr. BINGHAM. I object to that modification now, because I am speaking to the resolution of the gentleman as reported by the Clerk, and because I cannot hear the gentleman very distinctly in what he now proposes. As I understand the gentleman's proposed modification of his resolution, I think it would be incompetent for any committee to do any such thing as he now proposes. It may be, however, that I do not understand the proposed modification of the gentleman, and I make the remark subject to that limitation. I take the resolution as it stands before the House. It includes the proposition, as I have stated before, to postpone the bill until the next session of Congress, with instructions that the Committee of Ways and Means shall then report "a uniform tax," to be imposed on citizens and not "apportioned" among the States. Now, I repeat in this connection, that, when you do that, you do great injustice to every loyal citizen of every loyal State in the Union.

Mr. DAWES. Is there any legal objection to it?

Mr. BINGHAM. None at all, sir. I thank the gentleman for his suggestion. But it does not follow that because there is no legal restraint on you to do this thing, equity and justice will allow you to do it under the circumstances.

Mr. DAWES. That is what I want to know.

Mr. BINGHAM. Now allow me to make another remark, for I have no doubt that my friend from New York [Mr. OLIN] intends to do exactly what he deems to be right. Under this bill you propose to lay on slave States a direct tax of over ten million dollars. I assert here, that unless you adopt this mode of taxation, you cannot lay, justly and equitably, or, to use my friend's own expression, "legally," on these States $5,000,000; because, when you lay a general or uniform tax, you cannot tax slaves at all. They never were so taxed under the Federal Constitution. There is comparatively nothing in the rebel slave States to tax but lands and slaves.

Mr. LOVEJOY. As the gentleman is now referring to justice, I desire to ask him what justice there is making $1,000 of property in Connecticut pay $1 33½, and the same amount of property in Kansas pay five dollars?

Mr. BINGHAM. I will answer the gentleman from Illinois, touching that proposition of his, a good deal as Franklin answered the question of an anxious philosopher—why it was, that if there be a bowl full of water and a fish plunged into it, the water does not run over? Said Franklin: "Before we discuss the reason of it, it is best to settle whether the fact is so or not."

Mr. LOVEJOY. Unquestionably the fact is so.

Mr. BINGHAM. Unquestionably I do not see that that is a self-evident proposition. I know that my friend is a gentleman of truth and veracity; but I am not going into that inquiry just now. I will, however, make this remark: that even if the statement of the gentleman be correct, it is better to have it so rather than to allow these disloyal States to escape their just proportion of the expense necessarily incurred in this war for the Constitution and Union. That is my answer.

Mr. LOVEJOY. We propose to confiscate all their property, not merely to tax it.

Mr. BINGHAM. We have passed no such bill; and I have made a remark already, under which I am to have the benefit of that suggestion of the gentleman, if there is any value to be at-

tached to it. That is, that I am not wedded to this particular bill, but am in favor of any bill which may be better, and which will bring present relief to the country. But the gentleman's bill, unfortunately, has not yet seen the light. It is a thing which he tells us is going to be. I will consider it when it comes.

Mr. LOVEJOY. I ask the gentleman whether he expects immediately to collect this tax from disloyal States?

Mr. BINGHAM. If the gentleman has not any more important question to ask, I hope he will not interrupt me. I state to him that we propose to collect the tax in the way and at the time appointed by the terms of the bill. If the gentleman thinks he can make the bill any better, let him move to amend it, and not stand here finding fault with it. Having answered the gentleman from Illinois, I desire to return to my remarks, when the gentleman interrupted me, upon the injustice to the citizens of the loyal States, which will be done if you pass only a bill laying a "uniform" law. The little State of Massachusetts has $302,000,000 of personal property which, under this proposition, would be subject to taxation. I ask gentlemen on this floor to name the two, or the six, rebel slave States in the Union that can show that amount of personal property, irrespective of slaves, subject to taxation. They do not exist, sir. According to this proposition you would impose upon citizens of the State of Massachusetts—that State which has been faithful to the sacred cause of liberty ever since the Mayflower touched her shore—five dollars of taxes for every dollar you would impose on the rebel citizens of the State of Virginia in support of this war for the Union.

Mr. KELLOGG, of Michigan. Will the gentleman allow me to ask him a question?

Mr. BINGHAM. What is the gentleman's wish?

Mr. KELLOGG, of Michigan. I want to make an inquiry in reference to my State. This bill proposes a tax of $750,000 on the State of Michigan.

Mr. BINGHAM. Very well.

Mr. KELLOGG, of Michigan. And imposes only $175,000 on the State of Rhode Island, which owns property to five or ten times the amount of Michigan.

Mr. BINGHAM. The gentleman wants to know how it comes that "little Rhody"—a little State not much bigger than a good quilt—is taxed only $175,000, while his State—as large, I believe, as any empire in Europe, just about the size of France—is taxed $700,000.

Mr. KELLOGG, of Michigan. Seven hundred and fifty thousand dollars.

Mr. BINGHAM. Well, $750,000. I answer the gentleman that it is because Michigan has the soil by which alone nations live, and she has also nearly five times the population of Rhode Island to wring from her vast territory its annual increase. I trust the gentleman is answered. Why, sir, my own State of Ohio, with no larger territory than the State of Michigan, is taxed by this bill $2,300,000. I would be ashamed of that gallant young State—the first-born of your great ordinance of freedom—if she had hesitated one moment about its payment. She has paid, or provided for its payment, in advance. I stand here to repel the insinuation that the people of the State of Ohio will either hesitate or murmur about the payment of this great tax in defense of the Constitution and the Union. As I stated the other day, her people, throughout all her borders, esteem the Constitution and the Union as above all price. Gentlemen stand here holding the nice scales in hand, and measuring out the poor pittance that they are willing to contribute to the support of the Constitution and the Union. I know that we have a grand patrimony—a heritage equal to any which God in His goodness ever before conferred on any people; but I ask you, men of the North and of the South, of the East and of the West, who parley here to-day, whether you will vote the necessary supplies to maintain your free Constitution and your free Government? What would this vast brilliant heritage of ours be worth, beautiful as it is, in its garniture of greenness and blossom, marvelously adorned as it is with lake and river and mountain; girdled as it is with two great oceans; and peopled as it is with thirty million living men and women and children—what would it all be worth without a free Constitution and a free Government? What would a planet be worth without a sun?

Mr. Speaker, I trust the loyal friends of the Union will not consent to the postponement of this bill until the next session of Congress. I trust that no loyal friend of the Union will consent to any amendment that will strike from it all provision for imposing a direct tax. I do not oppose all amendment to the bill. I have no objection, if you please, if the public exigencies require it, to imposing additional burdens by adding another provision to the bill for a uniform tax upon bonds, mortgages, and upon money, &c.; but I would not vote to strike out altogether that wholesome provision for a direct tax, by which Virginia may be compelled to pay about a million and a half dollars for the support of that Constitution which so many of her citizens have conspired to overthrow. I have before expressed my willingness to reduce the aggregate amount of direct tax; but I am not willing to strike it all out. I undertake to say, that when you have rejected direct taxation altogether, you will not be able to raise $250,000 from that State by a mere "uniform" and general tax.

One gentleman says you cannot collect the tax in that State. Sir, if the gentleman so believes, he ought to vote against this bill and against every war measure. If your armies are not to be victorious; if they are not to reassert in Virginia, even, the supremacy of the Constitution, and maintain there the authority of the laws; if our Army is to be conquered and routed, as the gentleman's suggestion would imply, then we should not only vote for no measure looking to the collection of taxes in Virginia, but we should vote for no men or money to prosecute the war further.

Mr. McCLERNAND. I desire simply to say that I have yielded the floor to the gentleman from Ohio, and I am willing to yield for him to conclude, but I hope he will be as brief, and to the point, as possible.

Mr. BINGHAM. I will be brief. I desire to say a word or two further in reply to the gentleman who has interposed the suggestion that it will be impracticable to collect the taxes imposed by this bill in the rebel States. I say, if our arms are to be victorious in those rebel States—as I believe they will be, for God is with us—there is nothing to prevent the collector from going through those States, and levying on the goods and chattels of the landholders and slaveholders who refuse to pay. That is very easily done when you have the authority to do it. And when the gentleman says you cannot do it in Virginia, he says nothing more nor less than that the people, the loyal people of the United States, are not to conquer in this struggle, and that the supremacy of the Constitution and laws will not be reëstablished in the Old Dominion.

I differ from the gentleman. I am in favor of raising the necessary supplies for carrying on the Government, to support the Army, and maintain the Union—for prosecuting this war until the Constitution will from sea to sea be acknowledged as the supreme law of the land. Rather than surrender to these traitors; rather than yield an inch to the demands of these arch-conspirators against the liberties of America, and the liberties of the human race; rather than surrender to them, I would stake all things earthly upon the issue, and yield up, gladly yield up, everything, save a trust in God, and the hope of a life to come. Rather than yield to these traitors your good ship Constitution—

> "Nail to the mast her starry flag;
> Set every threadbare sail;
> And give her to the God of storms,
> The lightning and the gale."

ORGANIZATION OF THE ARMY AND NAVY.

Mr. BLAIR, of Missouri. With the permission of the House, I will make a privileged report from a committee of conference. I send up the report, and ask the Clerk to read it.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendments to the Senate bill, and agree to the bill, with the following amendments:

Page 1, section two, line seven, after the word "cavalry," strike out, as follows: "eight assistant adjutants general, six commissaries of subsistence, four quartermasters, and twenty assistant quartermasters."

Page 1, section two, line thirteen, after the word "establishment," strike out as follows: "and to hold their offices for three years, unless sooner discharged," and in lieu thereof add all after the enacting clause of the second section of the amendments of the House to the Senate bill.

Page 1, section three, line three, after the word "engineers," strike out as follows: "and to the Ordnance department."

Page 3, section three, at the end of the section add all after the enacting clauses of sections three and four of the amendments of the House to the Senate bill.

Page 4, section eight, at the end of the section add the second proviso of section eleven of the amendments of the House to the Senate bill.

Page 6, section sixteen, at the end of the section add: "and regiments in the field."

Page 7, section seventeen, line eight, after the word "pay," insert "and emoluments."

Page 10, section twenty, line five, after the word "Register," insert the words "Navy Register, as the case may be."

Strike out sections eleven, twenty-two, twenty-four, and twenty-five of said bill.

Strike out all after the enacting clause of section fourteen of said bill, and in lieu thereof insert as follows: "That the Commissary General of Subsistence be, and he is hereby, authorized, under such regulations as the Secretary of War may prescribe, to vary the articles of subsistence whenever circumstances may render it advisable: *Provided*, That the cost of the ration shall not be increased by such substitution."

Strike out all of section eighteen of said bill, and insert in lieu thereof section nineteen of the amendments of the House to the Senate bill, with the following amendments to the said amendment of the House, namely: In line two of said amendment of the House, after the word "Army," insert "or of the Marine Corps;" and in line fourteen of same amendment of section nineteen, after the word "shall," strike out "as provided in the third section of this act."

Strike out all of section nineteen of said bill, and in lieu thereof insert all of section twenty of the amendment of the House to said bill, with the following amendment to said amendment: In line three of said amendment, after the word "War," insert "or Secretary of the Navy, as the case may be;" and in line five of said amendment of the House, after the word "board," strike out "of the medical staff," and in lieu thereof insert, "of not more than nine nor less than five commissioned officers, two fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed as far as may be of his seniors in rank."

Strike out all of sections twenty-six, twenty-seven, twenty eight, and twenty-nine of said bill, and insert in lieu thereof, as follows:

"SEC. 26. *And be it further enacted*, That any officer of the Navy who has seen forty years in the service of the United States, may, upon his own application to the President of the United States, be placed upon the list of retired officers of the Navy, and shall receive the leave-of-absence pay he was entitled to at the time of such retirement.

"SEC. 27. *And be it further enacted*, That if any officer shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list, and withdrawn from active service and command, and from the line of promotion, and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disability be proved to result from wounds received in action, such retired officer shall receive the sea pay of his grade."

"SEC. 28. *And be it further enacted*, That whenever any officer of the Navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Navy shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine, nor less than five, commissioned officers, two fifths of whom shall be of the medical bureau of the Navy; the board, except those taken from the medical bureau, to be composed as far as may be of his seniors in rank. The determination of the board in such case shall, with a record of its proceedings, be transmitted to the Secretary of the Navy to be laid before the President for his approval or disapproval and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act, with leave-of-absence pay. But if such disability or incompetency proceeded from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service with one year's pay, at the discretion of the President; and in this last case, his name shall be wholly omitted from the Navy Register. The members of the board shall in every case be sworn to an honest and impartial discharge of their duties; and no officer of the Navy shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if he shall demand it.

"SEC. 29. *And be it further enacted*, That the retired offi-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. TUESDAY, JULY 30, 1861. NEW SERIES.....No. 20.

cers shall be entitled to wear the uniform of their respective grades; shall continue to be borne upon the Navy Register; shall be subject to the rules and articles governing the Navy, and to trial by general court-martial."

That the Senate do concur with the foregoing amendments to the bill.

HENRY WILSON,
H. M. RICE,
Managers on the part of the Senate.
FRANCIS P. BLAIR,
J. J. CRITTENDEN,
A. B. OLIN,
Managers on the part of the House.

Mr. BLAIR, of Missouri. Mr. Speaker, the bill which has been reported from the committee of conference is the bill which passed this House for increasing the staff corps of the Army, for retiring disabled and incapacitated officers of the Army, the Marine Corps, and the Navy. It is a Senate bill which passed this House with amendments. The committee has taken it and modified it by applying the amendments of the House, and it stands as reported pretty nearly as it passed the House, with some slight changes. The House bill is modified in its first section by the adoption of the first section of the Senate bill, which differs from the first section of the House bill in this: that it allows the President to appoint an Assistant Secretary of War, with a salary of $3,000, as provided for by the House, but does not require the office to be discontinued when the volunteer force shall be disbanded.

The second section changes the provision of the Senate in reference to adjutants general and commissaries of subsistence, and puts them upon the same footing as provided by the House bill.

The third section changes the provision of the Senate bill in relation to the Ordnance and Quartermaster's departments, and places them upon the footing provided in the House amendments.

The fourth, fifth, and sixth sections are very nearly the same as the sections (numbered, perhaps, differently) relating to the same subjects in the amendments of the House. The pay of chaplains, however, is changed from that provided in the House amendment to that provided in the Senate amendment, which is the amount they receive in the regular Army.

The cadets provided for in the eighth section of the House amendment, are stricken out; and as the bill now stands, it does not provide for any additional cadets to be appointed at the West Point Academy. It simply provides that they shall take an oath upon entering the Academy; and that when they are once dismissed, they shall not be restored without the approval of a board, to be appointed. This was the provision of the Senate bill.

The committee on the part of the House were reluctant to give that portion which provided for an increase of the number of cadets at West Point to double the present number. The Senate committee insisted on its being left out; and inasmuch as there is a bill now reported from the Committee on Military Affairs on the subject, containing a similar provision, we thought we might as well leave the question to be decided on its own merits. The ninth and tenth sections are similar to the sections which have already passed this House. So also with the twelfth, thirteenth, and fourteenth.

The fourteenth is the section in regard to the rations of the soldiers. We struck out the provisions of the bill in regard to the subject, and inserted a portion of the amendment of the House providing that the Commissary General, with the consent of the Secretary of War, might vary the articles delivered to soldiers for rations when he deemed it advisable to do so; but that such substituted rations should not cost more to the Government than at present.

The fifteenth is the same as the House section. The sixteenth is in regard to the appointment of sutlers. It simply legalizes what is now one of the Army regulations. As I understand it, the Army regulation is that sutlers shall be appointed by the Secretary of War on the recommendation of a board of administration. It was one of the Army regulations for a long while, but it was set aside by the last Administration, and this is to restore it. It provided, I believe, that the Secretary of War, by the advice of a board of administration, should appoint a sutler for every post. This bill provides one for every regiment.

The eighteenth section is stricken out of the Senate bill, and the nineteenth section of the House amendments substituted for it, making provision for retiring officers in the Army and Marine Corps.

In place of the nineteenth section, the twentieth section of the House amendment was substituted, providing the mode in which disabled officers of the Army and Marine Corps shall be retired. It provides for giving to them certain pay and allowances. If disabled by wounds received in battle, it provides for the pay of the highest rank to which the officer may be entitled.

The twenty-first and twenty-second sections abolish the double rations allowed to commanders of military posts. It leaves double rations to the commanders of departments. The allowance of these double rations to the commanders of posts is subject to abuse. There are three different commanders at the navy-yard at Washington, each of whom receives double rations. Double rations will still be allowed to the commanders of departments.

The twenty-third section is in regard to the pay and allowance of absent Army officers.

For the twenty-fifth section there is no corresponding amendment of the House. It provides for officers who, after they have sent in their resignations before they have been accepted, leave their posts. Such officers are declared to be deserters from the Army.

The twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth sections provide for retiring naval officers. They were reported from the Committee on Naval Affairs. They allow naval officers who may be retired sea pay where the disability is caused by wounds received in actual battle, and leave pay where the disability is caused by old age. In instances where disability is the cause of misconduct on the part of the officer, it is left discretionary with the Secretary of the Navy to strike him off the list with only one year's pay.

The thirtieth section authorizes the assigning of these disabled officers to such duty as they may be competent to discharge.

If the House has all the information it desires on the subject, I will call for the previous question on the adoption of the report. I am ready to answer any questions that may be put to me.

Mr. ALLEN. Mr. Speaker, is it in order to move that the report of the committee of conference be laid upon the table, and ordered to be printed? It seems to me that the hasty manner in which we act upon these reports of committees of conference must defeat all intelligent and prudent legislation.

Mr. WASHBURNE. If the gentleman's motion be agreed to, will it not be the defeat of the bill?

Mr. ALLEN. Then I move that the further consideration of the report be postponed until Monday next, in order that we may have an opportunity to see it in print, and to examine it carefully.

The SPEAKER. That motion is not in order during the call for the previous question.

The question was taken on Mr. ALLEN's motion to lay upon the table and print; and it was disagreed to.

The previous question was seconded, and the main question ordered; and under the operation thereof, the report of the committee of conference was adopted.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ADDITIONAL REVENUE BILL—AGAIN.

The House resumed the consideration of the additional revenue bill.

Mr. McCLERNAND. Mr. Speaker, I had intended to deliver my views on the general question of revenue raised by this bill somewhat at length, at an earlier stage of this debate; but as opportunity did not serve for that purpose, and as the debate has already been much protracted, I will forbear to do so. I have watched the debate and the action of the House upon this question with great interest; and with the desire to learn, if possible, what was the sense of the House in regard to it.

Mr. HARDING. Let the resolution of my colleague be read.

Mr. WICKLIFFE's resolution was again read.

Mr. McCLERNAND. I repeat, Mr. Speaker, that I have watched the deliberations of this body, upon this question, with the view to ascertain, as far as practical, what was its judgment in regard to it. I have come to the conclusion that the House objects not to the policy or questions the necessity of imposing additional taxes, and that, too, in the direct form; but to the amount laid by this bill. I think, from its action up to this time, that it would vote $15,000,000 instead of $30,000,000 of direct taxes. I think it is unwilling to lay upon the States any much greater burden in that form.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 2) to increase the present military establishment of the United States; and

An act (S. No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States; and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," passed February 28, 1795.

ADDITIONAL REVENUE BILL—AGAIN.

Mr. McCLERNAND. I believe, sir, that it is the judgment of the House that the list of personal property upon which internal duties are laid should be extended so as to embrace a greater variety of taxable objects, and that whatever deficit might exist by reason of the reduction of the amount of direct taxes should be made up by the increase of the objects of internal duties. Believing that to be the sense of the House, I propose to amend the resolution of the gentleman from Kentucky, who proposes to postpone this whole question until next winter. I propose to recommit the bill to the Committee of Ways and Means, with instructions to reduce the amount of direct taxes laid upon the States one half, with the further instruction to extend the list of internal duties so as to make up as near as may be the deficit in the amount of the direct tax. It will be for the House to determine now whether this whole question shall be postponed until January, or whether it shall be recommitted to the Committee of Ways and Means for further consideration.

What is the state of the case? Already, upon the motion of the distinguished gentleman from Kentucky, the Committee of the Whole rose and reported the bill, with the purpose, as it seemed, to reject or postpone it. I have interposed my amendment to arrest this consummation—to prevent this result. It is for the House to judge between the two propositions—to postpone the bill and do nothing till next winter, or to require the Committee of Ways and Means to report a substitute which will bring this subject before us again, and probably in a less objectionable form.

For myself, I believe some such measure to be vital to the credit of the Government; that some provision must be made whereby the Government will be enabled to meet the interest accruing and to accrue upon loans made and to be made. Without this, the credit of the Government must suffer; without it we will not be able to inspire the confidence of capital; without it we will be unable to nerve the arm of war, and to smite the hydra monster of rebellion to the dust.

I put this solemn question to every reflecting mind in this House: do you believe that the credit of the Government will stand unimpaired until the next session of Congress, upon the present revenue? Do you believe it will stand without further legislation to increase our revenues, and give to them a more stable and reliable character? A gentleman upon the right says "no." That is my opinion.

What are we about to do? After having brought this question before the House; after having elaborately and protractedly debated it; after having called the attention of the country to our endeavor to secure the credit of the Government; after all this, what must be the effect if we fail to do so—if we refuse to vote additional supplies even for the purpose of paying the interest upon what we owe? What will be the judgment of capitalists of our good faith and willingness to do our duty under such circumstances? There can be but one opinion. Censures would fall upon our heads fast and thick. The patriotism and sense of justice of the country would hardly forgive us, especially in view of the consequences I have already recounted.

It has been truly said that money is the sinew of war. Fail to supply money, and you paralyze the arm of the Government and will soon be forced to disband our armies now in the field—that Army whose mission, we trust, is to carry the flag of the country to victory. I know there is much hesitation upon this question; there is a hesitation to approach it and act upon it affirmatively, because it is a delicate one, involving a practical and direct responsibility on the part of the Representative to his constituents. Nevertheless, we must meet it, or abandon the war and the high and holy purposes for which it is waged on our part. Let us do our duty, and trust to the good sense and patriotism of our constituents to approve our conduct. I voted for the tax on tea and coffee during the Mexican war, when there was a clamor that I would not survive it as a public man. On the contrary, my constituents approved my conduct. The people are honest and intelligent, and will always in the end do right. The public man who acts upon any other idea will sooner or later discover his mistake. We should be ashamed to hesitate. If our soldiers have the courage to confront the enemy on the battle-field, have we not the courage to supply them with the means necessary to enable them to do so—the food and raiment which are necessary to sustain life and to shield them against the sun and rain? Are we fearful of our constituents, while our soldiers are ready to brave every danger of the field of battle? If so, we should be ashamed of the contrast. "Tell it not in Gath! publish it not in the streets of Askelon!"

I have already said that I believe that the majority of the House was in favor of reducing the amount of direct tax laid by this bill on the several States. I am in favor of it too; but at the same time I am in favor of supplying the deficiency by extending the range of internal duties upon personal property—by extending it to private incomes, stocks, and other forms of property. I believe we can do that, and by doing it conform the bill more nearly to the requirements of justice and equity. By such an alteration of the bill we would be enabled to place a larger portion of the taxes where they ought to be placed—upon capital and wealth.

At the outset of this debate I called the attention of the House to the fact, that the bill, in its provisions imposing direct taxes upon the States, would operate hardly upon the agricultural States. I repeat the same now. Whatever might be the disposition of Iowa, I believe she would be unable to pay her quota of them. So in regard to Minnesota, and perhaps so in regard to Wisconsin. As to my own State, she would probably be able to meet the first requirement assessed against her, but any subsequent requirement would fall heavily upon her, and the more heavily because of the recent bank failures in the West—the depreciation and almost utter worthlessness of a large portion of the paper money in the West, and the want of markets for her produce, now accumulated in large quantities on the hands of the farmers and country dealers. Nevertheless, Illinois is determined to do her whole duty in this emergency—the last dollar, and the last able-bodied man are ready to be devoted in the cause of the Union. She will spare nothing in her power to give that which may be necessary to maintain the authority of the Government and to preserve its integrity.

Let us still persevere; let us recommit this bill; let us recommit with the instructions I have moved; and when it comes back to us again, let us pass it in some form, and send it to the Senate, trusting that their deliberations will contribute something towards its improvement; and that when they shall have returned it to us, with the additional lights which will then be before us, we will be able still further to improve it, if it shall be found not to be perfect. Let us persevere until something definite and effectual shall have been done. This is my counsel and advice. I am opposed to the postponement of the question to a time beyond the present session. A postponement of it must involve the most serious consequences. Will it not involve an abandonment, an inglorious abandonment, of the war? Let us not deceive ourselves; postponement is a surrender to the enemy, the recognition of the southern confederacy, and the consequent dismemberment of the Republic. A gallant and loyal people will never consent to this. As their Representatives, let us raise ourselves to the level of the emergency. Let us meet the question of taxation. Let us do our duty, and take the consequences, whatever they may be. If we do less, we will prove ourselves unequal to a supreme occasion.

I offer the following substitute for the resolution offered by the gentleman from Kentucy:

Resolved, That House bill No. 71 be recommitted to the Committee of Ways and Means, with instructions to report a substitute therefor, as follows: First, reducing the amount of direct taxation one half; second, extending the list of personal property, upon which internal duties are laid, so as to make up, as near as may be, the said deficit.

Mr. MORRILL, of Vermont. I desire to suggest a modification; but before I do so, I will say a few words. While I cordially agree with most that the gentleman has said, I would prefer that we should not reduce the amount of direct taxes below $20,000,000. Twenty million will enable us to realize something like eleven or twelve million from the loyal States. I do not think that we can expect to collect the amount of direct taxes from the rebel States just yet.

Mr. McCLERNAND. Do I understand the gentleman to say that $20,000,000 of direct taxes will yield $12,000,000 from the loyal States?

Mr. MORRILL, of Vermont. Yes, sir. I suggest this modification: that the Committee of Ways and Means be instructed to report forthwith a bill upon the basis of raising $20,000,000 by direct taxation; and such other sum as may be found necessary, by internal duties or direct taxation upon personal income or wealth.

Mr. McCLERNAND. That is substantially the proposition I have offered, and I accept the suggestion so far as to instruct the committee to report forthwith, and to make the amount of direct taxes $20,000,000 instead of $15,000,000.

Mr. COLFAX. In nearly all that has been said by the gentleman from Illinois I very cordially concur; and I was glad to hear his remarks, because on my own side of the House it has been argued that those who differ with the Committee of Ways and Means in relation to this bill were giving aid and comfort to the enemy; that because we do not see through the same spectacles with the committee, therefore we were opposed to sustaining the arms of the Government in this war, in support of the Constitution and the laws. I thought that was not doing us justice.

I am ready to meet this issue now, to-day, this session; but I say frankly that there is no stress of weather which can induce me to vote for the bill as it stands now. I cannot go home and tell my constituents that I voted for a bill that would allow a man, a millionaire, who has put his entire property into stock, to be exempt from taxation, while a farmer who lives by his side must pay a tax. I am for standing by the Government, but I want an equitable and judicious bill for that purpose. I cannot argue the constitutional question with the gentleman from Ohio, [Mr. BINGHAM,] for I am not a lawyer. He has read from a decision of the Supreme Court, which I never heard of before; but I take the Constitution as it stands, and consider it in a common sense view. Now, the Constitution says Congress shall have power "to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;" and at the close of that article it says, that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." I know that power is subject to all the limitations that are found in other sections of the Constitution; but it seems to me it is a broad grant of power, and I do not see why we have not the right to levy a tax upon all the property of the United States, in order to raise and support armies to put down the rebellion.

Mr. DAWES. Will my friend tell me how he will collect a tax upon personal property in the rebellious States?

Mr. COLFAX. In the same way that you would levy the direct tax proposed by the Committee of Ways and Means.

Mr. DAWES. You cannot keep the land out of sight, while you can the personal property. The bill provides that you can sell the land. It creates a mortgage upon the land in the rebellious States, which runs for two years, and you can foreclose that mortgage, whether they will or not. That is the difference.

Mr. COLFAX. In the West, where we have public lands, the law provides that after land has been exposed for years, any person can enter that land who chooses. Or, to give the whole of it: land is exposed to sale, whether a squatter lives upon it or not, and any person can bid upon that land and hold it. And yet you will find very few who will purchase, because it is occupied by a squatter; and I am afraid that when you expose these lands for sale, down in South Carolina for instance, there will be a lack of bidders to take them.

Mr. STEVENS. The bill provides that the United States shall buy it.

Mr. COLFAX. That is very good indeed. I like that idea.

Mr. STEVENS. I think it is. I wish they owned it all now.

Mr. COLFAX. And would give bounty lands on it to the soldiers. That is a first rate idea.

I did not rise, Mr. Speaker, for the purpose of discussing the details of the bill, or these legal questions, of which, as I have said, I am profoundly ignorant; but I say they are three ways of raising money. One is by a bill like the one proposed by the Committee of Ways and Means. The second is by an equitable tax upon all the property of the country, which, I think, we have a right to levy for the purpose of supporting the Army of the United States, now in the field. And the third is by a system of income tax. I know it is not in order to refer to what has occurred in the other branch of Congress; but I will state that I was reading in the Congressional Globe a speech made by a distinguished gentleman, who lives, when he is at home, in the State of Rhode Island, and I was much struck with it. He says that the present tariff can be so amended as to raise $105,000,000, and he is one of the best informed men on the subject. I allude to Mr. SIMMONS. He proposes, in the first place, to take your tea, coffee, and sugar tax, to raise $25,000,000. Then a tax of ten per cent. on your entire free list, and to raise all the schedules of the present tariff ten per cent. higher than they are now, except where they would rise over fifty per cent., calling it a war tax, which the President shall be allowed to dispense with or remit at the end of the war. From this he thinks we can raise $26,000,000. I grant that these figures may be erroneous, and yet, at the same time, it does show that by revising our present tariff we can raise more money. He estimates the ordinary expenses of the Government at $80,000,000, which, I think, is a large estimate, but that would leave $25,000,000 towards paying the interest of the debt. This gentleman, to whose opinion we all attach great weight, says that after looking over the subject carefully, he believes the best tax to supply the deficit is a tax upon incomes, so that a man shall pay in proportion to what he is worth, whether his income is derived from the cultivation of the soil, from his profession, from office, or from trade, if you can devise such a system. Great Britain has devised such a system. Gentlemen say that our condition differs from that of Great Britain, but they keep out of view the fact that a very small portion of the people of Great Britain live upon their property—not a larger proportion than in this country. They have devised a system of income tax, by which

they raise a large amount towards paying the enormous interest on their national debt. Another Senator, in the same debate—Mr. FESSENDEN of Maine, chairman of the Committee on Finance in the Senate—stated that he had examined into the systems of taxation, and, although not prepared now to give an opinion deliberately and conclusively, he believed the system of an income tax was the best.

Now, sir, I am not much of a financier. I only say, that if you want the people to come up fairly and squarely to the support of this war, to give their money freely, as I have no doubt they are willing to give it to put down this unholy rebellion; if you want these fires of patriotism to continue to burn throughout the country, give them a tax bill which they can recognize as fair and equitable, under which the wealthy man and the poor man will pay their share; and then the men who are opposed to this war, and who, I regret to say, are giving, directly or indirectly, aid and comfort to the men who have offered twenty dollars bounty for every dead patriot they can find captured by privateers; who bayonet wounded soldiers on the battle-field; men who fire on flags of truce, and the ambulances conveying the wounded to hospitals, and outrage every rule of civilized warfare—I say the men who are aiding them, directly or indirectly, and strengthening their arms in this unholy rebellion, will have no means of prejudicing the public against the action of this Congress, by saying that we allowed the millionaire to escape from the meshes of the tax law, while we held the poor man within the grasp of the tax gatherer. The House has distinctly indicated that this measure, backed by the talent and experience of the able and distinguished Committee of Ways and Means, does not meet the approbation of a majority of its members. I hope and trust and pray that it will endeavor to devise an equitable system at the present session; one that shall sustain the credit of the country, and show to men at home and to the nations of the world abroad, that we are ready to give up our men as well as our money—our very life's blood, if necessary—for the purpose of sustaining the flag of our country, and putting down armed resistance to the Constitution and the Union of these States.

Mr. STEVENS. Mr. Speaker, I have but a word or two to say. Had the question been on a direct postponement till December, instead of on the instructions to the Committee of Ways and Means, moved by the distinguished gentleman from Kentucky, [Mr. WICKLIFFE,] it would have brought the House to a direct and manly vote upon the merits of the bill, and their determination to sustain the Government. The instructions are a mere palliative; they amount to nothing more; and if they are expected and intended to operate, then they are very objectionable. One of them is to revise the revenue bill of last year; and that seems to meet the approbation of the distinguished gentleman from Indiana, [Mr. COLFAX.] No more pernicious proposition could spring from any man in this House. There is nothing so deleterious to the whole industry and commerce of the country as this perpetual change of revenue laws. Men have formed their schemes and invested their capital already in conformity with the revenue law of the last session of Congress; and under the hope, at least, that they could trust for a year or two to carry on their business, and invest their capital upon the principles of that bill. They know, and we all know, that in this country there is great instability in our system of revenue, in our policy with regard to taxation, in our principle with regard to protection; and therefore no discreet man can expect for a great length of time—that is, during his life time—that the policy of the country will remain unchanged. But it used to be thought that it would remain unchanged so long as the party that passed it was in power. In old times, when the protective policy was a party question—and I cannot say that it is now—it used to be a struggle, at the polls, whether the one party or the other should prevail; for on that it was supposed that the stability of that policy depended. Now, it seems that all parties are for enacting, one year, a system which induces the investment, not of millions, but of billions of money, in this great commercial and manufacturing country, and in six months after its passage it is to be wholly changed.

Sir, I pronounce this idea as the most injurious that has been put forward during this whole debate; and I protest against its going forth now and paralyzing for the next six months all the energies of the country. I refer to the idea that the present tariff is but a thing of a year, that it is to be changed every year, and that every man must take care to shift his business and capital in accordance with the shifting winds, not of parties, but of individuals of parties, who but yesterday were one thing and to-day are another thing or nothing, God knows which. I say, therefore, that this part of the instructions proposed by the gentleman from Kentucky, looking to the revising and remodeling of the tariff, is very objectionable to me.

The idea suggested by the gentleman from Indiana, [Mr. COLFAX,] as borrowed from a Senator, seems to me to be about as bad; and I confess that, with all my respect for that Senator, I have but little respect for that project of his, and less respect for his conjectures. The idea that the tariff which he has proposed, adding ten per cent. to the present tariff, which all anti-protective men have been clamoring against all over the country as an abominable bill, on account of its high taxation—an unjust clamor, I admit—is to produce $105,000,000 of revenue, is preposterous. The gentleman knows that, in order to produce that amount of revenue, it is proposed to place not only ten per cent. additional on everything that is now paying duty, but also ten per cent. on the free list; and he bases his calculation on the assumption that the importations from this time forward are to be just what they have been for the last five years of prosperity. Now, if anybody else than an able Senator had made such a proposition, I would have called it absurd. It is nothing more than a grand mistake of $50,000,000 at least; and when I say so, I think that no man who lives a year will be able to contradict me.

Now, sir, the Committee of Ways and Means feel no mortification at hearing this bill stigmatized as undigested, as the learned gentleman from New York [Mr. ROSCOE CONKLING] and other friends called it. It may be so, for it is an exact copy of one drawn by a man who was less wise than our critics are now. It was drawn by Albert Gallatin; and this undigested, ill-considered bill is an exact copy of his. I am glad that these Daniels have come to judgment on him; but I hope that when they come to speak of it again they will show us their bill—well-digested, wise, and discreet—and put to shame the old fogy who drew up the original bill, and us young fellows who happen to bring it here. I feel no pride about the provisions of this bill. The Committee of Ways and Means feel none; and, as our colleague has suggested that it may be wise to reduce the direct tax one third, I have no objection. Had that been a proposition made originally, instead of opposing the whole bill, it would have met with no serious opposition from the Committee of Ways and Means, who had well considered whether such a proposition would not come from the House. I have no objection to it; but I venture to say that when that is done, and when the bill comes back to the committee with $20,000,000 instead of $30,000,000 direct taxation, then some gentleman will find other objections to it. Sir, it will be still a bill of taxation.

Mr. McCLERNAND. Let me say to the gentleman from Pennsylvania, try that.

Mr. STEVENS. I have no objection. I acquiesce in the objects of the gentleman from Illinois. I know that he desires to support the Government; and I know one thing further, that what he desires he is not afraid to vote for. He is not afraid to put his name on the record and to go before his people and ask from them a justification. It may be that all others stand in the same position. When the bill is amended, we shall see who there are on this side of the House, and who there are on that side of the House, willing to support the Government. We shall see who of those who made the most glorifying and glorious patriotic speeches, will be found at last having less fear of their constituents than they have of the death of this country.

Sir, I know that this bill, make it the best you can, will be an unpalatable one. It may be that it will be unpopular. I have a wealthy agricultural constituency, who will be heavily taxed under it. I suppose that, as an agricultural population, they are the most wealthy in the Union. Their land certainly bears a higher price than land in any other part of the Union outside of the cities. They are a close German population, who understand their own business; but they are a patriotic people. I shall go before them, sir, if I vote—as I shall—for such a bill as this, and I will take the chance of addressing their judgment, their patriotism, their good sense, and of making them understand the propriety of the conduct of their Representative. If I cannot do so, I shall submit to their condemnation and rejection without a murmur and without regret. I shall vote for this bill, whatever my constituents may think of it. I shall vote for it, when it is put in the best shape we can get it in, although it may not be very pleasant in its consequences to me personally. But I never yet knew the time when I ventured to do right in what, for the moment, was unpopular, and when I trusted to the good sense of the people, that they did not sustain me when it was explained to them. In the course of my public life, I have voted for unpopular measures and trusted to the good sense of the people whom I represented; and they never rejected me on account of it. I am not afraid that they will do so now; although I know that this bill will come to them with a very distasteful sound and aspect. I know that the army of collectors are odious everywhere; but I know, also, that they are not quite so dangerous to my constituents, and I hope they are not to members of this House, as the army of rebels that renders this other army necessary; for the one must be raised or the other will be triumphant. I do not know but that enough has been said on this subject; and as gentlemen ask me to call the previous question, I do so.

Mr. DIVEN. I desire to inquire of the Chair whether it is not in order to divide the motion of the gentleman from Kentucky?

The SPEAKER. When the House comes to it the Chair will decide that question.

Mr. KELLOGG, of Illinois. I would like to say a few words upon this matter before the House come to a vote upon it, and I suppose there are others who would like to be heard. It seems to me that, upon a subject of this importance, the House might afford half an hour more discussion.

Mr. STEVENS. It would be discussed until the time when, by the Constitution, this Congress expires, if no stop were put to it. I decline to withdraw the demand for the previous question.

Mr. COLFAX. I desire to say to the gentleman that, if we propose to place the matter in a shape that will be acceptable to the House, the amendment should be placed in a shape that will bring the question squarely before us on the question of direct taxation.

Mr. WHITE, of Indiana. I wish to ask whether, if the previous question is seconded, the question will be first upon the amendment of the gentleman from Illinois, [Mr. McCLERNAND?]

The SPEAKER. The question will be first upon the amendment of the gentleman from Illinois, and then upon the motion of the gentleman from Kentucky; and the Chair will say, in reply to another gentleman, that the amendment is not divisible.

Mr. COLFAX. If the previous question is not sustained, however, a further amendment will be in order; will it not?

The SPEAKER. There is but one amendment pending, and, if the previous question is not sustained, a further amendment will therefore be in order.

The previous question was seconded, and the main question ordered to be put.

Mr. VALLANDIGHAM. Do I understand that it is not in order to divide on motion to commit with instructions?

The SPEAKER. The Chair understands the uniform practice to have been, not to consider a motion to commit with instructions divisible.

Mr. VALLANDIGHAM. I have endeavored to find some decision upon that subject, but have not succeeded. I know of no reason in parliamentary law, however, why the motion should not be divisible.

Mr. COLFAX. If the gentleman will refer to page 46, of Barclay's Digest, he will find it stated that a motion to commit with instructions cannot be divided, nor can a division be called upon the different branches of instructions.

Mr. WICKLIFFE. I am inclined to think the

gentleman's proposition is not in the nature of an amendment to my proposition, but rather an independent proposition.

The SPEAKER. The motion was to strike out all of the gentleman's proposition after the word "Resolved," and to insert the proposition of the gentleman from Illinois. The Chair thinks the motion was in order, and that the proposition is pertinent as an amendment.

Mr. WICKLIFFE demanded the yeas and nays upon the adoption of the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 73, nays 33; as follows:

YEAS—Messrs. Arnold, Ashley, Babbitt, Joseph Baily, Baxter, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Calvert, Campbell, Chamberlain, Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Curtis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Eliot, English, Fessenden, Franchot, Frank, Gooch, Granger, Haight, Hale, Hanchett, Harrison, Horton, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Lovejoy, McClernand, McKean, McPherson, Mitchell, Moorhead, Justin S. Morrill, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Spaulding, Stevens, Stratton, Trowbridge, Upton, Vandever, VanHorn, Van Valkenburgh, Van Wyck, Wallace, E. P. Walton, Washburne, Albert S. White, Windom, Woodruff, Worcester, and Wright—73.

NAYS—Messrs. Allen, George H. Browne, Burnett, Corning, Covode, Cox, Crisfield, Dunlap, Grider, Harding, Holman, Jackson, Law, Mallory, Menzies, Anson P. Morrill, Norton, George H. Pendleton, Pike, Reid, Robinson, Smith, William G. Steele, Vallandigham, Vibbard, Voorhees, Wadsworth, Charles W. Walton, Ward, Webster, Whaley, Chilton A. White, and Wickliffe—33.

So the amendment was agreed to.

Before the vote was announced,

Mr. RIDDLE stated that his colleague, Mr. HUTCHINS, was unavoidably absent; and that Mr. TRIMBLE was confined to his room by illness.

Mr. COLFAX said, that as this proposition was one third better than the bill reported by the Committee of Ways and Means, he should vote for it; intending, however, to vote for a proposition to strike out the provisions in relation to direct taxation, if an opportunity presented itself.

The SPEAKER. No debate is in order.

The resolution, as amended, was then adopted; and the bill was recommitted to the Committee of Ways and Means, with instructions.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States the inhabitants of which now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion; when the Speaker signed the same.

SURPLUS REVENUE.

Mr. F. A. CONKLING asked the consent of the House to offer the following resolution:

Resolved, That the Committee of Ways and Means be requested to report to this House the amount of the surplus revenue of the United States deposited with the several States respectively, under the provisions of the thirteenth section of the act entitled "An act to regulate the deposits of the public money," approved June 26, 1836; and, if deemed advisable, to report a bill recalling the same for the use of the General Government.

Mr. STEVENS. The resolution certainly should not be passed in that shape. The gentleman will see that the Committee of Ways and Means cannot furnish the information. I object.

NEW STEAMERS.

Mr. RICE, of Massachusetts, by unanimous consent, introduced a bill to authorize the construction of twelve small side-wheel steamers; which was read a first and second time, and referred to the Committee on Naval Affairs.

And then, on motion of Mr. CAMPBELL, (at five minues past four o'clock, p. m.,) the House adjourned until Monday next.

IN SENATE.

MONDAY, *July* 29, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Saturday was read and approved.

BILL INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

PAYMENT OF REGIMENTAL BANDS.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, returned from the House of Representatives with amendments.

The amendments of the House were, to add at the end of the bill the following:

SEC. 2. *And be it further enacted*, That the President, in accepting and organizing volunteers under the act entitled "An act authorizing the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861, may accept the services of such volunteers without previous proclamation, and in such numbers, from any State or States, as, in his discretion, the public service may require.

And to amend the title by adding "and for other purposes."

The amendments were concurred in.

THE NATIONAL LOAN.

Mr. FESSENDEN. The Committee on Finance, to whom was referred the amendment of the House of Representatives to the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," have directed me to report the same back, with an amendment to the amendment of the House of Representatives. I should like to have it acted on now.

The amendment of the House was to strike out all of the Senate bill after the first section, and insert the following:

SEC. 2. *And be it further enacted*, That the Treasury notes, under the provisions of the said act "to authorize a national loan and for other purposes," or of any other act now in force, authorizing the issue of such notes, shall be signed by the Treasurer of the United States, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Treasurer, and countersigned by the Register of the Treasury, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Register; and no Treasury notes, issued under any act, shall require the seal of the Treasury Department.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury may fix the denominations of the Treasury notes below fifty dollars; and, if he shall deem it expedient, may issue, in exchange for coin, or in payment of public dues, Treasury notes bearing interest not exceeding nine per cent., payable semi-annually, at the office of the Assistant Treasurer at New York, anything in said act to the contrary notwithstanding; but the aggregate amount of all bonds and Treasury notes issued shall not exceed the aggregate of $250,000,000, limited by said act.

SEC. 4. *And be it further enacted*, That for the full and punctual payment of the loan authorized by the act entitled "An act to authorize a national loan, and for other purposes," approved July 17, 1861, the United States specifically pledges the duties of impost on tea, coffee, sugar, spices, wines, and liquors, and also such excise and other internal duties and taxes as may be received into the Treasury.

The Committee on Finance recommend that the Senate agree to the amendment of the House, with the following amendment:

Strike out sections three and four of the House amendment, and insert in lieu thereof:

SEC. 3. *And be it further enacted*, That so much of the act to which this is supplementary as limits the denomination of a portion of the Treasury notes authorized by said act, at not less than ten dollars, be, and is, so modified as to authorize the Secretary of the Treasury to fix the denomination of said notes at not less than five dollars.

SEC. 4. *And be it further enacted*, That in addition to the amount heretofore appropriated, the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay such expenses, commissions, or compensation as may be necessary, in the judgment of the Secretary of the Treasury, to carry into execution the provisions of this act, and of the act to which this is supplementary.

SEC. 5. *And be it further enacted*, That the Treasury notes authorized by the act to which this is supplementary, of a less denomination than fifty dollars, payable on demand, without interest, not exceeding in amount the sum of $50,000,000, shall be receivable in payment of public dues.

Mr. KING. Mr. President, Congress is, very properly, I think, conferring great powers upon the executive department of the Government. The condition of public affairs requires that they should have almost unlimited discretion in the exercise of the powers of the Government; but in reference to the issue of these notes, my opinion is so clear and decided that it is better not to issue them of a less denomination than ten dollars, that I propose to make a motion to strike out the words in the bill that authorize the reduction of the denomination to five dollars. When this subject was up before, I moved to strike out "ten" and insert "twenty;" but the Senate voted for the denomination of ten dollars, which I think is certainly as low as they ought to be.

The PRESIDENT *pro tempore*. This being an amendment to an amendment, the Senator from New York will perceive that a further amendment cannot be in order.

Mr. KING. It is an amendment to the House proposition, which is a substitute for the original bill.

The PRESIDENT *pro tempore*. The House amended the Senate bill, and this is an amendment to that amendment. That is the state of the question.

Mr. KING. I thought the committee had proposed a substitute for the House amendment. Is there no way, then, in which we can take the question upon this denomination?

The PRESIDENT *pro tempore*. No other way than by negativing this proposition and proposing a new one.

Mr. KING. Negativing the proposition which contains the other provisions? I shall vote against the proposition, then, on that ground.

The PRESIDENT *pro tempore*. If the amendment of the Committee on Finance be negatived, the amendment of the House will still be open to amendment.

Mr. KING. The only point I make in the matter is the denomination of the Treasury notes. I shall vote against the amendment of the committee in that view.

Mr. FESSENDEN. I suppose that is contained in the first section. Is there any other provision in the first section? I think the question may be divided. The Clerk will read the first section of the amendment of the committee again.

The Secretary read the first section of the amendment of the Committee on Finance.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Finance containing divers propositions, the question may be taken separately on the different propositions as an amendment to the House amendment; and the first question will be on the first section of the amendment reported by the Committee on Finance, as an amendment to the House amendment.

Mr. FESSENDEN. It will accomplish the object of the Senator from New York, to have the question separately on that.

Mr. KING. Yes, sir.

Mr. FESSENDEN. I will only say, in regard to that, that there was some difference of opinion in the committee, and at first we fixed the limit at ten dollars; but the Secretary of the Treasury, on consultation, is decidedly of opinion that, for the beneficial operation of the Treasury at the present time, it is advisable that it be reduced to five dollars; and we, knowing that he must be more familiar with all these matters than we are, and that he has studied them much more and received much more advice on the subject, and is aware of his own condition and the condition of the Treasury better than we are, thought that, on a point like this of comparatively so small importance, it was not worth while for us to take the responsibility of interfering with a provision which he thinks to be of so much consequence.

I will state the provisions which we have stricken out. The House amendment authorized nine per cent. on Treasury notes; they also adopted another section pledging specifically the receipts from the duties on sugar, tea, and coffee, for the payment of this loan. We have stricken out both those provisions, and, instead of them, inserted one or two provisions which the Secretary deems essential to the beneficial organization of the machine which we design to put in motion. We did not deem, in a matter of detail like this, that it would be wise to interpose our own judgments, even if they had been unanimous; and therefore we propose to leave it to his discretion. He will undoubtedly not use this power unless it becomes necessary; and if it does, he ought to have the power in these times. Ordinarily, of course, it would not be demanded or allowed. I hope, therefore, that the amendment proposed by the committee will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee

on Finance to the amendment of the House; and the amendment reported by the Committee on Finance consisting of several sections, the question is on the first section, which has been read.

Mr. KING. I ask for a division, simply that it may go to the country. ["Oh, no!"]

The question being taken, on a division, resulted—ayes 18, noes 9; no quorum voting.

Mr. HALE. Another count. There is a quorum here.

Mr. KING. I am satisfied there is a majority of the Senate for it, and I withdraw the call for a division.

The PRESIDENT *pro tempore*. The call for a division is withdrawn, and if it be not renewed, the Chair will declare the amendment agreed to; and it is agreed to. The question now is upon the residue of the amendment reported by the Committee on Finance to the amendment of the House of Representatives.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on agreeing to the amendment of the House as amended by the Senate.

The amendment was agreed to.

ORGANIZATION OF THE ARMY.

Mr. WILSON, from the committee of conference on the disagreeing votes of the two Houses, on the bill (S. No. 3) providing for the better organization of the military establishment, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendments to the Senate bill, and agree to the bill, with the following amendments:

Page 1, section two, line seven, after the word "cavalry," strike out as follows: "eight assistant adjutants general, six commissaries of subsistence, four quartermasters, and twenty assistant quartermasters."

Page 1, section two, line thirteen, after the word "establishment," strike out as follows: "and to hold their offices for three years, unless sooner discharged;" and in lieu thereof, add all after the enacting clause of the second section of the amendments of the House to the Senate bill.

Page 1, section three, line three, after the word "engineers," strike out as follows: "and to the Ordnance department.

Page 3, section three, at the end of the section, add all after the enacting clauses of sections three and four of the amendments of the House to the Senate bill.

Page 4, section eight, at the end of the section, add the second proviso of section eleven of the amendments of the House to the Senate bill.

Page 6, section sixteen, at the end of the section, add "and regiments in the field."

Page 7, section seventeen, line eight, after the word "pay," insert "and emoluments."

Page 10, section twenty, line five, after the word "Register," insert the words "Navy Register, as the case may be."

Strike out sections eleven, twenty-two, twenty-four, and twenty-five of said bill.

Strike out all after the enacting clause of section fourteen of said bill, and, in lieu thereof, insert as follows: "That the Commissary General of Subsistence be, and he is hereby, authorized, under such regulations as the Secretary of War may prescribe, to vary the articles of subsistence, whenever circumstances may render it advisable: *Provided*, That the cost of the ration shall not be increased by such substitution."

Strike out all of section eighteen of said bill, and insert, in lieu thereof, section nineteen of the amendments of the House to the Senate bill, with the following amendments to the said amendment of the House, namely: In line two of said amendment of the House, after the word "Army," insert "or of the Marine Corps;" and in line fourteen of same amendment of section nineteen, after the word "shall," strike out "as provided in the third section of this act."

Strike out all of section nineteen of said bill, and in lieu thereof insert all of section twenty of the amendment of the House to said bill, with the following amendment to said amendment: In line three of said amendment, after the word "War," insert "or Secretary of the Navy, as the case may be:" and in line five of said amendment of the House, after the word "board," strike out "of the medical staff," and in lieu thereof insert "of not more than nine nor less than five commissioned officers, two fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank."

Strike out all of sections twenty-six, twenty-seven, twenty-eight, and twenty-nine, of said bill, and insert in lieu thereof, as follows:

"SEC. 26. *And be it further enacted*, That any officer of the Navy who has been forty years in the service of the United States, may, upon his own application to the President of the United States, be placed upon the list of retired officers of the Navy, and shall receive the leave-of-absence pay he was entitled to at the time of such retirement.

"SEC. 27. *And be it further enacted*, That if any officer shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list, and withdrawn from active service and command, and from the line of promotion; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disability be proved to result from wounds received in action, such retired officer shall receive the sea pay of his grade."

"SEC. 28. *And be it further enacted*, That whenever any officer of the Navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Navy shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine, nor less than five, commissioned officers, two fifths of whom shall be of the medical bureau of the Navy; the board, except those taken from the medical bureau, to be composed as far as may be of his seniors in rank. The determination of the board in such case shall, with a record of its proceedings, be transmitted to the Secretary of the Navy to be laid before the President for his approval or disapproval and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act, with leave-of absence pay. But if such disability or incompetency proceeded from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service with one year's pay, at the discretion of the President; and in this last case, his name shall be wholly omitted from the Navy Register. The members of the board shall in every case be sworn to an honest and impartial discharge of their duties; and no officer of the Navy shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if he shall demand it.

"SEC. 29. *And be it further enacted*, That the retired officers shall be entitled to wear the uniform of their respective grades; shall continue to be borne upon the Navy Register; and be subject to the rules and articles governing the Navy, and to trial by general court-martial."

That the Senate do concur in the foregoing amendment to the bill.

HENRY WILSON,
H. M. RICE,
Managers on the part of the Senate.
FRANCIS P. BLAIR, Jr.,
J. J. CRITTENDEN,
A. B. OLIN,
Managers on the part of the House.

Mr. HALE. I know, sir, that we have generally been in the habit of taking reports of committees of conference just as they are presented to us; but there are some provisions in this which I could not justify myself in voting for it, if it required me to sit here until the 1st of December; and I hope the Senate will never agree to it. One of them is that relating to the Army ration. I think that this report, if I understand it, and I endeavored to do so as it was read, substitutes the discretion of the commissary for the exact provision of law. Am I not right in that?

Mr. WILSON. Yes, sir.

Mr. HALE. I am utterly opposed to that. Here you are gathering an Army of hundreds of thousands of men, and there are complaints, great complaints, made of the provision that has been made for their subsistence. The Senate have provided a reform, a very great one, in the ration, and the committee of conference have stricken out all that the Senate did in that respect, and substituted the arbitrary discretion of a single man in this most important particular for the plain provisions of law which should be inserted. We should not give up such a thing as this, which is vital, which relates to the health, comfort, and very existence of the Army. It should be regulated by law, and not left to the arbitrary discretion of any man that God ever made. I will not consent to that.

I hope that some of the gentlemen who were so anxious the other day about a naval and Army retiring board, and were so confident that this was of all times the exact time to make it, are satisfied now of their mistake. This report, if I understand it, leaves to the discretion of the President, in almost every instance, what shall be done. What will it amount to? Nothing at all. One clause, as I heard it read, provides that a naval officer who is retired may be paid during the remainder of his life the highest grade of sea-service pay.

My vote—and I hope the Senate will sustain me—will be not to concur in this report. Do not let gentlemen be frightened about the prospect of sitting here a day or two longer, to regulate this great matter that relates to the welfare of our Army. I know there is no member of the Senate who wants to get home more than I do; none who is more anxious to leave this place than I am. I want to get out of the hottest place on this continent—the Senate room; and I should like to know how much it costs a day to heat this room, and get it so much hotter than any other place outside is. I am willing to stay here until December, however, if it is necessary to perfect this bill. I hope the Senate will vote down this report. I think if there be one subject more than another that ought to command the undivided attention of this Congress, it is providing for the health and comfort of this great Army that we are calling into the field; and if for no other reason, I should vote against this report on that ground. I have no doubt that the chairman of our committee has labored as well and as long as he could; but I am not discouraged. If we get up another committee of conference, I hope the first thing done will be to strike out the whole provision for a retiring board, until we can make something that ought to go in, and fix the ration by law; and then we shall have a bill that we can vote for.

Mr. BAKER. Mr. President, I have been away so much that I do not propose to interfere in the discussion as to the retiring board. I expressed my opinion on that subject some time ago, and have not changed it since. On the subject of the Army ration, I confess to a profound astonishment at the report of the committee of conference. Sir, I will not vote for it in any part. Two thirds of the time I have spent with the troops, during the last month, has been to rectify the difficulties about the Commissary department—provisions. There is not a day that there are not one hundred men in every regiment in this Army who go to bed hungry. I introduced, and by the aid of the Committee on Military Affairs was able to carry through this body, a provision increasing the article of bread, adding a little beans, and giving the men a pound of potatoes a day, three times a week, if practicable. To my great astonishment I find that stricken out by the committee of conference, and a poor emasculated substitute, that the Commissary General may change the character of the ration, provided the expense is not increased. I ask the Senator before me [Mr. WILKINSON] to tell the Senate what he has seen of the nature of that ration now. We are more defrauded than any people ever were, in spite of ourselves; and if it were for nothing else but to put the ration up to what it ought to be to avoid fraud, the Senate ought to refuse to concur in this report, so far as it changes that provision in regard to the ration. An Army officer of high rank in the Commissary department told me the other day that the Army ration cost but fourteen cents a day; and when you take all the frauds out of it, I submit to the appetite of any Senator here, what fourteen cents a day is to feed your troops in the field. If any of you will take the pains to go into the camps of your own States, or into mine, I will show you the most profound and intense dissatisfaction in all the volunteer service. Sir, I know where this proposition to allow the Commissary department to change the ration, so that the price is not increased, comes from, and I am opposed to the whole of it.

The proposition proposed to be stricken out by this report gives the private soldier twenty-two ounces of dry bread. It increases the ration four ounces, and the cost about a cent a day. At present you propose to give, when they have good luck and can get it there, to each man at the rate of ten pounds of rice to a hundred men a day; and that is all his vegetables; that is, the one tenth of a pound of rice a day to each man; or, if you do not give him that, you give, I believe, eight quarts of beans to each hundred men. It may be ten quarts, but I think it is eight. Now, the way they contrive to cheat us in that is this: in my own command they could not cheat us enough without that, but they issued to us what they called "bean meal." They will not give us raw beans, in which there cannot be any very great cheating, except that they are two or three years old instead of being fresh, but they must dry them and put them in oatmeal or something else, and call that—just flavored with beans—"bean meal," and issue that to us.

Now, sir, I propose that twenty-two ounces of bread be given to each man; that he shall have the hundredth part of eight quarts of beans, and the hundredth part of ten pounds of rice every day if

it can be procured; and that he shall have, when they can be had, if practicable, one pound of potatoes three times a week. That, with a little sugar and coffee, and three quarters of a pound of salt meat, practically constitutes the ration. Now, consider again what three quarters of a pound of salt meat is. In the first place, three fifths of the time it is issued to us it is salt pork, that fat, [the honorable Senator illustrated by showing the length of his hand] and nearly as old as I am. [Laughter.] In the next place, it is issued to us by the barrel—two hundred pounds to the barrel, whether it is one year old or three. Every merchant knows—you, sir, [Mr. CHANDLER,] know, the difference between the real weight and the weight we buy. In the next place, if sometimes we get hams—such hams! You eat a piece of broiled ham for breakfast. If you buy three-quarters of a pound, and deduct the fat, and that which is not fit to eat, the bone, the spoiled part, and you do not on the average get six ounces, or seven ounces at the most, of what is fit to go into a man's stomach.

Now, I say, after a long experience on the subject, that that is the condition of the ration of the Army. Then the commissaries, both volunteer and regular, regimental and Government commissaries, do not do their duty. If they allow the contractors to cheat them, all the contingencies come off us, and we gain nothing. The exact amount is all that we can by possibility get.

I am not familiar with parliamentary rules, but I suppose we have a right to reject this report of the committee of conference for that or any other reason. I do not think I should be doing my duty to the volunteer service, with which I am connected, and some parts of which I understand, without saying in this body that so vital do I consider this to the spirits and character of the men, that I intend to try my best to put on the record the Senators from every State on that vital question of feeding his own troops. If you doubt it, delay this a day, and go among your troops. We get eleven dollars a month. My men have not been paid a cent yet; perhaps it is not time; but there has not been a week when those men, receiving eleven dollars a month, would not spend at least one dollar a week of that money for food, if they could possibly get it.

Now, I have but another word of explanation. You take regular soldiers, enlisted from their necessities, as you know they generally are, put them in garrison, let them have time to take care of themselves, hold them down to a rigid discipline, compel them to do it, and they can live on it; and, I am told, once in a while they save a little sugar, a little coffee, and a few candles; but you take volunteers or regular troops, and put them in the field or on the march with that ration, and they suffer. The last words I said this morning in my camp as I left it just now, were words of rebuke, which my heart did not prompt me to utter, to a man who said: "Colonel, I have but two biscuits left of my provision for yesterday and to-day, and I am really suffering."

I will add one other word, if I may be allowed to do so, to show the necessity for this increase of ration. Take the example of my little command. We were encamped the other day outside of Fortress Monroe, at Hampton. We were ordered at three o'clock in the morning to move to Washington. We obey orders, and came. The next order is to cook three days' rations. What does it mean? It means to cook a little meat. You can do nothing else, because they crowd a thousand men on the boat, and to cook is impossible. I cook the three days' rations. I have the hard bread, and the fat, salt meat, boil it, and put it in the haversack. I am sixty hours on the way without getting a chance to get a cup of coffee, with one single exception. The meat spoils after being carried three days in a man's haversack. On the morning of the third day he cannot eat it. He loses that, and it is not made up to him in any way, and he has not enough to eat. That happens all the time in the field. It happened with our army the other day. They took three days' provisions. No wonder they were hungry. They carried salt meat in their haversacks, and it spoiled in the hot sun.

Now, sir, I am persuaded that even the little addition I have proposed, which is certainly not in value more than two and a half cents a day, will produce comfort and content in your volunteer army; and with this statement of facts, I do not think I appeal to the Senate in vain to ask them to reject this report until it can be reconsidered on that point.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. FESSENDEN. I merely wish to know what, under parliamentary rule, would be the position of the bill if we reject this report of the committee of conference?

The PRESIDENT *pro tempore*. That will depend on the subsequent action of the Senate. If the Senate should insist on its disagreement to the amendment of the House, and ask another committee of conference, that will be the course pursued; but if on the other hand they should adhere, that would be the end of the bill, and it would be lost.

Mr. WILSON. Mr. President, I gave my support most cheerfully to the proposition, when made in committee, to increase the ration. I did so because I knew that there must be and would be, in a contest of this kind, some cheating and a great deal of waste of rations. If the Army ration, as now provided by law, were of good quality, properly distributed, and properly cooked, there is not a regiment in the field but what could live on it, and there is not a regiment, unless they were on the march, that could consume it, or anything like it. I do not doubt that a great deal of the provisions purchased are not exactly what they ought to be. If the officers knew their duty, they would reject whatever is not of the quality required by law; but perhaps they do not do it in all cases. The provisions are not always well drawn, not properly distributed, and we know they are not well cooked; and on the march, I have no doubt, regiments do suffer. Regiments that have been stationed in this city have complained. Why, sir, I remember a gentleman, a member of a company from my own State, who wrote home the other day that they have not provisions enough, and at one sale that company alone sold fifty-nine dollars' worth of their rations. Where they are stationed as they are about here, and draw their rations and cook them well, they have abundance.

Now, sir, I think there should be greater variety in the ration. This proposition of the House directs that there shall be a greater variety. It may be given or it may not be. I voted originally for the proposition of the Senator from Oregon when made in committee. I supported it in this Chamber. I supported it in the committee of conference. I was voted down upon it. I believe now, under all the circumstances, it would be better to have adopted that proposition; and if Senators desire to reject this report of the committee of conference with a view of getting a reconsideration of that subject, all I can say is, that they shall have all the influence I can give to bring it about. I think we might act in that way, or we might pass a bill on this subject alone by itself; and I believe, standing by itself, the proposition, as introduced by the Senator, if it came before the Senate and the House on its naked merits, unconnected with anything else, would go through both Houses by an overwhelming majority. But, sir, we found that the House had inserted this provision; and when we got into a committee of conference, we had a long talk over it. We were in conference four hours and a half on this bill at one sitting, and we had to give that amendment up. We were voted down—those of us who were in favor of the Senate proposition. However, I am ready, as I said to the Senator, to do anything in my power; because I would rather spend two or three cents a day more for the comfort of our soldiers, even if it is a little excess, than to stint them in any respect whatever. I am for paying them well, and for supporting them well.

Mr. HALE. I am glad that the attention of the Senate is being drawn to this object; but there is another provision in this report to which I feel constrained to ask the attention of the Senate; and I would say, if it were not vanity in me, that I hope to arrest the attention of the country.

By section twenty-seven of the bill, as this report proposes to make it, it is provided that a certain class of naval sea captains shall be paid a pension of $4,200 a year during their lives; and that is not the most exceptionable feature of it either. I will read the section:

"SEC. 27. *And be it further enacted*, That if any officer of the Navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command, and from the line of promotion; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That if the disability be proved to result from wounds received in action, such retired officer shall receive the sea pay of his grade."

The "sea pay of his grade" of a captain is $4,200 a year. That is a pension, nothing more nor less; and it is going so much beyond anything that the Congress have ever heretofore done that I hope they will pause a little before they sanction such an enormous—I beg pardon if the word is offensive—such an outrageous provision as that. I hope that the Senate—those that are not obstinate, those that are not determined, like Doctor Sangrado, to stick to his theory because he had written a book—will consider this matter, and postpone the subject to next December, when we can have time to do something like justice to the country, as well as to the officers.

Mr. GRIMES. I happened to be a member of this conference committee; but there were some provisions in the bill as amended which I did not exactly concur with, and therefore I did not sign the report. I have not risen now to defend it, except in reply to the suggestion of the Senator from New Hampshire, that this bill provides for a class of naval captains a pension of $4,200 a year. It simply provides that, if hereafter any captain in your Navy shall be wounded in actual conflict——

Mr. HALE. If he now is or shall hereafter become.

Mr. GRIMES. If it is so drawn, then it is misdrawn. The sole purpose of it was as a sort of stimulus to the officers of your Navy to do their duty energetically and fearlessly during the present crisis; and it was not supposed it would apply to more than two men, or three at the outside, and very probably to none at all. It is not intended to apply to any class, as was said by the Senator from New Hampshire—not to any class of naval captains, but to any individual instance where a man acts bravely and is wounded in the face of the enemy. I have nothing to say in regard to the merits of the bill.

Mr. BINGHAM. I should be glad if the Senator from Iowa would state how this retired list varies from that passed by the Senate.

Mr. GRIMES. The pay list of the Army, as it passed the Senate upon a former day, gave each retired officer of the Army his pay proper, without any emoluments or any commutation of rations. It was very low pay. The pay to the officers of the Navy, in that bill, was assimilated to the pay of the officers of the Army, except that in the Navy there is no grade that corresponds with any of the grades in the Army above that of colonel. The oldest captain in the Navy, and the most efficient one, only ranks correspondingly or relatively to officers of the Army as a colonel, though he may command a fleet of five hundred vessels and five hundred thousand men. The bill now under consideration restores the Army retired bill as it was originally introduced by the chairman of the Committee on Military Affairs.

Mr. BINGHAM. How much does it give?

Mr. GRIMES. It gives to different officers different amounts, according to the length of time they have been in service and the grade they have attained.

Mr. BINGHAM. How much more than our bill?

Mr. GRIMES. Probably about forty per cent. more than was given by the bill as it passed the Senate.

Mr. BINGHAM. That is what I wanted to know.

Mr. GRIMES. That was the proposition of the Committee on Military Affairs in this body, and was approved by the House of Representatives, so far as the Army was concerned. So far as relates to the Navy, the bill now under consideration has adopted the amendment that was submitted by myself as an amendment to the bill which came from the Committee on Military Affairs, which was intended, however it may be drawn, to give the leave-of-absence pay of the officers, and which is between thirty and forty per cent. more than was given in the bill as it passed the Senate. The committee of conference, as I

understand it—although I was not present when this agreement in regard to the Army was adopted—adopted the provision as it now stands at the instance of the members of that conference from the House of Representatives.

Mr. HALE. I think if a colonel of volunteers goes out and gets wounded in defending the liberties of his country, as some of them have been, he is entitled to a pension of $600 a year, and not beyond that. This bill, as it is now drawn, gives to a captain in the Navy who does the same thing, $4,200. I hope that the Senate will now and forever put their veto on this retiring bill until they get time to consider it rationally and mature a bill such as ought to be passed. I think that the cry of humanity to the soldiers is pressing upon us to reject this report; but I think the call is equally imperious on us to set our faces like a flint against the proposition of this committee as to a naval retiring board and the enormous pensions which they propose to pay.

I know that now is not the time to make a speech, and I do not mean to make one; but I avow here and always that I am willing to be just and generous and liberal to wounded officers and to the widows and orphans of those who die in actual service; but I am not willing to sanction the enormous principle that is contained in this bill.

Mr. SHERMAN. I regret that I am not able to vote for the report of the committee of conference. My objections I will state very briefly, not detaining the Senate more than a few minutes.

The first objection I have is, that the amendment adopted by the Senate adding to the Adjutant General's department and Commissary department at the foot of the list has been stricken out, and the House proposition to add to the higher grade of officers has been inserted; and so it is with all the staff officers. I believe that in the Adjutant General's department, the Ordnance department, and the Commissary department, the increase of officers is all in the highest grades; and, indeed, new grades are instituted in those corps for the first time in our Army. Instead of adding eight assistant Commissary Generals and eight assistant Quartermaster Generals, according to the bill of the Senate, they have added a colonel of ordnance, I believe, giving him the pay and rank of the Quartermaster General of the United States, and so with the Commissary General; and they have also added a similar rank in the Adjutant General's office. The Senate, by an almost unanimous vote, refused to make this addition to the staff of the Army, and I see no good reason for it. Indeed, I can see no reason why the House of Representatives or the Senate either should desire now to add so largely to the expense of the Army; not to its efficiency, because that is secured by adding new officers to the lower grade of the staff.

My next objection is, that it gives pay to brevet rank. I will not vote in any case to compensate a person who is simply appointed to a brevet rank. That is an honorary appointment. If the Senate desired a reform, and wished to give pay to officers of inferior grade who performed the duties of a higher grade, that is one thing; but that is not the proposition contained in this bill. Under it, a person who receives the accident (as it sometimes is) of a brevet, receives the additional pay, although another officer of the same grade may be doing the same service without receiving the additional pay.

Another still greater objection to this bill, in my judgment, is that it adds largely to the proposed pay of the retired list—I think more than forty per cent. As a matter of course, I have not time carefully to examine it; but from the best information I can get on reading the amendment, it adds much more than forty per cent., and it adds it in an indefinite way; and it adds it in the way of rations and for increased pay for long service. Now, I think that whenever an officer of the Army or Navy is either physically, mentally, or morally unfit to perform the duties of the grade of the Army or Navy to which he belongs, he should be at once retired without any sympathy, or any complaint on his part; he should be retired on a pension, something after the plan of the British Army and Navy. I think the pay proper of the Army is the best rate, and I would not be willing to vote for any bill that gave a higher rate than that.

For these three reasons, and for some other minor details, I am sorry that I am not able to vote for the report of the committee of conference.

The report was rejected.

Mr. WILSON. I move that the Senate further insist on its disagreement to the amendment of the House of Representatives, and ask for another committee of conference.

The motion was agreed to; and Mr. WILSON, Mr. SHERMAN, and Mr. MCDOUGALL, were appointed the committee on the part of the Senate.

A message from the House of Representatives was afterwards received, announcing that the House further insisted upon its amendments to the bill of the Senate (No. 3) providing for the better organization of the military establishment, disagreed to by the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appointed Mr. FRANCIS P. BLAIR of Missouri, Mr. WILLIAM D. KELLEY of Pennsylvania, and Mr. JAMES S. JACKSON of Kentucky, managers at the same on the part of the House.

ASSISTANT SECRETARY OF THE NAVY.

Mr. HALE, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes, submitted the following report:

The managers on the part of the Senate, on the disagreeing votes between the two Houses on Senate bill No. 20, authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes, have met the managers on the part of the House, and after full and free conference have mutually agreed to recommend, and do recommend, to their respective Houses, to strike out the words "equal to the sea pay of a captain in the Navy," from the sixth and seventh lines of section one of the bill of the Senate, and insert, in lieu thereof, the words, "$4,000;" and with this amendment, they recommend that the Senate recede from their disagreement to the amendment of the House to that section of the bill.

Strike out the word "three" in line three of the amendment of the House, and, in lieu thereof, insert "four;" and with this amendment, they recommend that the House recede from its amendment.

JOHN P. HALE,
JAMES W. GRIMES,
J. A. McDOUGALL,
Managers on the part of the Senate.
C. B. SEDGWICK,
ALEXANDER H. RICE,
J. E. ENGLISH,
Managers on the part of the House.

Mr. HALE. I will explain that in a single moment. The Senate fixed the salary of the Assistant Secretary of the Navy at $4,200. That is the highest sea pay of captains. That is the sum proposed as a pension for those who cannot do anything. The House disagreed to that, and inserted $3,000. Upon the committee of conference, we agreed to substitute $4,000, which was what they proposed for the Assistant Secretary of War.

The report was concurred in.

NAVAL MEDICAL CORPS.

Mr. HALE, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 31) to increase the medical corps of the Navy, and for other purposes, submitted the following report:

The managers on the part of the Senate, on the disagreeing votes between the two Houses on Senate bill No. 31, to increase the medical corps of the Navy, and for other purposes, have met the managers on the part of the House, and, after full and free conference, have mutually agreed to recommend, and do recommend, to their respective Houses, as follows:

1. To amend the title of the bill, by striking out the words "and for other purposes."
2. To strike out the whole of the second section.

JOHN P. HALE,
JAMES W. GRIMES,
J. A. McDOUGALL,
Managers on the part of the Senate.
C. B. SEDGWICK,
ALEXANDER H. RICE,
J. E. ENGLISH,
Managers on the part of the House.

Mr. HALE. The second section was one relating to filling up the Naval Academy, and the committees have agreed to report the naked bill as it was, for increasing the medical corps without anything else.

The report was concurred in.

PETITIONS AND MEMORIALS.

Mr. POLK presented the memorial of the Board of Underwriters of St. Louis, Missouri, against the passage of the House bill abolishing the eastern district of Missouri; which was referred to the Committee on the Judiciary.

He also presented a petition of a number of prominent citizens of St. Louis, Missouri, against the passage of the House bill to abolish the eastern district of Missouri; which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. No. 12) to place the name of Commander Amasa Paine upon the active-service list of the Navy, asked to be discharged from its further consideration, and that it be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Charles Boarman, a captain in the Navy, praying to be restored to the active-service list, asked to be discharged from its further consideration, and that it be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred the petition of Charles Thomas, a lieutenant in the Navy, praying to be placed on the list for active service, asked to be discharged from its further consideration, and that it be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred a joint resolution (S. No. 13) to place the name of Lieutenant Charles Hunter on the active-service list of the Navy, asked to be discharged from its further consideration, and that it be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. No. 14) to place the name of Lieutenant Peter Turner on the active-service list of the Navy, asked to be discharged from its further consideration, and that it be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. No. 6) to place the name of Lieutenant Charles Thomas upon the active-service list of the United States Navy, asked to be discharged from its further consideration, and that it be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred the report of a committee appointed by the Common Council of the city of New London, Connecticut, in favor of the location of the Naval School at that place, asked to be discharged from its further consideration; which was agreed to.

SALE OF INTOXICATING DRINKS.

Mr. HARRIS. I am instructed by the Committee on the Judiciary, to whom was referred a resolution relating to the sale of intoxicating drinks in the District of Columbia, to report a bill (S. No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases. If there be no objection, I would ask that the bill be put on its passage now.

There being no objection, the bill was read twice, and considered as in Committee of the Whole. It provides that it shall not be lawful for any person in the District of Columbia to sell, give, or administer to any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, any spirituous liquor or intoxicating drinks; and every person so offending, is to be deemed guilty of a misdemeanor, and upon conviction before a magistrate or court having jurisdiction, is to be punished by a fine of twenty-five dollars, or imprisonment for thirty days.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OATH OF ALLEGIANCE.

Mr. TEN EYCK. The Committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of requiring an oath of allegiance and support of the Constitution and Government of the United States, to be administered to certain officers, have instructed me to report a bill (S. No. 54) requiring an oath of allegiance and to support the Constitution of the United States, to be administered to

certain persons in the civil service of the United States. I should like to have the bill put on its passage now.

The bill received its first and second readings. It provides that it shall be the duty of the heads of the several Departments to cause to be administered to each and every officer, clerk, or employé, now in their respective Departments, or in any way connected therewith, or who shall hereafter in any way become connected therewith, the following oath: "I do solemnly swear (or affirm, as the case may be,) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatever; and further, that I will well and faithfully perform all the duties which may be required of me by law; so help me God." Every civil officer and employé in the Departments who shall refuse to take this oath or affirmation is to be immediately dismissed and discharged from service or employment.

Mr. KING. I think this bill may as well lie over. There is no reason given for haste about it.

The PRESIDENT *pro tempore*. The bill will lie over under the rules.

Mr. KING subsequently said: Having had an opportunity of ascertaining the contents of the bill reported by the Senator from New Jersey, I withdraw my objection to its present consideration.

The PRESIDENT *pro tempore*. The bill is now before the Senate as in Committee of the Whole.

Mr. BRECKINRIDGE. What is the title of the bill?

The SECRETARY. A bill requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF ARMS.

Mr. WILSON. The Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores, have instructed me to report it back, with a recommendation that it do pass. I ask for its consideration at this time.

There being no objection, the bill was considered as in Committee of the Whole. It directs that the sum of $10,000,000 be appropriated for the purchase and manufacture of arms, ordnance, and ordnance stores.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELAWARE INDIANS.

Mr. POMEROY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate a copy of all the papers, evidence, vouchers, and a statement of the character and origin of the claim of the Delaware Indians, for depredations upon timber and loss of property by whites, embraced in the Secretary of the Treasury's estimate for additional appropriation, and accompanying his letter of July 2, instant.

HEIRS OF JOHN PAUL JONES.

Mr. KENNEDY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish to the Senate a statement showing the names of all persons, and their respective proportions of the fund to be distributed, entitled to payment under and by virtue of the act of Congress passed 28th March, 1848, entitled "An act for the relief of the heirs of John Paul Jones," so far as the papers in the premises may show such names; and where they do not show the same, the number of the officers, seamen, and marines, respectively entitled as aforesaid, with the proportions aforesaid payable to each.

ARMS SENT TO DELAWARE.

Mr. SAULSBURY. I offer the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any arms or ammunition of any description have been sent, or ordered to be sent, by the War Department, into the State of Delaware since the 1st day of July instant, and if so, for what purpose, of what kind and description, in what number and quantity, upon whose application sent or ordered to be sent, and to whom sent or ordered to be sent.

Mr. FESSENDEN and Mr. GRIMES objected to the present consideration of the resolution; and it lies over under the rules.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed an act (S. No. 2) to increase the present military establishment of the United States.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker had signed an enrolled bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are, or hereafter may be, in rebellion against the Government of the United States; and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion or rebellion.

ARREST OF BALTIMORE POLICE COMMISSIONERS.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the memorial of Charles Howard and others, police commissioners of the city of Baltimore, arrested and confined as prisoners in Fort McHenry, asking an investigation into the matter by Congress, or the remission of it to the tribunals of justice; and also a memorial of the Mayor and City Council of Baltimore, on the same subject, have directed me to report them back to the Senate, and ask to be discharged from their further consideration, the committee being of opinion that no legislation by Congress is practicable with reference to the matters set forth in the memorials.

Mr. BAYARD. I presume it is in order for me to move a substitute for the report of the committee. The committee ask to be discharged——

The PRESIDENT *pro tempore*. The committee ask to be discharged from the further consideration of the subject.

Mr. BAYARD. I presume it is in order to move a substitute for that resolution asking a discharge. I move to amend that resolution.

The PRESIDENT *pro tempore*. The motion is open to amendment.

Mr. BAYARD. I propose a series of resolutions in lieu of the resolution asking to be discharged. I do not desire to consume the time of the Senate with debate. They may be read, and if it is not the pleasure of the Senate to adopt them, of course I have no more to say. When they are read, I will state briefly why I offer them.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Committee on the Judiciary be discharged from the further consideration of the subject indicated by him, and the Senator from Delaware moves to amend that motion. The amendment will be read.

The Secretary read the proposition of Mr. BAYARD, as follows:

Resolved, That the members of the police board of the city of Baltimore ought to be either surrendered to the civil authorities on some charge sufficient in law for their arrest and detention, or be discharged from confinement at Fort McHenry, and suffered to resume their official functions.

Resolved, That the control of the municipal police of Baltimore ought to be restored to those civil officers to whom by the laws of Maryland it is intrusted.

Resolved, That George P. Kane, marshal of police of the city of Baltimore, ought either to be delivered up to the civil authorities on some charge sufficient in law to hold him in custody, or be discharged from confinement in Fort McHenry.

Mr. BAYARD. The Senate will observe that I say nothing of the past in these resolutions. The only relief, in a case like this where the parties are entitled to relief, that can be given, is the expression of our opinion of what ought to be done. I presume it will be acted on by the Executive. I use no language of censure whatever; but I assert in these resolutions what I believe to be the undoubted right of every American citizen. One resolution is, that these police commissioners, if they are not delivered over to the civil authority on some charge, the courts being all open and there being no disorder there, shall be set at liberty and restored to their functions. Another is, that the laws of Maryland in reference to the municipal police—I speak not of your military arrangements there, or any army you choose to place there—ought to be respected and ought to be suffered to go into effect. The third is, that the marshal who is confined there ought to be delivered to the civil authority on some charge which would justify his detention, or else be discharged from confinement. Of course, it is for the Senate to determine whether they will pass the resolutions. I believe myself it is what the parties are entitled to, and I believe that the expression of opinion would probably effect the result without hesitation.

Mr. TRUMBULL. I am not very familiar with parliamentary rules; but it seems to me very questionable whether it is in order to move to amend the report of a committee asking to be discharged from the consideration of a subject. The report is one thing. The Senate may adopt it or reject it; but it strikes me as a novel practice to move to amend the report of a committee, and I question whether it is in order to submit such a motion as the Senator from Delaware has made. I will raise that question for the Chair. It strikes me as out of order.

Mr. FESSENDEN. I move that the subject be laid upon the table.

Mr. BAYARD. I hope the honorable Senator will give me the vote on the motion. I endeavor to create no excitement. I do not ask debate. If the Senate chooses to vote down my resolutions, be it so; but I think I ought to have a vote on them. I do not desire to discuss them.

Mr. FESSENDEN. At another time I have no objection; but it is not practically of any importance now. Everybody wants to adjourn; and yet nobody will let the business of the Senate go on.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is not debatable; it is, that the whole subject do lie on the table.

Mr. BAYARD. I ask for the yeas and nays on the motion to lay on the table.

Mr. BRECKINRIDGE. I understand the motion to be, that the motion of the Senator from Illinois and the amendment of the Senator from Delaware do lie on the table. That is the motion. I rise to have it distinctly understood; and also to ask for the yeas and nays.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine is to lay the whole subject on the table; that is, the motion of the Senator from Illinois and the amendment of the Senator from Delaware.

Mr. FESSENDEN. I stated that I had no sort of objection to its being called up at another time; but I want to go on with the tariff bill, and pass it to-day.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FESSENDEN. If the Senate, by unanimous consent, will give me leave, (of course, if there is objection from any quarter it cannot be done, as the yeas and nays have been called,) I will vary my motion, so that it shall be postponed until to-morrow.

Mr. BAYARD. I am perfectly content with that.

The PRESIDENT *pro tempore*. By unanimous consent the motion of the Senator from Maine may be withdrawn; and now he puts the motion in another form: that the subject be postponed until to-morrow.

Mr. BRECKINRIDGE. I suggest to the Senator from Maine that the whole subject can be finally disposed of in less time than will be consumed in calling the yeas and nays.

Mr. FESSENDEN. I want to have time; and I want to look at the subject myself.

Mr. BAYARD. I have no objection to the postponement.

Mr. BRECKINRIDGE. If the Senator from Delaware desires it, I have no objection to the postponement.

The motion to postpone was agreed to.

Mr. POWELL. I give notice of a preamble and resolutions that I propose to offer, connected with a motion to refer back the memorial of the police commissioners of Baltimore, with instructions to report.

The PRESIDENT *pro tempore*. The Senator from Kentucky will restate his motion.

Mr. POWELL. I ask the consent of the Senate to have the preamble and resolutions I have sent to the table read; and then I notify the Senate that I will, when the subject of the memorial of the police commissioners of Baltimore is called up, move to refer the memorial back to the Committee on the Judiciary, with instructions to them to report the preamble and resolutions which I send to the Chair.

Mr. FESSENDEN. By general consent the paper can be printed without being read; and then it will be on our tables when the subject comes up to-morrow.

Mr. POWELL. I am perfectly willing.

The paper was ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 81) making an appropriation for the purchase of arms for the volunteers and regular troops of the United States; in which the concurrence of the Senate was requested.

The message further announced that the House had passed the following bills of the Senate:

A bill (No. 51) in addition to an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July 13, 1861; and

A bill (No. 48) providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes.

PURCHASE OF ARMS.

Mr. WILSON. I should like to have the bill which has just come from the House of Representatives put on its passage at this time. We have passed a bill of the same kind to-day, and it is important that it should be passed at once. ["What is it?"] It is a bill appropriating $10,000,000 for the purchase of arms. The steamer sails on Wednesday, and the President ought to be allowed to send an agent abroad at once.

The bill (H. R. No. 81) making an appropriation for the purchase of arms for the volunteers and regular troops of the United States was, by unanimous consent, read three times and passed.

THE TARIFF BILL.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of the tariff bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes.

The PRESIDENT *pro tempore*. The Committee on Finance have reported a series of amendments; which will be taken up, read, and considered in their order.

Mr. SIMMONS. I believe all the amendments that have been proposed, except the last one which I presented on Saturday, have been considered. I desire to offer an amendment to the second section as an addition to it.

The PRESIDENT *pro tempore*. The Chair is unable to understand the Senator from Rhode Island. So many persons are standing between that Senator and the Chair, that he can neither see nor hear him.

Mr. SIMMONS. I offer, as an amendment to the second section, what I have sent to the desk.

The Secretary read the amendment, as follows:

Gum copal, and other gums or resinous substances used for the same or similar purposes as gum copal, shall pay an additional duty of 10 cents per pound.

The amendment was agreed to.

Mr. SIMMONS. I designed to make a few more observations on this bill before the final vote shall be taken. The other day I explained the purpose of the amendments, avoiding any comment or word of illustration upon them. I thought it was simply necessary to possess the Senate of the views of the committee in suggesting these amendments to the bill. I now wish to make a few observations as to the effect that I think the bill as amended will have upon the revenue of the country; or rather, I propose to answer some of the objections that I hear made about me and that have been written to me, in reference to the proposed increase of 10 per cent. upon the present tariff.

I believe all agree that so far as the first section of our amendments is concerned, it is at least as good as, if not better than, the provision contained in the corresponding section of the House bill. Our first section slightly lowers the duties on coffee and sugar from the rates imposed by the House of Representatives; but otherwise conforms to their bill. There are, however, objections urged to the section adding 10 per cent. to the duties imposed by the general law now in existence, upon the ground that that will defeat the object of this bill as a revenue measure. It is to these objections that I propose to reply in the few observations that I intend to make.

I stated the other day when I was up, that by the provisions of the present law, the average rate of duty was 21 per cent. I will now say that under all the tariffs we have had, we have never collected actually what they would nominally appear to give, by about 20 per cent.; but the committee thought last year that, fixing a good many specific duties, and avoiding a great many of the frauds of the then existing law, we should come within 10 per cent. of the amount laid by law. That would give us an average of about 19 per cent. on the whole importations, which, upon $325,000,000 of imports, would give $60,000,000 of revenue. We have now, by this bill, transposed from the free list about one half of the articles, and put them in a dutiable list; and I think that now it will come within 5 per cent. of what it purports on its face. That would give us 20 per cent. on the importations, and this additional duty of ten per cent. will bring it up to an average of 30 per cent.

I have taken the pains to look at the average duties for the twenty-eight years out of the last forty, when the duties have been highest, the other twelve having already been stated. The last time I spoke, I referred to those twelve years, and said that the average duties then were 15 per cent. Those twelve years were under our lowest tariffs. For the other twenty-eight years of the last forty, the average duties upon all the importations into the United States were 31.07 per cent. Now we propose to put on 30 per cent. only, and yet there is a general hue and cry throughout the country that such rates of duty will be absolute prohibition, though we have had twenty-eight years' experience of the last forty, within almost any man's recollection who is old enough to be in the Senate, with a higher duty all the time under five tariffs. Still people say we cannot collect any revenue from these monstrous rates of duty.

Now, what has been the effect of these different rates of duty upon the general business of the country? We certainly can, most of us, recollect what the effect of these duties has been. From 1834 to 1842, under what was called the compromise tariff, the duties were 15 per cent. on the whole importations; and from 1857 to 1861 they were 14½ per cent. I put the whole time at 15 per cent. in round numbers. During those twelve years we had a most painful revulsion as often as every other year, and we had a bank suspension every three years in the whole time. In those twelve years there were four bank suspensions, and as many as six tremendous commercial revulsions. During the other twenty-eight years, what was the fact? Not one general bank suspension, not one monetary revulsion. I have been in business almost forty-six years; I have had the negotiation of paper, for I was an agent, and had to draw drafts forty-seven years ago; and during those forty-seven years, aside from the twelve years of low duties, I never knew but two months when money was 1 per cent. a month, and that was in 1819. That is the only period during forty-seven years that I have not been able to negotiate paper at simple interest, if the paper was fit to negotiate at all. During the twelve years of low duties, I have never known a year when money was not over 12 per cent. during the two periods I have spoken of, and most of the time 2 or 3 per cent. a month—enough to ruin any merchant, and any business, and any country; and yet people are frightened to death at an attempt to resume what was a salutary rate of duty for twenty-eight years, and want to go back to the ruinous rate that has paralyzed your industry all over the United States. I am astonished at it; and yet we hear every day and every hour of men, respectable for talent, and worthy of all praise for their enterprise, having apprehensions that we cannot raise a duty of 30 per cent. on the importations of this country. I am utterly surprised at it; and I should be still more surprised if the Senate should entertain such fears.

I do not propose to enlarge upon such topics as these. They might be amplified, but I dismiss the subject after having once called the attention of the Senate to it. I know the effect of the public press upon public opinion outside of Congress and in it. From the time the tariff act of the 2d of March last was passed, down to this day, the public press of all parties everywhere has been teeming with abuse of the measure. I have not known one just or manly commentary upon the measure in a single paper in the commercial emporium of our country, except the New York Tribune. Every other paper in New York that I have seen, Republican as well as Democratic, has denounced it. They said this measure was bequeathed to us by the last Administration, and that President Lincoln ought to call Congress together to repeal it forthwith. Now, I believe that this Administration inherited nothing from the last except $100,000,000 of debt that it contracted by its stupidity in not altering the law, and the present wicked rebellion that resulted from its crimes. That is all we got from it; and all we have to do now, is to provide the means of paying the debt and of suppressing the rebellion.

If I did not believe, nay, if I did not know, that this impost system had some beneficial effect upon industry, by improving the condition of the labor of the country, I would denounce it as the cruelest system of oppression that was ever devised by man. What! tax people without any incidental benefit, and tax consumption, the poor equally with the rich? It never would be borne, and it never should be borne. But, sir, there are incidental benefits resulting from it. About one half of these taxes are paid by foreigners. That is the experience of the whole world. Then it stimulates your own industry; it gives you a better market; and take it all in all, we have found, by sixty years' experience, that it is the best method of raising the largest portion of our income. But for these things, there is not a statesman in the world who would prefer it. It is for that reason that I go for it.

I ask not this 10 per cent. for any protection it gives to any living man. We made the bill last year, as we thought, perfectly good for that; and with it the country are content; but this is simply a revenue measure, and in my deliberate judgment, it would not diminish the importations $10,000,000 if you should double the 10 per cent. I think, if I have not anything else to say, I can say that I have had some experience about the effect of tariffs on the imports of the country.

After saying that, in my judgment, in the ordinary course of trade this bill will give $105,000,000 of revenue, and stating simply how I am satisfied that that is a reasonable estimate, I will dismiss that part of the subject. In the first place, in the year 1860, we exported $400,000,000 of American products; and anybody who knows anything about the course of trade, knows that the carrying of that $400,000,000 adds at least 10 per cent. to it in the foreign market. That is $440,000,000. With our former cheating tariff, as I called it, they get it all back again, and entered the imports at $360,000,000—$80,000,000 less than was shipped. That goes into the average that makes up the $325,000,000 for the four years. Now, I know enough about it to know that there was $440,000,000 of goods imported that year; that that was the cost abroad; and I think, as we have pretty much, if not entirely, destroyed the chance to cheat, we shall get more than we ever did. That is destroyed by the bill of March last, and hereafter we shall get the entries of our imports pretty honestly made, and you will find they will swell up 25 per cent. from that cause alone.

Now I come to the amendment that I propose in the form of an income tax; and here let me say that it is from no desire to disagree with another committee, that I report this amendment. I know that there is a mysterious influence that has acted upon the minds of men in all ages—one wholly inexplicable to me—which induces all races of men to follow in the footsteps of their ancestors. I believe this is exemplified by none more strikingly than by the Anglo-Saxon race. I suppose the House of Representatives propose to follow,

for that reason, the rule of the British Parliament, and their system; which is, first, imposts, then excises, then land taxes, and then income taxes. That is the English practice; and I do not think it strange that statesmen in this country should conclude that that is the best. I like this notion of venerating one's ancestry and country, old and new; but I think we should do better to practice their virtues, and try to avoid their errors, if we possibly can. I have great faith in these notions of respect for ancestry, and not a little for tradition. I recollect to have read thirty or forty years ago a statement made in the other House of Congress by a Representative from Rhode Island, who knew a great deal more about the history of Rhode Island, and the other colonies, than I ever expect to know, that Rhode Island had always been first at the fight, and last at the peace. I suppose our soldiers the other day had that sort of notion, and, either from tradition or instinct, were the first to get into that fight and the last to get out. I commend them for it.

Now, I would follow the old notions as far as they went in the right direction; but I am perfectly satisfied that there is no propriety in our putting a land tax on. The very reasons that induce England to put a land tax on, should induce us to put on an income tax. When England taxes land, she taxes the wealth of the nation; her land is all held by lords; it is not scattered about in ten-acre lots. When they tax land they tax wealth; but when we tax land, we tax poverty; that is, we tax the poor the same as we do the rich; but when we tax income, we tax nobody but those who can pay it. We cannot bring the least distress on any living being by taxing income; because we only propose to tax incomes over $1,000 a year; and anybody that has prudence can live on $1,000, as well as $10,000. I would not give a jack straw, so far as comfort was concerned, whether I had $1,000 or $10,000 a year to support my family. I have lived on little, and spent a great deal; and it does not make much difference in comfort which way you do it. If there is any difference, I am rather inclined to think you can live best on a small income. You can have more solid comfort, at any rate. I have no kind of doubt that this income tax would bring in from $20,000,000 to $30,000,000; and I know of no way that that amount of money can be raised with so little of public distress, that has ever been devised by man. Therefore, I trust the Senate, if they have read this amendment, are ready to vote for it. This session is to be devoted to voting, as I understand, and no talking; and I will endeavor to use as little time in talking as I can, and have the subject fairly presented to the Senate. I believe I have said about all that it is necessary to say about this income tax, and I dismiss it, and hope we shall get a vote.

The PRESIDING OFFICER, (Mr. BRIGHT.) The amendment reported by the Committee on Finance will be read by the Secretary.

The amendment is to add several additional sections to the bill. The Secretary read the first section of the amendment, as follows:

SEC. 8. *And be it further enacted*, That from and after the 1st day of January next there shall be levied, collected, and paid, upon the annual income of every person residing in the United States, whether such income is derived from any kind of property, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, if such annual income exceeds the sum of $1,000, a tax of 5 per centum on the amount of such excess of such income above $1,000: *Provided*, That upon such portion of said income as shall be derived from interest upon Treasury notes or other securities of the United States, there shall be levied, collected, and paid, a tax of 2½ per centum. Upon the income, rents, or dividends, accruing upon any property, securities, or stocks, owned in the United States by any citizen of the United States residing abroad, there shall be levied, collected, and paid, a tax of 7½ per centum, excepting that portion of said income derived from interest on Treasury notes and other securities of the Government of the United States, which shall pay 2½ per centum. The tax herein provided shall be assessed upon the annual income of the persons herein named for the year next preceding the time for assessing said tax, to wit: the year next preceding the 1st of January, 1862; and the said taxes, when so assessed and made public, shall become a lien on the property or other sources of said income for the amount of the same, with the interest and other expenses of collection, until paid.

Mr. FESSENDEN. The amendment, I understand, embraces several sections.

The PRESIDING OFFICER. The Chair will separate the question if the Senate desires it.

Mr. FESSENDEN. I suggest that it is offered as one amendment, and should be properly read through; and then, if an amendment is desired, any Senator can move it.

Mr. SAULSBURY. I wish to call the attention of the chairman of the Committee on Finance, or that member of the committee who proposes the amendment, to the effect which this section may have upon the Treasury notes which you have ordered to be issued to-day, and which you may hereafter order to be issued. There is a proviso here that 2½ per cent. shall be paid upon the excess of income over $1,000 arising from Treasury notes. You passed a bill this morning authorizing the issue of new Treasury notes, to draw 6 per cent. interest. What effect will this proviso, taxing that income 2½ per cent., have upon those notes in the market? Would it not be regarded as reducing the interest to 3½ per cent.? On their face they purport to bear 6 per cent. interest; and yet on the same day that you provide for issuing them, you pass another act that that interest shall be liable to a tax of 2½ per cent. I suggest that any tax may affect, and seriously affect, the value of the Treasury notes in the market.

Mr. SIMMONS. I think the Senator from Delaware has hardly devoted his usual consideration to this question. Here is a proposition to tax ordinary income 5 per cent., but to tax the income from the Government securities one half of that; and he thinks that will hurt the value of Government securities. We put it in there on purpose to make it better; and instead of its being 2½ per cent. on the property, it is 2½ per cent. on the income over $1,000. If a man has $100,000 of 6 per cent. stocks, he would only have to pay $150 tax on the income; that is 2½ per cent. on $6,000. If he had no other income, he would only have to pay $125.

Mr. SAULSBURY. I ask the Senator whether a person who takes these Treasury notes bearing 6 per cent. interest will get 6 per cent. interest on the Treasury notes, or whether he will not get 6 per cent. less 2½ per cent. upon the excess of interest to which he is entitled over $1,000?

Mr. FESSENDEN. Will the Senator allow me to make a suggestion? If he has $100,000 drawing 6 per cent. interest, he is taxed 5 per cent. of the income; if he puts it in Treasury notes, he only has to pay 2½ per cent. Does he not save 2½ per cent.?

Mr. SAULSBURY. I see very well that it bears less interest than other property; but the question is, if you tax it at all will you not affect its value in market?

Mr. FESSENDEN. You might make it more valuable by exempting it altogether; but with this you give an advantage by saying to a man: "If you put your other property into this, you will not have to pay as much."

The PRESIDING OFFICER. The Secretary will proceed with the reading of the amendment.

The remaining sections of the amendment were read, as follows:

SEC. 9. *And be it further enacted*, That it shall be the duty of the President of the United States, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one principal assessor and one principal collector in each of the States and Territories of the United States, to assess and collect the taxes imposed by the first section of this act, with authority in each of said officers to appoint so many assistants as the public service may require, to be approved by the Secretary of the Treasury. The said taxes to be assessed and collected under such regulations as the Secretary of the Treasury may prescribe. The said collectors, herein authorized to be appointed, shall give bonds, to the satisfaction of the Secretary of the Treasury, in such sums as he may prescribe, for the faithful performance of their respective duties. And the Secretary of the Treasury shall prescribe such reasonable compensation for the assessment and collection of said tax as may appear to him just and proper; not, however, to exceed in any case the sum of $2,500 per annum for the principal officers herein referred to, and $1,200 per annum for an assistant. The assistant collectors herein provided shall give bonds to the satisfaction of the principal collector for the faithful performance of their duties. The Secretary of the Treasury is further authorized to select and appoint one or more depositaries in each State for the deposit and safe-keeping of the moneys arising from the tax herein imposed when collected, and the receipt of the proper officer of such depository to the collector for the moneys deposited by him shall be the proper voucher for such collector in the settlement of his account at the Treasury Department. And he is further authorized and empowered to make such officer or depositary the disbursing agent of the Treasury for the payment of all interest due to the citizens of such State upon the Treasury notes or other Government securities issued by authority of law. And he shall also prescribe the forms of returns to be made to the Department by all assessors and collectors appointed under the authority of this act. He shall also prescribe the form of oath or obligation to be taken by the several officers authorized or directed to be appointed and commissioned by the President under this act before a competent magistrate duly authorized to administer oaths, and the form of the return to be made thereon to the Treasury Department.

SEC. 10. *And be it further enacted*, That the tax herein imposed shall be due and payable on or before the 30th day of June, in the year 1862, and all sums due and unpaid at that day shall draw interest thereafter at the rate of 6 per centum per annum; and if any person or persons shall neglect or refuse to pay, after due notice, any tax assessed against him, her, or them, for the space of more than thirty days after the same is due and payable, it shall be lawful for any collector or assistant collector charged with the duty of collecting such tax, and they are hereby authorized, to levy the same on the visible property of any such person, or so much thereof as may be sufficient to pay such tax, with the interest due thereon and the expenses incident to such levy and sale, first giving thirty days' public notice of the time and place of the sale thereof; and in case of the failure of any person or persons authorized to act as agent or agents for the collection of the rents or other income of any person residing abroad shall neglect or refuse to pay the tax assessed thereon (having had due notice) for more than thirty days after the 30th of June, 1862, the collector or his assistant, for the district where such property is located or rents or income is payable, shall be, and hereby is, authorized to levy upon the property itself and sell the same, or so much thereof as may be necessary to pay the tax assessed, together with the interest and expenses incident to such levy and sale, first giving thirty days' public notice of the time and place of sale. And in all cases of the sale of property herein authorized, the conveyance by the officer authorized to make the sale, duly executed, shall give a valid title to the purchaser, whether the property sold be real or personal. And the several collectors and assistants appointed under the authority of this act may, if they find no property to satisfy the taxes assessed upon any person by authority of this act, and which such person neglects to pay as hereinbefore provided, shall have power, and it shall be their duty, to arrest such person and commit him to prison, to be held in custody until the same shall be paid, with interest thereon, at the rate of 6 per centum per annum, from the time when the same was payable as aforesaid, and all fees and charges of such commitment and custody; and the place of custody shall in all cases be the same provided by law for the custody of persons committed for any cause by the authority of the United States, and the warrant of the collector, stating the cause of commitment, shall be sufficient authority to the proper officer for receiving and keeping such person in custody until the amount of said tax and interest, and all fees and the expense of such custody, shall have been fully paid and discharged; which fees and expenses shall be the same as are chargeable under the laws of the United States in other cases of commitment and custody; and it shall be the duty of such collector to pay the expenses of such custody, and the same, with his fees, shall be allowed on settlement of his accounts. And the person so committed shall have the same right to be discharged from such custody as may be allowed by the laws of the State or Territory where he is so held in custody to persons committed under the laws of such State or Territory for the non-payment of taxes, and in the manner provided by such laws; or he may be discharged at any time by order of the Secretary of the Treasury.

SEC. 11. *And be it further enacted*, That should any of the people of any of the States or Territories of the United States be in actual rebellion against the authority of the Government of the United States at the time this act goes into operation, so that the laws of the United States cannot be executed therein, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such State or Territory so soon as the authority of the United States therein is reëstablished; and to collect the sums which would have been due from the persons residing or holding property or stocks therein, with the interest due, at the rate of 6 per centum per annum thereon until paid in the manner and under the regulations prescribed in the foregoing sections of this act.

SEC. 12. *And be it further enacted*, That all claim on the part of the Government of the United States to have the several sums of money deposited with the several States under the authority of an act entitled "An act to regulate the deposits of the public money," approved June 23, 1836, returned or repaid by said States to the Treasury of the United States, be, and the same is hereby, released, and the Secretary of the Treasury is hereby authorized and directed to balance the accounts in the Treasury with such States, and to make entry therein that the same are settled.

The PRESIDING OFFICER. The question will be on the first section of the amendment as proposed by the Senator from Rhode Island. Is the Senate ready for the question?

Mr. SIMMONS. If there is no objection I should prefer to have the vote taken on it altogether. If there is objection, let it be taken separately.

The PRESIDING OFFICER. The Senator from Maine asked for a division.

Mr. SIMMONS. I was not aware of it.

Mr. HOWE. I was occupied while the Senator from Rhode Island was speaking upon this bill, and I do not know whether he made any particular comment on the first portion of the proviso to the first section. I do not quite comprehend the reason of that exception. I believe it is in order to move an amendment.

The PRESIDING OFFICER. It is in order to move to amend the amendment.

Mr. HOWE. Then for the purpose of bringing the question before the Senate, I move to

strike out in the eighth section after the word "dollars," in line ten, the following words:

"*Provided*, That upon such portion of said income as shall be derived from interest upon Treasury notes or other securities of the United States, there shall be levied, collected, and paid a tax of 2½ per centum."

Mr. SIMMONS. The Senator lost nothing by not attending to my remarks, for I made no explanation about that. The design is that such portion of a man's income as he derives from money loaned to the Government, shall pay but one half the tax it would if loaned to anybody else; and in order to make it more certain, I move to amend it by inserting the words "and no more," after the words "per centum." Then I believe everybody will understand it.

Mr. HALE. What is that?

Mr. SIMMONS. That upon that portion of a man's income derived from Government securities, there shall be a tax of 2½ per centum, and no more, instead of 5 per cent. It is an exception made in all countries in favor of investments made in Government securities. All the income tax bills I have ever seen in my life have had such a provision, and therefore I put it in this amendment. The idea is to encourage men to take the Government loan and to get rid of the taxes in that form.

Mr. HOWE. Mr. President, the explanation does not appear quite satisfactory to me. It may be a sound reason nevertheless; but I apprehend that no man will lend money to the Government under any provision we now have or propose to put on the statute-book for obtaining loans, unless he finds it the best investment of his money offered to him. He would rather loan it to the Government than invest it in business or loan it to individuals or corporations, simply because it is the best loan; and if it is the best loan, it is so because it affords him the best income, the largest income; and the largest income, it seems to me, is the very income of all in the world that should pay taxes.

Mr. SIMMONS. I do not disagree with the Senator from Wisconsin at all; but in this calculation of investment, these taxes will be considered by every capitalist in the country, and he will give just so much more for the loan as he can save by taxes. They are pretty sharp calculators. The Senator need not worry about the capitalists. If they do not cipher it all out, they are very different from what I think they are.

Mr. HOWE. If I had satisfactory guarantees that they would pay just so much more, then it would be an even thing, and I would be content with the proviso; but I think it will be altogether safer to let them pay the tax upon that portion of their income that everybody else pays upon every other kind of income, and then we know it will be even; we shall get money from those who are willing to take Government securities, and we shall get it at just what they are willing to pay for those securities, and nothing more. It seems to me we have not adequate security; that if you abate this tax 2½ per cent., or take off one half the tax, they will pay enough more for the securities to make it even to the Government. I have very grave doubts whether your bonds or your Treasury notes will sell any higher with that discrimination than without it.

Mr. SIMMONS. Mr. President, I do not desire to enlarge upon this point. In drawing a bill of this kind, going into any system of taxation, I think it is a pretty safe rule to follow the practice of older nations who have had this tax for fifty years. They have tried this; and I noticed in the last revision of the income tax of England, that they still kept the feature of taxing Government securities one half. They have got a pretty large national debt, and they see the effect of such a provision upon their community, and I think it is a pretty safe rule to follow them. Still I have no choice about it. I would as leave have it out as in. It was put in, I think, for salutary reasons; but if the Senate think otherwise, they may strike it out.

The PRESIDING OFFICER. The Senator from Rhode Island desires to perfect the first section of his amendment by adding the words "and no more."

Mr. SIMMONS. I wish to have those words added after the words "2½ per centum." Otherwise they might think it was 2½ per cent. beside the 5 per cent.

The PRESIDING OFFICER. The section will be so modified if there be no objection. The Chair hears none. The question now is on the amendment proposed by the Senator from Wisconsin, to strike out after the word "dollars," in the tenth line of the eighth section, the following words:

Provided, That upon such portion of said income as shall be derived from interest upon Treasury notes, or other securities of the United States, there shall be levied, collected, and paid a tax of 2½ per centum, and no more.

The amendment to the amendment was not agreed to.

The PRESIDING OFFICER. The question now recurs on the first branch of the amendment offered by the Senator from Rhode Island.

Mr. CLARK. I desire to call the attention of the Senator from Rhode Island to what seems to me to be an ambiguity in this first section. The bill levies a tax upon incomes. I desire to know whether he means the gross income or the net income? I presume he means the net income; but the expression is "income." Now, take a building largely under mortgage: the mortgagor might receive rent, and his net income be very small, while his gross income might be large; the difference might be very considerable. I desire to know from the Senator which it means? I presume it means the net income; and, if so, it seems to me it ought to be more guarded.

Mr. SIMMONS. This bill provides that all the details, the mode of assessing this tax, what shall be assessed, and what shall be deducted shall be prescribed by the Secretary of the Treasury. I noticed in the British statutes containing their first income tax that it filled fifty-nine pages of that great book of theirs. I could not write such a bill from now till January. It is all full of details. Now, to avoid all question about the deterioration of property, I think we had better not put that word in. A man will say his house lost five or ten per cent. by the wear of it; that the tenants have destroyed the wood-work, and all those kind of evasions; but nobody can mistake the word "income." It is the net profits of a man for the year, and the Secretary of the Treasury will provide all the ways and means to ascertain it. If you undertake to do it in the bill, you will only make it more confused than it is now; and that is my objection to the amendment.

Mr. CLARK. It does not seem so, because it would be very easy to insert in the third line before the word "income" the word "net." That is the meaning, and why should it not be done?

Mr. SIMMONS. That is the very thing that would cause trouble. Suppose a person owned a dozen stores on one of the wharves in Boston, from which he got $10,000 a year rent. I mean to tax $9,000 of that amount by this bill. If I put in the word "net" income, he would try to have all the repairs, and so on, deducted, and would make them amount to as much as the income. That would be the trouble. When a man repairs his buildings, he will have less income that year, because he spends it in repairing. I thought of putting this word "net" in; but I could see so many ways of evading it that I thought it better to let the Secretary of the Treasury prescribe his rules, and let the bill cover all incomes.

Mr. CLARK. I do not feel quite satisfied with that explanation. I think it would be quite as well for the Senate to define what shall be taxed as to leave the Secretary of the Treasury to explain it this way or that way, and say it shall be so or so. I move to insert the word "net" before the word "income," in the third line.

The amendment to the amendment was rejected; there being, on a division—ayes 10, noes 18.

The PRESIDING OFFICER. The question now is on the first section of the amendment proposed by the Senator from Rhode Island.

The amendment was agreed to.

The PRESIDING OFFICER. The next section of the amendment will be read.

Mr. SIMMONS. I hope the Senator from Maine will allow the vote to be taken on the remaining sections of the amendment together.

Mr. FESSENDEN. I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the Chair will state the question on the whole amendment.

Mr. FESSENDEN. That would be as well, I think.

The PRESIDING OFFICER. The Chair hears no objection. The question is on adopting the remaining sections of the amendment of the Senator from Rhode Island.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. DOOLITTLE. I desire to move an amendment to strike out the twelfth section. That section, instead of raising money—so much needed at the present time—proposes to give away money belonging to the United States which it ought to have now, if ever. Instead of giving the money belonging to this Government deposited with the States to them, we ought to call on them to pay it over now to the Treasury of the United States.

Mr. SIMMONS. I put that section in the bill at the suggestion of the Secretary of the Treasury. He said that every time a new Secretary comes in these accounts have to be made up and reported to Congress. Nobody expected the money would ever be called for; it never will be and never ought to be called for. It never was intended to be called for when it was put there; and I think it best to adopt this section in order to get rid of these accounts on the books of the Treasury Department. That is all there is about it.

Mr. DOOLITTLE. I hope that the twelfth section will be stricken out. It has nothing to do with the raising of money, and may embarrass the bill. It does not raise a cent of money; but, instead of that, proposes to give away to the States several millions that they have belonging to the United States.

The PRESIDING OFFICER. The Chair understands that no objection is made to concurring in the amendments made as in Committee of the Whole, except to the twelfth section. That will be excepted.

Mr. SUMNER. I wish to have a separate vote on the section levying an additional duty of 10 per cent.. It is the second section of the original amendment as reported by the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair will inquire of the Senator what portion of the section contains the objectionable matter?

Mr. SUMNER. The first clause of the second section; and if it is in order, I will move now to strike out that portion of the section.

Mr. FESSENDEN. What is it?

Mr. SUMNER. I will read it:

That, in addition to the duties now imposed by law on goods, wares, and merchandise not enumerated in the foregoing section, and on all goods not herein otherwise provided for, hereafter imported from foreign countries, there shall be levied, collected, and paid, a duty of 10 per centum *ad valorem*, to include all merchandise subject to or exempt from duty by former laws.

I should like to have a vote of the Senate on the question of striking out that clause.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The Senator from Wisconsin wishes to except the twelfth section. The Senator from Massachusetts can except the section that contains the matter to which he objects; and then the question will be on concurring in the other amendments.

Mr. POLK. I wish to except the tenth section. I desire to move an amendment to a portion of that section.

The PRESIDING OFFICER. That will also be excepted.

Mr. GRIMES. I wish to except the whole of the amendment of the Senator from Rhode Island unless it is amended in some way.

Mr. SAULSBURY. I wish to give notice that I shall move to strike out the words, "on coffee, 4 cents per pound," in the nineteenth and twentieth lines of the first section. Is it in order to make that motion now?

The PRESIDING OFFICER. Not at present. The Chair suggests that the better plan would be to commence again at the beginning of the bill, giving each Senator an opportunity to present his objections.

Mr. SUMNER. It seems to me, that would be the better course.

The PRESIDING OFFICER. If there be no objection, it will be taken as the sense of the Senate to pursue that course. The Chair hears none. The Secretary will read the first amendment made as in Committee of the Whole.

The Secretary read it, as follows:

That, from and after the passage of this act, in lieu of the duties heretofore imposed by law on the articles herein enumerated, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say: On raw sugar, commonly called Muscovado or brown sugar, and on sirup of sugar or of sugar cane, and on concentrated molasses, or on concentrated melado, and on white and clayed sugar, when advanced beyond the raw state by claying or other process, and not yet refined, 2 cents per pound; on refined sugar, whether loaf, lump, or pulverized, 4 cents per pound; on sugars after being refined, when they are tinctured, colored, or in anywise adulterated, and on sugar candy, 6 cents per pound; on molasses, 5 cents per gallon; on tea, 15 cents per pound; on coffee, 4 cents per pound.

The PRESIDING OFFICER. The question is on concurring in this amendment.

Mr. SAULSBURY. I move to amend the amendment, by striking out the words "on coffee, 4 cents per pound," in the nineteenth and twentieth lines of that section. I will not take up the time of the Senate by presenting any reasons for this amendment to the amendment, further than to state that the bill will be distasteful to a great many persons in my State. This is an article that enters largely into the consumption of a class of persons ill able to bear taxes. I feel it my duty, therefore, to make the motion, and on it I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. I will say but one word. The House bill placed the duty on coffee at 5 cents, and we have reduced it to 4 cents.

The question being taken by yeas and nays, resulted—yeas 7, nays 33; as follows:

YEAS—Messrs. Bright, Johnson of Missouri, Kennedy, Latham, Polk, Powell, and Saulsbury—7.

NAYS—Messrs. Anthony, Bingham, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Rice, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Willey, Wilmot, and Wilson—33.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The question now recurs on concurring in the first section.

The amendment was concurred in.

The Secretary proceeded to read the next amendment made as in Committee of the Whole; which was to insert as section two the following:

SEC. 2. *And be it further enacted*, That, in addition to the duties now imposed by law on goods, wares, and merchandise not enumerated in the foregoing section, and on all goods not herein otherwise provided for, hereafter imported from foreign countries, there shall be levied, collected, and paid, a duty of 10 per centum *ad valorem*, to include all merchandise subject to or exempt from duty by former laws.

Mr. SUMNER. Those are the words I wish to have stricken out; and on this question I should like to have a vote of the Senate.

The PRESIDING OFFICER. The Chair will suggest that there is a proviso to the section. The section will be read through, and then the motion will be entertained.

Mr. SUMNER. I think we had better take a vote on that simple proposition, because, in that way, we shall arrive at the precise wishes of the Senate. I therefore move to strike out the words that the Secretary has just read; and if I can have the attention of the Senate for two minutes, I think I can explain why I think it best that those words should be stricken out.

It will be remembered that, in the last days of the last session, a tariff was adopted; but owing to the disturbed state of the country, and the impediments to commerce, it is not too much to say that we have no present experience of the operation of that tariff. We do not know to what extent it will give revenue to the country. While we are thus ignorant of the operation of that tariff, we are called upon to make an important change, which is nothing less than to pile a new story upon what has already been criticised as too high. It is proposed, in addition to all existing duties, to impose a further duty of 10 per cent. In the present exigencies of the country, if there was any reasonable assurance that, out of that extraordinary tax, the revenue of the country could be advanced, I should have nothing to say against it; on the contrary, I should hold up both my hands for it; but, so far as I am informed—and I have taken some pains to instruct myself—there is no reasonable ground to believe that the addition of 10 per cent. extra upon the duties that are now imposed would give to the country any additional revenue.

Mr. POLK. If the Senator will allow me to interrupt him——

Mr. SUMNER. Certainly.

Mr. POLK. I will ask if the result of his investigations is not that the addition of 10 per cent. would actually decrease the revenue?

Mr. SUMNER. The Senator properly directs the attention of the Senate to an important point. I said there was no reasonable assurance that there would be an increase of revenue. I believe that I may go further, as the Senator has suggested, and say that it will be so far prohibitory that it will actually diminish instead of increase revenue. Now, if these duties shall be prohibitory, where will be your revenue? Revenue comes from commerce, and is just in proportion to the extent of commerce; but if you make commerce impossible, where is your revenue? You kill the bird that lays the golden egg.

There is a pleasant story, which I remember to have heard, of a shopkeeper who once announced to his friends, that before breakfast he had increased his fortune by ten per cent.; but, on inquiry, it was ascertained that he had merely marked his goods on hand at an increased price of ten per cent.; and that was his boasted increase of fortune. I must say that I much fear that this additional ten per cent. now proposed, will be equally vain for an increase of our national revenues.

But, Mr. President, while the advantages of this proposed increase are all uncertain, there are disadvantages that are certain. It will add to the bad name which the tariff we passed at the last session already has with those who are disposed to criticise it, and especially with foreign countries. At this moment, when every suggestion of prudence dictates that in our relations with foreign countries we should be governed by a supreme policy of moderation, conciliation, and good will, you propose to take a step which will, to say the least of it, be regarded as an indication of hostility or of indifference. Now, whatever may be the sentiments and the sympathies of European Governments with regard to us, it is perfectly clear that the laboring classes of Europe do sympathize with us in our present struggle; and all those sympathies you turn aside when you impose prohibitory duties which cut off a market for their labor. I am therefore, Mr. President, opposed to this proposed increase on two positive grounds: first, because its advantages are uncertain; secondly, because its disadvantages are certain.

Mr. FESSENDEN. Mr. President, I am very glad that the Senator has made the remarks he has, and I desire to say a few words in reply, more particularly to the last portion of his speech. As chairman of the Committee on Foreign Relations, it being his duty to keep on the best possible terms with all foreign Powers, he had a right, perhaps, to say what he has said; but, after all, that is not the question. I would suggest to the honorable Senator, that there is something else to be considered at the present time besides the good or bad opinion which certain foreign ministers and others may have of our domestic policy. Why, sir, the country is in a state of war, incurring an expense enormous in its magnitude, which the people of this country must bear. The question is, how are they to get the money? How are they to carry on the war? Without money, we know we cannot do it. It must be had upon some terms or other, and had, if possible, from the ordinary sources of revenue; and if those alone will not produce it, from extraordinary sources, if we can find them.

Now the Senator says: "Be careful how you lay these duties on, because foreign countries will be offended at us." What right has a foreign country to make any question about what we choose to do with reference to these matters; to say, when we are in a state of war, and struggling for national existence even, that we shall not impose duties which are necessary to enable us to prosecute that war, because, forsooth, it may affect the interests of foreign gentlemen?

Mr. SUMNER. I know the Senator does not intend to misstate my argument. I assumed that there would be no increase of revenue from this proposed additional 10 per cent.; at least, that the advantages of that proposed increase were uncertain, were doubtful; and then I went on to suggest that it was very certain there would be disadvantages.

Mr. FESSENDEN. The Senator said he put it on two grounds: first, that it would not do what was desired; and secondly, that it would offend foreign Powers and foreign countries. Those were the two heads of his argument. There was no misunderstanding him. I take the last point first.

I have heard this argument adduced out of doors, and this talk about how foreign Powers might feel respecting the duties we choose to impose upon articles imported into this country. Why, sir, I say the argument is nothing less than an insult. We are in a time of war; we are struggling for existence; and is it for any foreign Power or any people to tell us to be careful how we impose duties on articles which they wish to sell us, that may diminish their sales and their profits, although our people are to pay them? I say, this argument, when addressed by a foreign Power to us, is an insult to us, and nothing less than that. If, for the sake of discriminating against a people, or against the interests or the industry of a people, we should lay duties that are not necessary for ourselves, then they would have a right to be offended, because it would be an unfriendly act; but when we place everybody on the same level, and do that which we judge necessary for our own good, with reference to matters exclusively domestic, it becomes no Power and no people, under such circumstances, to use the argument to us directly or indirectly, that they may be offended if we lay duties more or less upon articles of their exportation to this country.

I say, therefore, that no people have a right to be offended with us for acting according to our own views of our own interests. They would not have it in time of peace, and much less could they have it in time of war. If there is no discrimination against a people, no people have a right to be offended. If a foreign minister said to me: "Sir, this will have the effect to injure the industry of my people, and therefore I warn you that they will be offended; beware of the consequences;" I would say: "Sir, that declaration made to me, is an insult to me as a Senator and legislator of the country. I act with regard to you fairly, without discrimination, and it is for you to submit in all matters of this description to that which I judge necessary for the interests of my country, more especially for the well being and safety and preservation of the institutions of my country;" and no sensible, wise people would make that an objection.

Sir, I am really in a position which I am not fit to occupy, as chairman of the Committee on Finance; all I can say of my capacity is, that I have a considerable capacity for labor, and not much beyond it. It is not for me to say what will be the exact effect of the bill we propose to pass, with regard to the tariff of last year. I voted for that tariff; I put aside, as far as I could, all the noise and confusion that was made with regard to the tariff, and endeavored to look at it in a business point of view, and come to such a conclusion as I judged to be a right one with reference to it. That bill was well considered. It was considered for two years. The very best minds we had among us were given to the deliberate consideration of it in all its details, and the conclusion was arrived at that the bill was fair and proper and necessary in the then existing state of our national finances. We passed it. Nobody had a right to be offended, either at home or abroad. We passed it, not with reference to individuals, not with reference to classes, not with reference to any people but our own, according to our own view of what the interests of this country required, the amount of revenue we desired to raise, and the best way to get it honestly and fairly, without discrimination against anybody, according to our best judgment; and with reference, also, in some degree, to the protection of our national industry. We had a right to do it. We did it. No revenue of any consequence has been derived as yet from it, not because of the tariff, but because of the existing state of things. It has had no time to go into operation. Nobody asks us to increase it for the purpose of protection; nobody asks us to increase it for the purpose of exclusion. We have no desire to do it, and no intention to do it; but we find now, instead of peace, that we have

upon us a state of war; and we find that that tariff as it stood, produce what it might, one way or another, would not produce enough for our purposes, and as much as we ought to receive from duties. Under these circumstances, what are we to do? We must have revenue from some point. Has the Senator examined—will he take that bill in its details and go through it and tell us what it will exclude, what it will embargo, what will be kept out, and what will come in? We must do something. What are we to do?

Mr. SUMNER. Take the House bill.

Mr. FESSENDEN. What is the House bill? The House bill imposes more duties on a few articles which were before exempted or free, increasing the duty on sugar, tea, and coffee, and then takes a certain set of articles and increases the duty more than 10 per cent.—20, 30, 40, and 100 per cent.—articles used by the poor. That is what the House bill does. Instead of doing that, we have said that the tariff was high enough for all the purposes we wanted then; but was not enough now when we wanted more, and we take the risk. I believe with the Senator who reported this bill, from the best examination I have been able to give it, that this tariff will produce much more revenue. It is very possible that mistakes may have been made; that upon some articles it will operate as an exclusion to a very great extent. What then? We must remedy it hereafter. We must do something now. We must raise more money by duties, if we can, than the House bill will raise, and that is the object of this proposition.

Now, sir, I have no fear—not the slighest in the world—that this will strike down the receipts from duties. Does the Senator know that we have been living upon what we had; that we have been using up all these articles of foreign countries; and that they will very soon be entirely out of market? What will the people of the country do? They must have them. There is money to buy them. They must come in. Everybody who has considered the people of the United States, knows perfectly well that there must be a vast increase of importations within a very short period of time. There is the article of silks, for instance. Does not the Senator know that, notwithstanding there may be an additional duty of 10 per cent., the people who wear silks will be willing to pay it? though perhaps not to the amount they did in time of peace, in time of prosperity; and neither would they without the 10 per cent. I might go through the list and give others; but I give that by way of illustration. What I say, therefore, is, that at this period, situated as the country now is, no man can tell, no man can demonstrate what will be the result with regard to our importations. One thing we can do: we can take the list of articles upon which we impose duties, and we can find how much a given amount gave us in a certain year, how much a certain amount in another year, and how much on an average in a series of years, and we may predicate upon that a tax that would give us a certain amount of money. How much that will be diminished, and the amount of importations, by the fact that the state of the country is such as it is, and the people are compelled to economize, we do not know; I do not know and do not pretend to say. Nothing but the future can determine that, and the prospect we have of conquering a peace.

Let me tell the Senator one thing: until we do conquer a peace, we must have the money to carry on the war, and it must come from this source in a very great degree, and it will come from this source in a very great degree—not to the extent it would in prosperous times, to be sure; but it must come, and we must find out how much we shall get. It is all matter of speculation to that extent. For my part, I agree with the Senator from Rhode Island: we shall get very much more money under this than we would get under the House bill. Upon that argument I stand, upon that belief I stand; and I am willing to take all the risk with regard to an embargo upon some particular thing which may be will follow, though I believe not to a very great extent; and certainly I am willing to take all the risk of the righteous indignation of people abroad who think they do not make quite so much money out of us as they ought.

Mr. SUMNER. Mr. President, the Senator and myself are perfectly agreed in our main object. Here there is no difference between us. Each desires to secure for the country the largest revenue. For myself, I know no bounds to this desire. The simple question is, how will this be best accomplished? The Senator puts forward the proposition to add 10 per cent. to all existing duties, and he does this while we are still ignorant of the actual working of the tariff established in March. To our inexperience with regard to that tariff he would add the further inexperience with regard to the effect of this proposed increase. Now, this may be good policy; but it does not seem so to me. The commerce of the country cannot bear such constant changes, especially in the direction proposed. The revenue will not gain by it.

For good or for evil, the tariff, familiarly known as the Morrill tariff, has been adopted. The commerce of the country has taken note of its requisitions, and is now ready to govern itself accordingly. And it seems to me that the House of Representatives has acted wisely, in seeking to increase the revenue by duties on selected articles, which it was thought could bear the tax, rather than by a wholesale change, which must cause the whole system to be remodeled. In this respect the House bill has an advantage over that proposed by the Senator from Rhode Island, [Mr. SIMMONS,] and maintained so zealously by the Senator from Maine, [Mr. FESSENDEN.]

But the Senator from Maine says he is unwilling to hearken to any suggestions from foreign nations.

Mr. FESSENDEN. Not at all. I said no such thing as that. I am perfectly willing to hearken to all suggestions, if they are respectfully made, and do not assume a right to dictate to us.

Mr. SUMNER. Pray, who has dictated to us, or who has assumed any such right? And as to suggestions, which the Senator says he welcomes, I am not aware that any foreign nation, or any person representing any foreign nation, has made any suggestion that could come within the criticism, swift as it is, of the Senator. Nor, indeed, am I aware of any suggestions, in any form, to this body. Surely the Senator is mistaken. He must in his imagination exaggerate something that he has heard; or, perhaps, he misinterprets something that fell from myself.

Let me not be misunderstood. I have said that this 10 per cent. proposition, if adopted, will give your tariff a bad name among those who are disposed to criticise it, and especially with foreign countries. Was I not right in saying this? Is it not true? Willingly I take the censure of the Senator, while I strive at this moment to secure for my country sympathy from every quarter—even from foreign nations; nor shall I be disturbed by any of the suggestions which fell from the Senator. I have been accustomed to criticism in this body; and I beg to say, that I shrink from no responsibility which belongs to my position. If duty requires that foreign nations should be encountered by a policy harassing to their industry, I shall take my full share of this grave responsibility; but until I see the path of duty in that direction, I hope that I may be pardoned if I prefer a policy, doubly commended, as most beneficial to us, and least hurtful to them.

I am unwilling that my country at this moment should pursue a shadow, and at the end of the pursuit find that it has gained nothing but ill will. Strong as we are, we cannot afford to add to the odium created by our late tariff. Better to husband our resources—among which I place the sympathies of the civilized world, and of those laboring classes whose industry will suffer by your act, without, I fear, any corresponding benefit to us.

Mr. SIMMONS. I merely wish to make one or two remarks on this particular subject. The Senator from Massachusetts has just voted in favor of taxing what we call the necessaries of life, and which have really become so, more than any one of these luxuries can be taxed by the provisions of this second section. He has voted to put a greater percentage upon every article known as the necessaries of life, than can be put on the luxuries by this section; he says he is perfectly willing to follow the lead of the House of Representatives; and yet the duty on sugar and coffee in this proposition is 25 per cent. lower than that fixed by the House. He is willing to go further in taxing the necessaries of life; but when you come to wines, brandies, silks, and satins, "Oh, foreign nations will complain; it will not do at all;" and then he told a story about it. When he told that story, it reminded me of one told by my father, more than fifty years ago. He came home from the town council, and told my mother they had been assessing a road tax. The way they did it in those times in Rhode Island, was to measure off the road and then apportion it off into the road districts, and they put it down, two days' work or so many days' work with one yoke of oxen or two yoke of oxen, according to a man's ability or convenience. Everybody knew his neighbor. In parceling out one of these districts they did not make the days' work come out quite right; so one member of the council said: "Put three or four days on Joe Sanford, he is a capital fellow to work." [Laughter.] So it is with the Senator from Massachusetts. He wants to let these silks and satins off, and impose heavy duties on tea and coffee. The poor use them. They are as good men to pay as ever were, but he wants to put it all on them.

Now, sir, I am not prepared to agree to any change of this section whatever. I believe it will add $25,000,000 to the revenue of this Government in a year, and I think if I had time I could demonstrate it. As I have stated, I have gone over a period of forty years, looked at every tariff during that time, and the results of it, and ciphered it all out, and I have given you the result. The average of those tariffs for forty years was over 30 per cent. on the whole importation, free and all. The Senator says this is an experiment. It is an experiment we have been trying for the last seventy-two years—since we have had a history. I did not go back more than forty years in my examination. I thought they would satisfy almost anybody. I shall say no more on the subject.

The PRESIDING OFFICER. Is the Senate ready for the question on the proposed amendment to the second section?

Mr. SUMNER. I should like to have the yeas and nays on that amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 7, nays 29; as follows:

YEAS—Messrs. Bingham, Johnson of Missouri, Polk, Powell, Saulsbury, Sumner, and Thomson—7.

NAYS—Messrs. Anthony, Browning, Chandler, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Rice, Sherman, Simmons, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—29.

So the amendment to the amendment was rejected.

Mr. POWELL. If it is in order, I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The second section of the bill is now under consideration, and the question is on concurring in the amendment made as in Committee of the Whole.

Mr. POWELL. I wish to add a section to the bill itself, if I am in order.

Mr. FESSENDEN. Let us go through the amendments made in committee first.

Mr. DOOLITTLE. If the Senator will allow me, I desire to offer an amendment to the proviso of this section. Mr. President, I have heard a great deal said about the tariff of last winter having been prohibitory because its duties were so high. The honorable Senator from Rhode Island has assured us, over and over again, that the average of the duties was about 30 per cent.; and I have relied upon his statements; but there are some persons, both in this country and abroad, who persistently say that some of the duties levied by the tariff of last winter were 100 and 150 per cent., and all that; making it absolutely prohibitory. Now, this I do not believe; certainly not to the extent to which it is alleged; but that there may possibly be some provisions in that bill which carry duties so high as to make them prohibitory on certain articles may be true; and by being prohibitory, they may cut off our revenue on those articles altogether. Therefore I move to change the words which are in the proviso, in the twelfth line. The proviso, as it now reads, is as follows:

"That in all cases where the existing specific or other duties, or both combined, on any article, together with the addition of 10 per centum *ad valorem*, shall amount to a duty of more than 50 per centum on the value thereof, the 10 per centum herein imposed shall not be added."

Now, I propose to insert the words "the excess

shall not be collected." Then it would provide that no more than 50 per cent. should be collected upon any article imported into the United States, with the exception following:

Except upon the articles of brandy and spirits distilled from grain or other materials, or other spirituous liquors.

And to that exception, I have added:

And upon articles neither the growth or manufacture of the United States.

I hope my honorable friend from Rhode Island will accept this amendment. I think it will be the means of increasing the revenue upon many articles on which, if there is any truth in the allegations that we hear, the duty is made prohibitory.

Now, sir, this whole question of a tariff is a question of maximum and minimum, as we were taught in the schools. If upon a given article, you levy a duty of 10 per cent., that is not sufficient duty to prevent the foreign producer from coming into your market and going into competition with the home producer; and you get a revenue. Put on 20 per cent. and the foreign producer can still come into our market and compete with the home producer. Put on 30 per cent. and he may still come here and compete with the home producer, giving the home producer 30 per cent. advantage; but put on 50 per cent., or 60 per cent., or 75 per cent., and the foreign producer is banished from your market, and you have no revenue at all. Now, then, I say, Mr. President, as a matter of security, as revenue is what we ask for, let us, by our tariff bill, shut the mouths of these men all over this country, and all over England, who declare that our bill is prohibitory. Let us say, that when the duties altogether upon any article which is the growth or manufacture of the United States, exceeds 50 per cent., no further duty shall be collected. We can silence this clamor; we can increase our revenue; and we can afford all the protection certainly that the home manufacturer should ask, when he has 50 per cent. the advantage of the foreign manufacturer. I hope my honorable friend will agree that this amendment, which is just a slight variation of the proviso, may be accepted; and then, I think, we shall increase the revenue and improve the bill, both of last winter and the present proviso.

Mr. SIMMONS. It would give me great pleasure to accommodate my friend from Wisconsin; and if I thought he had looked at this subject as much as he might have done, as it has been before Congress for the last two or three years, I would not make any reply. The very object of a specific duty that we have been laboring here for years to try to get, is to prevent these fraudulent undervaluations of merchants. Your goods will come in valued at half price. This proposition would open up the whole frauds practiced for the last twenty years, which were intended to be put a stop to by the bill of last year. I would as soon allow these foreign importers to put the duties on as to make the invoices. Let them have control of the invoices and they will control the Treasury.

Mr. DOOLITTLE. If the honorable Senator from Rhode Island will allow me, the proviso here which is proposed by the committee is, that whenever this 10 per cent. is applied, if the 10 per cent., with the other duties, exceed 50 per cent. on the value thereof, it shall not be added. Does that mean in this market?

Mr. SIMMONS. No, sir.

Mr. DOOLITTLE. Very well. This whole question, then, of fraudulent valuation, comes in at once. It is just as broad as it is long.

Mr. SIMMONS. Now, Mr. President, if the Senator has got through, I should like to show to him why it is not so. He proposes a plan that repeals all the specific duties in the old bill. It practically takes the whole of them out. He does not think so, and did not intend it. If, for instance, ten cases of silk, or any other article, should be sent here, and we should put a duty of 10 cents per yard on it, in order to prevent fraud and undervaluation, and then in this new bill you should say that, if they can make the duty out over 50 per cent., it is not to be added, they have nothing to do but to value it one half, and then put it down 25 per cent. if you choose, no matter what the specific duty is. You are, in fact, repealing your old tariff. I would rather have the section as it is without this proposed modification. That would do more injury than this 10 per cent. would do good. I have introduced the provision in order to prevent this clamor, that if the old bill imposes a duty of 40 per cent. without this addition of 10 per cent., there shall be no more put on; and that is guard enough. I am not going to consent to any repeal of what we have done for the last two years to prevent frauds.

Mr. DOOLITTLE. Do I understand the honorable Senator from Rhode Island to state that there is a provision in the bill that if the whole duty levied on any article shall exceed 40 per cent. it shall not be collected?

Mr. SIMMONS. This 10 per cent. shall not be added.

Mr. DOOLITTLE. That is the very provision I was seeking to amend. The amendment is not to make it of necessity 50 per cent., but if the whole tax imposed upon any article exceeds 50 per cent., that the excess shall not be collected.

Mr. COLLAMER. If the gentleman will read it, he will find that the provision is now that the 10 per cent. he talks of is not to be added if it would make over 50 per cent. altogether. That leaves it forty now.

Mr. DOOLITTLE. If, in these particular articles upon which the 10 per cent. is added, it would make the whole duty over 50 per cent., it is not to be added; but, as we are told, and it has been alleged a thousand times over, there are, under the existing tariff law, various articles on which the duty is now over 50 per cent.; my purpose is not only to reach the case under the present bill, but under the bill of last winter, not to revise the bill entirely, or to revise it in any other respect than to provide that the excess of duty over 50 per cent. shall not be collected, in order that the tariff bill, not only of last winter, but the present tariff bills shall not be prohibitory in its character, and therefore destructive of our revenue.

The PRESIDING OFFICER, (Mr. FOSTER.) The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on concurring in the second section.

The section was concurred in.

The third and fourth sections were concurred in.

The fifth section was read, as follows:

SEC. 5. *And be it further enacted*, That all goods remaining in public store or warehouse at the time this act takes effect may be withdrawn therefrom and entered for consumption upon payment of the duties legally imposed thereon at the time they were deposited; and all goods deposited in public store or bonded warehouse after this act takes effect and goes into operation, if designed for consumption in the United States, must be withdrawn therefrom, or the duties thereon paid in three months after the same are deposited, and goods designed for exportation and consumption in foreign countries may be withdrawn by the owner at any time before the expiration of five years after the same are deposited, such goods, if not withdrawn in five years, to be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury: *Provided*, That merchandise upon which the owner may have neglected to pay duties within three months from the time of its deposit may be withdrawn and entered for consumption at any time within two years of the time of its deposit, upon the payment of the legal duties, with an addition of 25 per centum thereto: *Provided, also*, That merchandise upon which duties have been paid, if exported to a foreign country, shall be entitled to return duties, proper evidence of such merchandise having been landed abroad to be furnished to the collector by the importer, 1 per centum of said duties to be retained by the Government: *And provided further*, That coffee imported from beyond the Cape of Good Hope, which shall be actually on shipboard and bound for the United States before the 1st day of September next shall be exempt from the duties imposed by this act.

Mr. SUMNER. I would call the attention of the Senate to this section which relates to the warehouse system. The Senator from Rhode Island will remember that at the last session, on the yeas and nays, after a discussion, the Senate deliberately determined to preserve the warehouse system. Now, I understand this fifth section interferes with that determination. Am I not right?

Mr. SIMMONS. Yes, sir.

Mr. SUMNER. I should like to inquire of the honorable Senator, what reason there is now for interfering with the warehouse system, which did not exist last March?

Mr. SIMMONS. I suppose it would be difficult for me to give the Senator a reason why I would make any difference, because I was the other way then, and I have not altered my mind since. I supposed, however, that the Senate was a little differently constituted now than it was then. Any man who will look at our financial condition last year will see that we hired $10,000,000 at 1 per cent. a month, and we are paying that rate of interest now, in order to let merchants keep goods in warehouse without paying duties or paying interest either. It is about time that thing was stopped. I think the Senate were confounded last spring. There was a great deal said about loading ships and making up assorted cargoes, and that was the great reason assigned for keeping up the warehouse system. We concluded to give them two years longer for anything they are going to ship. They may have five years instead of three to make up assorted cargoes; but the goods that are intended for consumption must pay duties in three months. They may let the goods lie as long as they please, and if they ship them in three years, they can have the duties back again, except 1 per cent. If they leave them in warehouse two years, and then want to take them out, they must pay 25 per cent., 1 per cent. a month. That is the provision.

Mr. SUMNER. It seems to me that one essential element of good commerce is stability, and no one knows it better than the honorable Senator himself. Merchants wish to know what the law is, and then they govern themselves accordingly. They make their contracts with reference to the law; they send out their orders; they receive goods, all with the understanding that the law is as they suppose. Now, it seems to me that it cannot be good policy at this moment to add to the complications of our commerce by this very great change which the Senator proposes. I do submit that the conclusion at which the Senate arrived at the end of the last session, to preserve the existing warehouse system, ought to be maintained. I, therefore, am against that clause.

Mr. FESSENDEN. I wish to say, in answer to the suggestion about stability, that so far as I have observed, if a law suits the merchants, and puts money into their pockets, they want stability; but if they do not like it, they are very anxious for a change.

Mr. KING. I have been disposed to take these measures as they were agreed upon by the committees that presented them, on the supposition that that would be in accordance with the views of a majority of the Senate, and that it was not desirable to have divisions on questions unnecessarily. In this case, however, I do not see any good reason for abolishing the warehouse system, and I must vote against the section.

Mr. SIMMONS. The object of the committee was to benefit the condition of the Treasury for the good of the whole country. I hope the section will not be stricken out.

The fifth section was concurred in.

The sixth section was concurred in.

The seventh section was read, as follows:

SEC. 7. *And be it further enacted*, That this act shall take effect thirty days after its passage, and all acts and parts of acts repugnant thereto are hereby repealed: *Provided*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act for the prosecution and punishment of all offenses, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing to that effect in the existing laws contained had been inserted and reënacted by this act.

Mr. FESSENDEN. The "thirty days" there was an amendment put in, in committee; the question, therefore, is on agreeing to that amendment. Thirty days was not in the original report of the bill; it was fifteen days; but in Committee of the Whole, before the bill came into the Senate, on motion of the Senator from Massachusetts, thirty days was inserted. It is, therefore, an amendment. On that I want a separate vote, because as it stands the time is too long. If the Senator would change it to twenty days, I should have no objection.

Mr. SIMMONS. We will all agree to twenty days.

Mr. SUMNER. Before I come to that understanding, I should like to submit an alternative proposition. If the Senate shall go back to fifteen days, I propose to move this proviso, which is partly borrowed from the House bill:

Provided, That all goods, wares, and merchandise actually on shipboard, and bound to the United States, within fifteen days after the passage of this act, shall be subject to pay such duties as are provided by law before, and at the time of, the passage of this act.

Mr. SIMMONS. I suggest to the Senator that the operation of such a provision as that would be to get the next crop of teas in without duties. The latter part of the crop is shipped in July and August, and we intend to get the duties on that tea. Ever since the President's proclamation was issued, I am told by the largest tea dealers that I know, they anticipated this duty, and put the price up, supposing it would be 10 cents a pound. They did it last April, knowing that I was for putting the duty on. We do exempt coffee coming from the Cape of Good Hope, for the reason that Java coffee has an export duty; and when you import it into the United States, having paid that export duty, if duty is paid here, it cannot be shipped abroad. In Europe, where the Dutch have reciprocal duties, they do not pay this 10 per cent; and there is a necessity and reason for exempting coffee coming from beyond the Cape of Good Hope from its operations. The country is bare of these goods now, and the quicker you put these duties on the better. I am willing to give twenty days. I do not want to take a snap judgment on anybody, but I do not intend that merchants shall send orders out and have them filled before this bill takes effect, as they can in thirty days.

Mr. SUMNER. Within fifteen days that could not be done, provided an exemption was made of all goods water-borne within fifteen days.

Mr. SIMMONS. That would take in tea.

Mr. SUMNER. No; my proposition is that all goods, wares, and merchandise actually on shipboard and bound to the United States, within fifteen days after the passage of this act shall be subject to pay such duties as are provided by law at the time of the passage of this act.

Mr. COLLAMER. They can send an order abroad and have the goods put on shipboard in less than fifteen days.

Mr. SUMNER. The Senator supposes the passage must be a quick one, and the lading of the ship must have a dispatch which I think is not usual. It might be done at a single port, the port of Liverpool. This other proposition seems to me, upon the whole, to be most equitable; that is, in favor of everything that is on shipboard within fifteen days; but if the Senators who have charge of the subject are actually against it, of course, I shall accede to the proposition of the Senator from Rhode Island to fix twenty days.

Mr. FESSENDEN. The question being on the amendment to fix thirty days, it can be rejected, and the Senator can move twenty.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The original time stated in the amendment was fifteen days. In Committee of the Whole "fifteen" was stricken out and "thirty" inserted. The question now is, Will the Senate concur with the committee in striking out "fifteen" and inserting "thirty?"

The amendment was non-concurred in.

The PRESIDING OFFICER. The question now is on the section, fifteen days being the space of time specified in the section.

Mr. SUMNER. Now I should like to make the motion that I referred to. I want to see what the views of the Senate are. I move to insert this amendment in the second line of the seventh section, immediately after the word "passage:"

Provided, That all goods, wares, and merchandise, actually on shipboard, and bound to the United States, within fifteen days after the passage of this act, shall be subject to pay such duties as are provided by law before and at the time of the passage of this act.

Now it seems to me that that is essentially just, and that there can be no bad consequences resulting from it.

Mr. COLLAMER. If I understand that aright, the effect would be that our increased duty on tea would be inoperative in relation to all the tea that is on board ship now, or that will be on board ship at any time within fifteen days after the passage of this act. The whole crop that is now on the way will thus escape the duty altogether. It will be about September or October before it gets in, and all that is shipped now and on the way will come in free of duty.

The amendment of Mr. SUMNER was rejected.

Mr. SUMNER. I now move to strike out "fifteen" and substitute "twenty," before the word "days."

The amendment was agreed to.

The seventh section, as amended, was concurred in.

The Secretary read the eighth section.

Mr. FESSENDEN. I hardly think it necessary, as we have gone through with the remaining sections in the shape of one amendment distinctly, to read them all over again, unless some gentleman requires it.

Mr. SHERMAN. I desire to call the attention of my friend from Rhode Island to a practical question in the second section of the bill.

Mr. DOOLITTLE. If the Senator from Ohio will allow me, I made a motion to strike out the twelfth section.

Mr. SHERMAN. The chief reason why I voted for the tariff bill of last winter was that most of the duties on important articles were specific duties; and therefore, in levying the duties, it was not necessary to look to the invoices, or to take a valuation either at home or abroad. For instance, when flat bar iron was imported, the law fixed a duty of $16 a ton; when railroad iron was imported, it fixed a duty of so many dollars a ton, without regard to its foreign or home valuation.

The second section of this bill, as presented by the Senator from Rhode Island, introduces again the old system of foreign valuations, and yet keeps in existence the present system of specific duties. Now, I submit to him whether it will not create a great deal of practical difficulty. Take the case of flat bar iron worth $40 a ton in England. When it is imported here, it pays a duty of $16 a ton. Under his bill, now, it will be necessary, in every importation of iron, to inquire into the valuation of that iron, either at home or abroad; and I suppose the 10 per cent. additional duty is to be on the foreign valuation. Consequently, the Senator imposes the necessity of making an inquiry into the value of every importation of every article, where the duty is likely to come about the range of 40 per cent.; and many of the most important articles in our tariff bill reach between 30 and 40 per cent. It seems to me, therefore, that this second section complicates our tariff duties very much, and we shall bring into this bill all the uncertainties, all the doubts, and all the questions about home and foreign valuation and about fraudulent invoices, which I supposed we had got rid of in passing the Morrill tariff bill. I submit to the Senator whether it does not create that difficulty, and whether it cannot be obviated in some way.

Mr. SIMMONS. I think it raises no such question, to any extent that will give the least trouble in the world. When these invoices come in, of course they must be presented, and there will be a calculation as to the rate per cent. I admit that the duty on bar iron is over 40 per cent. now; and I did not intend that this 10 per cent. should go on articles like that, because I think when you have got a specific duty that amounts to 40 per cent., it is high enough; but there is no article imported but what is obliged to be invoiced and the invoice shown, whether you have a duty on it or not.

Mr. SHERMAN. But that creates the very difficulty. Will you rely then on the importer's invoices? If so, you open the door to all sorts of fraud. They will never have an article within the limit prescribed. It will create the same difficulty you avoided by the bill of last year.

Mr. FESSENDEN. I will suggest to the Senator from Ohio that the amount is not large enough to make it an object.

Mr. SIMMONS. The very fact that all they would save would be 10 per cent. would not induce them to go into it. They have to pay the specific duty anyhow, and all they would save would be 10 per cent.; and that, I think, would not induce them to swear very hard. I think it is right as it is.

Mr. DOOLITTLE. I move to strike out the twelfth section.

The PRESIDING OFFICER. The question now is on concurring in the eighth section.

Mr. FESSENDEN. I suggested that by common consent we might dispense with the reading of all the other sections, as they have already been read once in detail, and acted upon as one amendment. If any Senator wishes to amend any section, he can make that motion. I think that will will be the shorter way.

The PRESIDING OFFICER. Unless some Senator demands the reading of the sections, their reading will not be further proceeded with. The question now is on concurring in the eighth section.

The eighth section was concurred in.

The PRESIDING OFFICER. The next question is on the ninth section.

Mr. SIMMONS. I suggest that we take the question on all the remaining sections together, except the twelfth.

The PRESIDING OFFICER. There are four sections remaining, the ninth, tenth, eleventh, and twelfth. Unless some Senator desires a separate vote on each, the vote will be taken on the ninth, tenth, and eleventh sections together, leaving the twelfth section for a separate vote.

The ninth, tenth, and eleventh sections were concurred in.

The twelfth section was read, as follows:

SEC. 12. *And be it further enacted*, That all claim on the part of the Government of the United States to have the several sums of money deposited with the several States under the authority of an act entitled "An act to regulate the deposits of the public money," approved June 23, 1836, returned or repaid by said States to the Treasury of the United States, be, and the same is hereby, released, and the Secretary of the Treasury is hereby authorized and directed to balance the accounts in the Treasury with such States, and to make entry therein that the same are settled.

Mr. DOOLITTLE. I move to strike out that section. It does not aid at all in raising money certainly to propose now to give away to the States moneys which were deposited with them some twenty years ago.

The PRESIDING OFFICER. The question is on concurring in this section, it having been adopted in committee.

Mr. SIMMONS. I only wish to make one word of explanation. There was a suggestion that the Secretary of the Treasury had no choice about it; but it was embarrassing to every officer that came into that Department to have these books to go over and notice the accounts every time he made his report.

Mr. FESSENDEN. Everybody knows that we have got to raise money to carry on the war, and the people have got to pay it; and everybody knows just as well that this money will never be called for, and the account might as well be wiped out.

Mr. CLARK. I will make one further suggestion in regard to it: that as this section is here, we had better not now strike it out, because many of the States are raising money for the war, and, if we should strike this out, it would be an intimation that they will have to pay this money in addition; and therefore it might retard them in raising money. I think, as we have it now, we had better say it shall be a gone debt; we will settle that account, and let them raise the new fund.

Mr. DOOLITTLE. It is no intimation one way or the other, if we do not say anything in the bill about it; but there is a proposition here to involve a question which has been fiercely disputed in this country for years, which has no connection with the bill, which does not raise a dollar of money, and which proposes in substance to give away to the old States with whom these moneys were deposited many years ago, money actually belonging to the United States, by settling the accounts.

Mr. FESSENDEN. They will never be called upon for it.

Mr. DOOLITTLE. If we do not choose to call on them for it, we need not say anything about it. The time may come when we may be under the necessity of calling on them for it. It is money that belongs to the Government of the United States just as much as any dollar in the Treasury of the United States does. It was deposited by an act of Congress on that express provision, and the States accepted it with that provision in the act. When gentlemen say that the act of Congress means nothing, although it expressly provided that the moneys which were deposited should be subject to the order of the United States——

Mr. FESSENDEN. That was humbug.

Mr. DOOLITTLE. Our friends may say it is a mere humbug, but why put it in the bill? It seems that a kind of wild fanaticism takes possession of the minds of certain men, just at this time to undertake to press into this bill that which has nothing to do with the merits of the legislation before the Senate, (and that is raising revenue,) to bring up old party issues. Does not the Senator know as well as I know, that it has been

one of the most fiercely-contested party issues, in years gone by, when he, perhaps, was on one side and I on the other? What is the use of opening it here for discussion now? Why bring up the old question of depositing the moneys of the General Government with the States? Who does not know that that power has been denounced over and over again as being a power exercised by the Government of the United States without any authority under the Constitution, and that the money was deposited with them simply because there was a surplus in the Treasury; but it was deposited with the States, to be called for when the Government of the United States in its necessities should need that money? Why put this provision into the bill? Why not let it alone and say nothing about it?

The PRESIDING OFFICER. The question is on concurring it the twelfth section.

The question being taken, there were, on a division—ayes 16, noes 4; no quorum voting.

Mr. SIMMONS. No doubt there is a quorum in the Chamber.

Mr. POLK. I think we had better have the yeas and nays. That will bring a quorum I expect. ["Oh, no!"] If the Chair is satisfied that a quorum is present, I shall not ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is not satisfied that a quorum is present. The Chair is rather inclined to think that there is not a quorum present.

Mr. WADE and others. Let us have another division.

The PRESIDING OFFICER. Are the yeas and nays demanded?

Mr. POLK. No, sir; if a quorum is present, I do not want to take up the time of the Senate.

The PRESIDING OFFICER. The Chair will put the question again, another division being asked.

The question being taken, there were—ayes 23, noes 9; no quorum voting.

Mr. WILSON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 27, nays 9; as follows:

YEAS—Messrs. Anthony, Bingham, Bright, Browning, Carlile, Clark, Dixon, Fessenden, Foot, Foster, Hale, Harris, Lane of Indiana, Morrill, Pomeroy, Powell, Rice, Sanlsbury, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Willey, and Wilson—27.

NAYS—Messrs. Doolittle, Grimes, Harlan, Johnson of Missouri, King, Lane of Kansas, McDougall, Polk, and Wilkinson—9.

So the twelfth section was concurred in.

Mr. POLK. One of the sections that I asked to have reserved was the tenth, with a view of offering an amendment to it. I have just learned that there was a motion a little while ago to adopt two or three sections together. Before that, however, I suggested, and I believe the Chair stated, that the tenth section would be reserved for a separate vote. I do not think that it was voted on separately.

The PRESIDING OFFICER. The vote was taken upon the ninth, tenth, and eleventh sections together. The Chair will, however, receive a motion to amend the tenth section, unless objection be made.

Mr. POLK. I wish to submit a motion. I shall submit it merely, and ask for the yeas and nays. I propose to strike out of the tenth section that portion of it which provides for imprisonment as a means of collecting the tax. In most of the States they have abolished imprisonment for debt. I simply move the amendment, and ask for the yeas and nays.

Mr. FESSENDEN. That section was drawn for the purpose of meeting a case which may sometimes occur, where a man is known to have a very considerable income, and has nevertheless no property that is subject to seizure. He may have his pocket full of Treasury notes, or bank notes, or notes of hand, or something of that sort, that cannot be taken. He may be a very rich man, and have no property that can be seized or sold. There are many such cases. Suppose he should say, "take my property wherever you find it:" what remedy have you unless you arrest and hold him? The whole course of proceeding in regard to it is left to the States; that is to say, the State proceeding is adopted, and perhaps it would be very difficult to accomplish anything where the States themselves had abolished imprisonment for debt, if we did not make this provision.

Mr. GRIMES. I would inquire of the Senator, suppose the assessor, or whoever is authorized to collect this tax, wrongly assesses, improperly assesses a man: where is the method of appealing from that decision?

Mr. FESSENDEN. There is no remedy for that.

Mr. GRIMES. It occurs to me that it is a very extraordinary power to confer upon anybody, to allow him to assess a man at his option as to his income.

Mr. FESSENDEN. It is a power that exists in my State now. There is no appeal from the decision of the assessors. They assess a man; he has a right to bring in his list, make his statement under oath of what his income is for the preceding year. If he does not do that, the assessors form their own judgment, and assess him accordingly.

Mr. GRIMES. It is a power that does not exist in my State; for there is an appeal from the decision of the assessors.

Mr. FESSENDEN. I have understood that there was nobody there that had anything. [Laughter.]

Mr. GRIMES. There is nobody there who has any income; but our people have real estate.

Mr. FESSENDEN. Why need it trouble the Senator, then?

Mr. GRIMES. I am looking out for the interests of other people, as well as of my own constituents.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri as asking for the yeas and nays on his amendment to the tenth section.

Mr. POLK. I do not care about the yeas and nays.

The question being taken, on a division there were—ayes seventeen.

Mr. HALE called for the yeas and nays; and they were ordered.

Mr. HALE. I do not rise to make a speech, but I want the Senate to understand—there is no great probability that they will—that if this clause is stricken out you might just as well strike out all after the enacting clause of your bill. Everybody that owns stock, everybody that has money, everybody that has property of any kind, that is not real estate and visible, will be disposed to conceal it from taxation. They always have done so, and they always will, unless the millennium comes when the human heart is regenerated; and when that comes these stockholders will be the last ones that will be converted. If you strike this out, you let the richest men in the country, who have stocks and large incomes, stare you in the face when you ask them for their taxes, and you will get them off poor men who cannot help themselves. I hope, if this amendment is made, all of the bill will be stricken out after the enacting clause.

Mr. SHERMAN. I can assure the Senator that he can make provisions in this bill that will enable him to collect this tax without the least difficulty. You can provide for examining every person in regard to his assets; you can compel him to disclose whether he has stocks or not, and if he has stocks they can be sold. I will not vote to imprison a man, deprive him of his liberty, for refusing to pay taxes, or any money of any kind. You will have enough clamor about these bills; and a provision of this kind, which authorizes, in certain cases, imprisonment for debt, will be the cause of more clamor than anything else contained in the bills. I wish to avoid that as much as possible; and besides, I do not think it is at all necessary, in order to collect this tax, that we should have power to imprison any one. I am afraid the power will be abused. If a man has real property it can be seized; if he has stocks they can be sold. If you cannot find out whether he has stocks or not, you are not likely to get the tax at any rate. So I think there is no practical difficulty in leaving this section without this power of imprisonment.

Mr. McDOUGALL. I am as much opposed as any Senator to any law to secure the payment of debts by imprisonment; but I do not regard this as any such measure. In the first place, this is a war measure, and is justified upon that ground. Next, it is a measure to enforce a duty which citizens owe to the Government—not a mere contract liability, but a duty they owe to the Government; and I am well aware that without some measure of this kind this tax cannot be fairly enforced. Upright, honest men will give a true account of their liability, and pay it over into the Treasury; but others will avoid it; and it will require a severe law to compel many to comply with the enactment. I am for the bill as it is, as a measure to enforce an obligation due to the Government.

Mr. FESSENDEN. All this difficulty arises from the sort of sensitiveness that Senators have, and which has been growing up in the States, and for which there is a great deal of foundation, in regard to poor debtors who cannot pay; and in that I agree with them. All the States have modified their laws in regard to imprisoning poor debtors; some have abolished it altogether; but I have seen with reference to taxes in our country, and I presume it is the same everywhere, that many men who are rich (and the richer they are the more apt they are to do it, carrying out the principle and practice by which they made their money) resort to every possible evasion to get rid of the payment of taxes. There have been cases within my knowledge where men, known to be rich, have, for the purpose of avoiding the payment of taxes, so arranged their property as to have no real estate, no bank stock, but have it all in notes of hand and Treasury notes and bonds, private obligations, and such things as that, which they put into their pockets, and which cannot be reached in any way; which are not subject to seizure and sale; which nobody knows anything about. These men are perfectly well known.

This bill, in the first place, gives to such persons an opportunity to come forward and state under oath what their income is. If they do so, very well; that is taken; there is no way of contradicting it. If they do not choose to do that, then the assessor has a right to say how much their income is. That provision must exist everywhere, in the nature of things, with reference to the collection of taxes. It is the system in my own State, and has been found to operate well. It gives an individual a chance to exhibit what he is worth; and if he does not choose to exhibit it, the assessor must form the best judgment he can. Suppose that process is gone through with, and the man says "I will not tell what I am worth," and the assessor guesses at it, and attempts to take his property: "well," says he, "take it if you can find it." The assessor cannot find any, and the man walks off whistling and pays nothing. There are a great many men of that description in the country everywhere. This provision is simply that in that case the man shall be arrested and imprisoned. He has the benefit of all the laws of the State, whatever they may be, to be discharged from custody, (which exist in all cases,) by coming forward and making a disclosure in some States; and more than all that, we have added another provision that he may be discharged at any time by the order of the Secretary of the Treasury. Whenever he convinces the Secretary of the Treasury that he has been overestimated, treated unjustly, or anything of that kind, we give the Secretary power to release him. What better provision can we make, and what is the hardship? I see none of any kind or description. I believe it to be absolutely necessary.

Mr. TEN EYCK. I would never vote, in this age of the world, to imprison a man for debt. In New Jersey, we have abolished imprisonment for debt; but we still have a State law which makes a man liable to imprisonment who will not pay for the support of the Government. We never imprison a poor man who does not pay his taxes; we have a way of letting him go; but if a man, rolling in wealth and bloated with stocks, at this period of time, refuses to pay taxation for the support of this Government, and to save the nation from the consequences of this rebellion, he ought to go to prison; and he will be better in prison than out of it.

Mr. GRIMES. The trouble with this bill is, that there is no method specified in which a man can render an inventory or state the amount of his assessment. It is not like the law in New Jersey, or in Maine, at all. There there is an assessment. In Maine, I suppose they have three selectmen in every township, who go around and assess the property in that township on three different days in a certain month; and they call on every inhabitant of the township to state how much money he has out at interest; and then, if

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. WEDNESDAY, JULY 31, 1861. NEW SERIES.....No. 21.

he does not state correctly, the law used to be, when I was a Yankee, that they do guess, but there is no such provision here. Under the provisions of this act, the collector has a right, in the first place, to assume that a man's income is so much; and if he does not pay it——

Mr. TEN EYCK. We have an appeal in New Jersey.

Mr. GRIMES. There is no such thing here. I am as willing as any other gentleman to pay my proportion of the taxes to support this Government, and the citizens of my State are as willing to do it as are the people of New Jersey or of Maine; but it does seem to me that there is some very radical defect in this provision, and therefore I am unwilling to vote for it in its present condition. I want to have it amended. I think this is the right way to collect taxes. I am in favor of an income tax as against any other kind of tax that can be assessed; but it occurs to me that the bill is inartificially drawn, and it ought to be committed for the purpose of being redrawn.

Mr. FESSENDEN. I was mistaken in saying that provision was made in the bill for taking the oath of a man as to his income. It was talked over in committee; and on consultation, we concluded that all regulations in regard to the mode of doing it should be left to the Secretary of the Treasury. We took it for granted that the Secretary, in making his provisions in regard to the collection of taxes, would point out the mode to be followed, the advertisement, &c., which we did not choose to put into the bill in detail. We thought it better to leave it for him. That is the simple fact. I was mistaken in saying that the bill provided for that.

Mr. SIMMONS. One word. I stated this morning, when this matter was up, that this was the mere power, without going into the details. The British statutes took fifty-nine pages of a book, as big as a man could lift, and you could not write it in a month. You only want to give the power, and let the Secretary give the instructions; which will be all written, and published to everybody.

The question being taken by yeas and nays, resulted—yeas 18, nays 18; as follows:

YEAS—Messrs. Bingham, Bright, Browning, Carlile, Dixon, Doolittle, Grimes, Harlan, Harris, Johnson of Missouri, Polk, Powell, Rice, Saulsbury, Sherman, Trumbull, Wade, and Willey—18.

NAYS—Messrs. Anthony, Chandler, Clark, Fessenden, Foot, Foster, Hale, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Simmons, Sumner, Ten Eyck, Wilkinson, and Wilson—18.

So the amendment was rejected.

Mr. SHERMAN. I will now submit an amendment, to insert in line thirty-six, of the tenth section, before the word "arrest," the following, which I suppose will be satisfactory:

Examine under oath the person assessed under this act, or any other person, and may sell at public auction, after ten days' notice, any stocks, bonds, or choses in action belonging to such person, or so much thereof as will pay such tax and the expense of such sale; and in case he refuses to testify, the said several collectors and assessors shall have power to arrest, &c.

Mr. FESSENDEN and Mr. SIMMONS. No objection to that.

The amendment was agreed to.

Mr. RICE. I am somewhat in the dark in regard to this bill, and I hope I shall be pardoned if I exhibit any degree of ignorance on the subject; but I should like to ask the honorable chairman whether this is a tax "apportioned among the several States which may be included within this Union, according to their respective numbers," or whether it is upon the property of the individuals of the various States?

Mr. FESSENDEN. I will answer the Senator, without any argument on the subject, that I do not understand it to be a direct tax within the meaning of the Constitution, which requires it to be assessed among the several States.

Mr. RICE. Will the Senator oblige me by referring to the article of the Constitution which authorizes this tax?

Mr. FESSENDEN. I am not prepared to make a constitutional argument upon it. I do not doubt the power.

Mr. RICE. I only ask for an explanation, not an argument. I supposed an older Senator would have no objection to give it to a young and green one, like myself.

Mr. COLLAMER. Congress is authorized "to lay and collect taxes, duties, imposts, and excises," which we suppose covers every possible tax there can be, every form of taxation that can be imposed.

Mr. RICE. This, then, is not a direct tax?

Mr. COLLAMER. I did not say that. You asked by what authority this tax was laid. I said by that authority, which covers all forms of tax.

Mr. SAULSBURY. I would suggest to the Senator from Minnesota that this bill, according to its title, is "a bill to provide increased revenue from imports," and not a bill for direct taxes.

The PRESIDING OFFICER. The Senate have concurred in the amendments made as in Committee of the Whole, section by section. The question now is, whether they will substitute that amendment for the original bill

The substitute was agreed to.

Mr. POWELL. I have an amendment that I wish to offer as an additional section:

And be it further enacted, That from and after the 6th day of October, 1861, all acts and parts of acts granting allowances or bounties on the tonnage of vessels employed in the bank or other cod fisheries, be, and the same are hereby, repealed.

We are engaged, sir, in raising money by every species of taxation known to the Constitution of the country; and therefore I think it eminently proper at this time that we should repeal all laws giving bounties to any portion of our people. I do not believe that we ever had the power, under the Constitution, to give these bounties. I believe all the laws granting them are unconstitutional. I hold that you have no more right to give to a Massachusetts or a Rhode Island man a bounty for his vessels engaged in the cod fisheries, than you have to give a bounty on the implements of husbandry engaged in the West in raising corn and potatoes. It is all unjust. I am aware that in the early history of this species of legislation, particularly touching the cod fisheries, they said the object was to create and foster a nursery for seamen. That necessity, if it ever existed, certainly does not exist now. There has been paid by this Government over thirteen millions of money for bounties upon the tonnage of vessels engaged in these fisheries; there is now paid annually between five and six hundred thousand dollars for that purpose. Four fifths of that amount, I believe, goes to the people of Massachusetts and Rhode Island, one or two other States getting a small amount of it. I do think that whilst we are engaged in the work of laying taxes on every interest of the people, on their income, direct taxes on their lands, and imposing excessive duties on consumption, we should repeal this kind of legislation, and stop these bounties that have been, in my judgment, so long illegally paid.

It is not my purpose to make any elaborate argument. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered and taken.

The call of the roll having been concluded,

The PRESIDING OFFICER. The Chair will suggest that there is no quorum voting.

Mr. WADE. I move that the Senate adjourn.

Mr. ANTHONY. I hope not. I hope the Sergeant-at-Arms will be directed to request the attendance of absent members.

Mr. WADE. At the request of the Senator from Massachusetts, I withdraw my motion.

Mr. WILSON. I ask unanimous consent to allow me——

Mr. FESSENDEN. I object. There is a bill before us. Let us dispose of it.

The PRESIDING OFFICER. The Chair will suggest that the vote should be reported, in order that it may appear that there is not a quorum voting.

The result was announced—yeas 15, nays 19; as follows:

YEAS—Messrs. Browning, Carlile, Chandler, Doolittle, Grimes, Harlan, Johnson of Missouri, Polk, Powell, Rice, Saulsbury, Sherman, Trumbull, Wilkinson, and Willey—15.

NAYS—Messrs. Anthony, Clark, Collamer, Dixon, Fessenden, Foot, Foster, Harris, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Simmons, Sumner, Ten Eyck, Wade, and Wilson—19.

Mr. SAULSBURY. Am I in order in making an explanation which is due both to the Senator from Minnesota and myself?

The PRESIDING OFFICER. The Senate can do no business without a quorum. Any explanation which the Senator proposes to make may be received by unanimous consent.

Mr. SAULSBURY. Then I ask the indulgence of the Senate to make an explanation. When my friend, the Senator from Minnesota, raised the objection to the final passage of this bill, which I understood him to make because of that provision of the Constitution which declares that "representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," I suggested that perhaps the Senator from Minnesota had mistaken the bill before the Senate. That was a mistake of mine, not his. He was making objection to the bill before the Senate. In its original form, it was a bill "to provide increased revenue from imports, to pay interest on the public debt, and for other purposes." The objection raised by the Senator from Minnesota was, that this bill ought not to pass, on the ground that it was a direct tax, and was not apportioned among the several States within the Union, according to their respective numbers. The bill, as it originally stood, was a bill "to provide increased revenue from imports." The amendment of the Senator from Rhode Island, by adding additional sections eight and nine, varied the original character of the bill, in the judgment of the Senator from Minnesota—and I confess that I incline to that opinion myself—varied from a bill to provide increased revenue from imports, to a bill to provide for direct taxation. It combines the two features. In other words, according to the judgment of the Senator from Minnesota, to which I am inclined now to accord my own opinion, it blends the two characters of a bill to provide increased revenue from imports, and a bill also for direct taxation. I am inclined to think that the bill is obnoxious to the objection raised by the Senator from Minnesota, and that it ought not to pass in the form in which it now is.

This explanation is due to the Senator from Minnesota and to myself, inasmuch as I suggested that perhaps he had mistaken the character and number of the bill before the Senate.

Mr. POLK. I move that the Senate do now adjourn.

Mr. FESSENDEN. I hope not. We have sent for some members, and they will be here in a few minutes.

Mr. ANTHONY called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 5, nays 25; as follows:

YEAS—Messrs. Harris, Powell, Saulsbury, Sherman, and Wade—5.

NAYS—Messrs. Anthony, Browning, Carlile, Chandler, Clark, Collamer, Dixon, Fessenden, Foot, Foster, Grimes, Harlan, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Rice, Simmons, Sumner, Ten Eyck, Trumbull, Willey, and Wilson—25.

The PRESIDING OFFICER. The Senate refuse to adjourn, though there is not a quorum voting.

Mr. HALE (who had been absent) entered the Chamber.

Mr. ANTHONY. I hope the thanks of the Senate will be presented to those Senators who have come in after we have been trying for half an hour to get a quorum.

Mr. FESSENDEN. I should like to have the Senator from New Hampshire called on the question before the Senate—the amendment of the Senator from Kentucky, on which there was no quorum voting.

The PRESIDING OFFICER. Unless objection be made, that being the question before the Senate, if any members are present now who were absentees then, their names will be called.

The Secretary called the names of those who had not voted on Mr. POWELL's amendment; and Mr. HALE voted in the negative.

The PRESIDING OFFICER. The amendment is rejected—the yeas being 15, and the nays 20.

Mr. POWELL. Did I understand the Chair to state that if there was objection, that gentleman could not be permitted now to vote?

The PRESIDING OFFICER. The Chair made no such statement. The vote stood not declared, and the absentees were called. They have voted, and a quorum appears; and the Chair declares the vote to be—yeas 15, nays 20; so that the proposed amendment is not agreed to.

Mr. POWELL. I supposed the vote we were taking now was on the adjournment.

The PRESIDING OFFICER. The vote in regard to the adjournment was declared, and the motion to adjourn was not agreed to.

Mr. POWELL. There was no quorum voting.

Mr. FESSENDEN. It does not take a quorum to decide that question.

Mr. POWELL. Could we then proceed to other business, when there was no quorum voting?

The PRESIDING OFFICER. The business previously before the Senate would still continue after the motion to adjourn had been negatived.

Mr. POWELL. I merely inquired for information. I am not familiar with the rules.

The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time.

Mr. POWELL. On the passage of the bill I ask for the yeas and nays.

Several SENATORS. Oh, no; there is not a quorum here.

Mr. POWELL. I am aware there is not a quorum.

The yeas and nays were not ordered, only two Senators sustaining the call.

Mr. POWELL. I submit to the Chair that we cannot proceed with business when it is apparent to the President of the Senate that there is no quorum here.

The PRESIDING OFFICER. It is not apparent to the Chair. It is easy, when the question is taken on the passage of the bill, to determine that fact; or the Chair will count the Senate at the request of any Senator, and ascertain by a count.

Mr. FESSENDEN. I wish the Senator would be willing to withdraw his call for the yeas and nays. It is manifest what the vote must be.

Mr. POWELL. I wish especially to record my vote against this bill. I do not wish to delay legislation at all.

Mr. FESSENDEN. The Senator says he is opposed to it. That goes into the report.

Mr. SUMNER. I ask what is the question precisely?

The PRESIDING OFFICER. The question is, "Shall this bill pass?"

Mr. SUMNER. Has the question been taken between the Senate bill and the House bill?

Mr. FESSENDEN. Yes; and the amendment adopted.

Mr. SAULSBURY. Before the vote is taken, I wish to suggest that I should be personally gratified if there could be an adjournment, for this reason: after the objection raised by the Senator from Minnesota—which, to my mind, is a very serious one, and which objection has not been answered—I should prefer further time to think upon the question, whether it is within the constitutional competency of this body to pass this bill. The clause of the Constitution referred to by the Senator from Minnesota, in regard to the power of Congress to lay and collect direct taxes, is, according to my present honest impression, fatal to the constitutional competency of this body to pass this bill. It is an honest opinion; I may be mistaken. Unless some Senator can show that this is not a bill levying direct taxes, which, according to the provision cited by the Senator from Minnesota, must be according to the population of the respective States, I cannot feel free, even if it were clear from other objections, to vote for the bill.

Mr. POWELL. I would say to the Senate that it is not my purpose, in asking for the yeas and nays on this question, to occasion any delay whatever. I believe the Senators will all bear me witness that I am usually here in my place. This bill is one of very grave importance, and I do not think we ought to be hurried into its passage when it is apparent that there is not a quorum of the Senate here. If Senators choose to absent themselves from the Chamber, it is not the fault of those of us who stay. I do not think legislation of this description, of such grave importance as this, should be hurried through without a quorum being present.

Mr. COLLAMER. It cannot be.

Mr. POWELL. It might be done if there were no yeas and nays.

Mr. COLLAMER. There can be a count.

The PRESIDING OFFICER. The Chair is decidedly of opinion that a quorum of the Senate is in the Chamber, by a count made immediately preceding the remarks of the Senator from Kentucky.

Mr. POWELL. Then I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and taken.

Mr. RICE. I vote "nay" solely upon my convictions as to my duty under the Constitution.

The call of the roll was concluded.

Mr. DIXON. I wish the absentees to be called.

Mr. TRUMBULL. I ask that the absentees be called.

The Secretary called the names of the absentees, as follows:

Messrs. Baker, Bayard, Breckinridge, Bright, Cowan, Howe, Johnson of Tennessee, Johnson of Missouri, Kennedy, Latham, Nesmith, Pearce, Polk, Sherman, Thomson, and Wilmot.

Mr. WADE. It is evident that we have no quorum here. I move that the Senate adjourn.

Mr. POWELL. I suggest that another Senator is now in the Chamber. I do not know how many it required.

Mr. FESSENDEN. We can get a vote if we wait a few minutes.

The question being on Mr. WADE's motion, the Senate refused to adjourn; there being, on a division—ayes 13, noes 20.

Mr. ANTHONY. I think there is a quorum present in the Chamber now, if the Clerk will call those who have not voted.

The Secretary called the names of the absentees, and Mr. BRECKINRIDGE voted in the negative.

The PRESIDING OFFICER. The Chair is informed that there is still one member wanting to make a quorum.

Mr. FESSENDEN. I am of opinion that, after these repeated efforts, it is entirely useless for us to attempt to get a quorum and pass this bill to-night; but before making the motion which I mean to make, I have a word to say; and that is, that I have no sort of complaint to make of gentlemen in the Opposition. They have given us a large proportion of their votes, and ordinarily attended as long as we could expect them to attend, to aid us to get through with the business; and it has been so from the beginning of this session. The fault lies on this side of the Chamber, with gentlemen who cannot and will not, although we are attempting to get through with the business of the session, stay here to have business done, but choose to go off to their dinners or elsewhere and leave us in this difficulty. The record will show who they are. I wish to say publicly that they must answer to their constituents, as of course they are able to do, for the delay; because the delay is owing to them. I move now that the Senate adjourn.

Mr. TEN EYCK. I hope the Senator will not insist on that motion.

Mr. FESSENDEN. I cannot withdraw it.

Mr. TEN EYCK. I call for the yeas and nays.

Mr. BRECKINRIDGE. Will the Senator from Maine withdraw the motion for a single moment?

Mr. FESSENDEN. Yes, sir.

Mr. BRECKINRIDGE. I simply desire to utter one sentence. I have listened to the remarks of the Senator from Maine with a great deal of pleasure; and they are additional proof to my mind that he is coming to understand who are the real friends of the country. I am glad, sir, that he is beginning to rebuke those who have not attended to its true interests; and to compliment, as he ought to do, those who really endeavor to promote its interests.

Mr. FESSENDEN. One word in reply. If I was to judge who were the friends of the country, it would not be by the action of some gentlemen in this body on mere motions to adjourn and staying here to do business.

Mr. DOOLITTLE. I desire to say, after what has fallen from the honorable Senator from Maine, that my colleague, Mr. HOWE, has been detained from the Senate by indisposition.

Mr. FESSENDEN. I have felt it my duty to say this. I have withdrawn the motion, and my friend from New Jersey is now at liberty to say what he pleases.

Mr. TEN EYCK. I do not wish to say anything, but I wanted it to be seen who are the men in the way of the passage of this bill. I call for the yeas and nays, and I hope they will be given to me. It is the second time I ever asked for them.

Mr. FESSENDEN. On what question?

Mr. TEN EYCK. On the motion to adjourn.

Mr. FESSENDEN. I withdrew the motion to adjourn for the explanation; and if the Senator has any hope in reference to the matter——

Mr. TEN EYCK. I have no doubt we will pass this bill. I think we ought to pass the bill; and if we do not pass it, I want it to appear to the country who are the gentlemen that are not here to pass the bill. The men who are most interested in a measure of this kind on our side are absent. I looked around for great States that have stood here for ten years clamoring for bills of this description, and they are not here. I want it to be known.

Mr. BRECKINRIDGE. I hope we shall vote down the motion to adjourn, send for the absentees, and attend to the public business. [Laughter.]

Mr. TEN EYCK. I am very glad to hear the Senator from Kentucky speak in this way, as he has just come in and is perfectly fresh. I have not had the pleasure of seeing his genial face for the last five hours. I am very happy now to find him in his seat. That, I suppose, is the reason why he is opposed to an adjournment. [Laughter.]

Mr. FESSENDEN. I second the call for the yeas and nays.

The PRESIDING OFFICER. There is no motion now before the Senate.

Mr. HALE. I move that the Sergeant-at-Arms be directed to request the attendance of absent members.

Mr. CARLILE. I think that motion coming from the Senator from New Hampshire may well be made by him, he having had the opportunity to get his dinner, I presume. There are those of us here who have not dined. It is now nearly half past five o'clock. We have been here for more than an hour trying to get a quorum. It is apparent that we cannot be kept here; and I presume there is no motion in order now, when it is manifest there is not a quorum present, but a motion to adjourn.

Mr. HALE. You are mistaken about that.

Mr. CARLILE. I am not sure that I am right, sir. I raise the question of order, and the Chair will decide it. If I am right, I submit a motion that the Senate do now adjourn.

Mr. COLLAMER. I have only a word to say. Now, once for all, as I have done several times before, I enter my protest against an attempt to invite gentlemen to come in here. It has been held that we have no power to compel their attendance. It is a matter entirely in their own discretion. The idea of twenty-four or twenty-five of us sending out messengers to invite gentlemen in, leaving it optional with them whether they will come in or not, is a thing that I cannot agree to.

The PRESIDING OFFICER. The Senator from Virginia moved that the Senate adjourn. Is that motion withdrawn?

Mr. CARLILE. No, sir.

Mr. FESSENDEN. On that, I ask for the yeas and nays.

Mr. BRECKINRIDGE. The Senator from Virginia raised a point of order. The point of order he made was, that in the absence of a quorum no motion was in order, except to adjourn. I suggest that it is in order to send for absent Sen-

ators, though there be less than a quorum in the Chamber.

The PRESIDING OFFICER. It is so; but the Chair has inadvertently omitted to call for a declaration of the vote on the passage of the bill, the last vote taken showing no quorum of the Senate present. That vote has not been declared. It should be of right before further proceedings are had. The vote therefore will be announced.

The result was announced—yeas 27, nays 7, no quorum voting; as follows:

YEAS—Messrs. Anthony, Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Pomeroy, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—27.

NAYS—Messrs. Browning, Breckinridge, Carlile, Powell, Rice, Saulsbury, and Willey—7.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from Virginia made a question of order, and moved that the Senate adjourn. The Chair is of opinion that the motion of the Senator from New Hampshire is in order; and while that was pending, a motion to adjourn at that stage was not in order.

Mr. CHANDLER. I move an amendment to the motion, that the Sergeant-at-Arms be directed to arrest the absent members, and bring them to the bar of the Senate.

Mr. BRECKINRIDGE. I take the liberty of suggesting to the Chair that although the motion of the Senator from New Hampshire to request the attendance of absent Senators was certainly in order, and the point of order raised by the Senator from Virginia was not well taken, yet that the motion to adjourn made by the Senator from Virginia was in order, and is always in order. Less than a quorum may send for absent Senators, or may adjourn. I suggest to the Chair that the motion of the Senator from Virginia is in order.

The PRESIDING OFFICER. The Senator from Kentucky is right. The motion to adjourn would supersede the motion of the Senator from New Hampshire, and must be put. The motion is, that the Senate do now adjourn.

Mr. FESSENDEN. I ask for the yeas and nays. ["Oh, no."] I want to see the record. I want to see who is here and who is not.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 14; as follows:

YEAS—Messrs. Bingham, Browning, Carlile, Clark, Dixon, Doolittle, Fessenden, Foot, Grimes, Harris, King, Lane of Indiana, Morrill, Pomeroy, Saulsbury, Simmons, Wade, Willey, and Wilson—20.

NAYS—Messrs. Anthony, Breckinridge, Chandler, Foster, Hale, Harlan, Lane of Kansas, McDougall, Powell, Rice, Sumner, Ten Eyck, Trumbull, and Wilkinson—14.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 29, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Saturday last was read and approved.

WILLIAM GRACEY.

Mr. BURNETT. I ask the unanimous consent of the House to withdraw from the files of the House the papers in the case of William Gracey, for an increase of pension, in order that they may be presented to the proper Department.

There was no objection; and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, announced that the Senate had passed an act entitled "An act in addition to an act entitled 'An act further to provide for the collection of duties on imports and for other purposes,'" approved July 13, 1861; and an act to create a metropolitan police district of the District of Columbia, and to establish a police therein; in which he was directed to ask the concurrence of the House.

ADDITIONAL REVENUE BILL.

The SPEAKER stated the first business in order to be the call of committees for reports for reference only, and which reports are not to be brought back on a motion to reconsider.

Mr. HORTON. I am directed by the Committee of Ways and Means to report back House bill No. 71, to provide additional revenues for defraying the expenses of the Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties, with a substitute. And, Mr. Speaker, I hope that there will be no objection to acting on the question at this time.

The SPEAKER. The Chair hears no objection.

Mr. LOVEJOY. The committee, under the instructions of the House, must have made some changes; and I hope, before we are called to vote on the bill, that the changes will be stated by the gentleman from Ohio, or some other member of the Committee of Ways and Means.

Mr. HORTON. Mr. Speaker, I can state in a few words what the Committee of Ways and Means have done, in accordance with the instructions of the House.

The SPEAKER. Is there any objection to the bill being considered at this time?

Mr. HORTON. After I have explained the substitute, I propose to call for the previous question.

Mr. Speaker, the Committee of Ways and Means have reduced the sum to be raised by direct taxation from $30,000,000 to $20,000,000, and apportioned it among the several States in proportion to population. They have provided in the bill the machinery by which this direct tax shall be collected. The bill authorizes the States that may so desire it to collect this tax in their own way, paying over, at a stipulated time, their several quotas. If they fail to do that, then it is provided that the tax shall be collected by the Federal Government, in accordance with the Constitution. The States that collect the tax in their own way are to pay it over, less fifteen per centum.

The committee have also levied upon carriages worth from $50 to $1,000, a tax varying from $1 to $50. They have levied a tax of $1 upon a gold watch, and of 50 cents on a silver watch. They have also laid an excise duty upon spirituous liquors of 5 cents a gallon, and upon fermented liquors of 50 cents a barrel, or 2 cents a gallon.

The committee have levied an income tax. It is stipulated that all incomes over and above the sum of $600 a year shall pay a tax of three per centum. It embraces all sources of income that could be provided for.

Now, sir, that is the general scope of the bill; and so far as the committee are concerned, they have endeavored to comply fully with the wishes of the House, as expressed in the resolution of instructions adopted on Saturday last. They have enlarged the sphere of internal duties, while they have reduced the tax upon the landed interests of the country. I think, sir, that there can be no valid objection to the bill, for, if I am not grossly mistaken, it bears equally and fairly upon every interest of the country.

The committee, I will say further, have stricken out the tax on licenses of stills, as well as the tax upon the bank circulation of the country; and, in lieu of it, have imposed a tax upon the banks in proportion to their net income.

Unless some gentleman desires to put an interrogatory to me on some point I have failed to explain, I will now call for the previous question.

Mr. LOVEJOY. I understand the gentleman to say that the income tax provided includes all income from lands and farms?

Mr. HORTON. The income tax excludes all taxes provided for in any other portion of the bill. Income from lands, lots, &c., and the direct taxation, are all excluded from this income tax. It includes all money received in any shape or form as an income—even, sir, the salaries paid to members of Congress.

Mr. LOVEJOY. I would like to inquire of the gentleman, whether the recommendation of the Secretary of the Treasury, in regard to the tariff on iron, has been incorporated into this bill?

Mr. HORTON. The tariff bill has not been touched in any shape. It provides for internal duties.

I now demand the previous question.

Mr. VALLANDIGHAM. I demand the yeas and nays on the passage of the bill.

Mr. COLFAX. I rise to a question of order. The consent that the gentleman from Ohio has asked, for the consideration of this bill during the morning hour, has not been granted.

The SPEAKER. The Chair twice asked whether there was objection, and heard none.

Mr. COLFAX. The gentleman from Ohio stated that he would explain the changes made by the Committee of Ways and Means; and I waited until he had done, so to state my point.

The SPEAKER. The Chair asked whether there was any objection to the consideration of the bill at this time, and none was made. The objection comes now too late.

Mr. COLFAX. I ask the indulgence of the gentleman from Ohio to say a word.

Mr. HORTON. I must insist on my demand for the previous question.

Mr. COLFAX. I can only appeal to the courtesy of the gentleman from Ohio, and state to him that, while he was making his explanation, to which I listened very attentively, I did not feel disposed to make any objection to the consideration of the bill. All I want now is to state the point from which I have been cut off by the Committee of Ways and Means. The gentleman got the ear of the Speaker, and had his bill brought before the House for consideration while I was patiently waiting in another portion of the Hall to make my objection. The Speaker decides that my objection comes too late; and I now appeal to the courtesy of the gentleman from Ohio to permit me to say a few words. I will not occupy more than a minute.

Mr. HORTON. I withdraw the demand for the previous question, and yield to the gentleman for that purpose.

Mr. VALLANDIGHAM. Is it the old bill or a new bill that we are called upon to vote for or against?

The SPEAKER. The question is on the substitute reported by the Committee of Ways and Means.

Mr. VALLANDIGHAM. I demand the yeas and nays only on the passage of the bill.

Mr. MORRILL, of Vermont. Let the substitute be read.

The substitute was read *in extenso*.

Mr. COLFAX. Mr. Speaker, I wish to state to the Committee of Ways and Means that I think this bill has been much improved since Saturday last. The point to which my objection still applies, is that part of the measure which provides for a direct tax. If I had been allowed the opportunity, I would have submitted a resolution that the bill be recommitted to the Committee of Ways and Means, with instructions of this character: first, to provide for the return to the Treasury of the United States of the surplus revenue distributed among the States; second, (which I hold will produce as much revenue as can be raised by this direct tax, and in a far less objectionable way,) to modify the present tariff upon the following principles as near as may be: the imposition of duties on the free list, the increase of duties on such other schedules as will tend to increase the revenue, and the reduction of such duties as are prohibitory to a point at which revenue will be derivable from them; and in the third place, the retention of the internal duties provided for in House bill No. 71, adding thereto stocks.

I desire to state, before I sit down, that I agree with the Committee of Ways and Means, in being in favor of a protective tariff; but I admit that we should modify the present bill, so as to remove prohibitory duties, which are, in my theory, beyond protection, and to make them protective.

Having said this much, and thanking the gentleman from Ohio for his courtesy in yielding to me, I trust that the demand for the previous question will not be sustained, in order that members may have an opportunity to vote on my resolution.

Mr. HORTON. I now renew the demand for the previous question on the substitute.

The previous question was seconded.

Mr. CRAVENS demanded the yeas and nays upon ordering the main question.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 65, nays 67; as follows:

YEAS—Messrs. Appleton, Babbitt, Baker, Bingham, Samuel S. Blair, George H. Browne, Campbell, Chamberlain, Clark, Cobb, Corning, Cutler, Davis, Dawes, Delano, Diven, Duell, Eliot, Fessenden, Franchot, Frank, Gooch, Goodwin, Granger, Harrison, Horton, Hutchins, Julian, Kelley, William Kellogg, Lansing, Loomis, Lovejoy, McClernand, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Odell, Perry, Pomeroy, Potter, Alexander H. Rice, John H. Rice, Riddle, Sedgwick, Sheffield, Shellabarger, Sherman, Smith, Spauld-

ing, Stevens, Stratton, Benjamin F. Thomas, Train, Upton, Van Horn, Van Wyck, Washburne, Wheeler, Albert S. White, and Worcester—65.

NAYS—Messrs. Aldrich, Allen, Alley, Ancona, Arnold, Joseph Baily, Beaman, Francis P. Blair, Blake, Buffinton, Burnett, Calvert, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cox, Cravens, Crisfield, Crittenden, Curtis, Dunlap, Dunn, Edgerton, Edwards, English, Fouke, Grider, Haight, Hale, Hanchett, Harding, Holman, Johnson, Francis W. Kellogg, Law, Lehman, Logan, Mallory, Menzies, Morris, Noble, Nugen, Pike, Porter, Reid, Robinson, Edward H. Rollins, James S. Rollins, Shanks, John B. Steele, William G. Steele, Trowbridge, Vallandigham, Vandever, Vibbard, Voorhees, Wadsworth, Wall, Charles W. Walton, Webster, Wickliffe, Windom, Wood, Woodruff, and Wright—67.

So the main question was not ordered.

During the vote,

Mr. McPHERSON stated that Mr. PATTON was absent on account of sickness; and also that Mr. JACKSON was paired off with Mr. ASHLEY.

Mr. COLFAX. The previous question having been seconded, but the main question not having been ordered, I ask what is the condition of the bill before the House?

The SPEAKER. The bill is before the House in the same condition that it was before the previous question was moved.

Mr. COLFAX. I then move the following:

Resolved, That House bill 71 be recommitted to the Committee of Ways and Means, with instructions to amend as follows: 1. To provide for the return to the Treasury of the United States of the surplus revenue distributed amongst the States. 2. To modify the present tariff on the following principles, as near as practicable: the imposition of duties on the free list, and the increase of duties on such other schedules as will tend to increase the revenue; the reduction of such duties as are prohibitory, to a point at which revenue will be derivable from them. 3. The retention of the internal duties provided for in the bill 71, adding thereto stocks.

I shall not call the previous question on this resolution, because I think it should be our duty, in this emergency of the country, to endeavor, as far as possible, to ascertain fairly and clearly what is the wish of the Representatives of the people; and therefore I voted against ordering the main question to be put, upon the vote just taken. I differ, as I stated yesterday, from the Committee of Ways and Means, with great diffidence in my own judgment; but I had a decided conviction upon the subject, and I did not hesitate to express it by my vote. The bill which the committee have reported back, proposes to raise $20,000,000 by direct taxation.

Mr. STEVENS. I rise to a question of order, though I do not know that I am right. It is, that after this bill has been once recommitted to the committee with instructions to report in a certain way, and that report has been made in obedience to the command of the House, the bill cannot be amended afterwards.

The SPEAKER. The Chair overrules the point of order. The bill may be recommitted under an express rule of the House.

Mr. COLFAX. It was for the reason I have mentioned that I appealed to my friend not to press the previous question, but to allow this proposition to come in, in order that the well considered judgment of the House might be ascertained.

I will proceed with a few remarks, to explain the propositions I have submitted to the House. The bill of the Committee of Ways and Means provides for the raising of $20,000,000 by direct taxes, apportioned among the various States. Two thirds of that amount will be paid by the loyal States; the other third we must look to futurity for. We will probably receive, out of that $20,000,000, $12,000,000. Now, sir, there was distributed among the several States over twenty-three million dollars of surplus revenue, with the express provision in the bill of distribution that it should be returned whenever the Government should demand it. Two thirds of that amount having been distributed among the loyal States, we shall receive over sixteen million dollars—$4,000,000 more than will be received in the shape of direct taxes under the bill proposed by the Committee of Ways and Means. And I contend, too, that this will be the least exceptionable way of raising that amount of money; for in no contingency will the arm of the Federal tax-gatherer collect this amount. And if gentlemen shall say that many of these States have invested this money for educational purposes, or for internal improvements, I answer, that no anti-war man in the land could object to this restoration in the present depressed condition of our Treasury. We have also the advantage that the Government is only demanding what it has a right to demand of the States, and the States can provide for themselves how the amount should be raised and paid—whether it shall be laid as the tax upon land, or by a loan, or by a tax upon both real and personal estate, or in any way they see fit.

Mr. BINGHAM. If I understand the motion of the gentleman from Indiana, he does not propose to strike out of the bill the provisions in reference to direct taxes at all.

Mr. COLFAX. Certainly, my proposition is to strike that out.

Mr. BINGHAM. The resolution does not say so.

Mr. COLFAX. I propose, in my motion, to substitute, for the provisions of the bill levying direct taxes, a bill framed upon a different basis; and, instead of the first thirty-nine sections of the bill, one single section providing for a return of the surplus revenue.

Mr. WHITE, of Indiana. I wish the gentleman would inform the House what proportion of the taxes under his proposition Wisconsin, Iowa, Florida, Minnesota, and the other new States would pay, and whether he proposes to make any provision by which they shall bear their part of the burdens of the country?

Mr. COLFAX. I anticipated that that objection would be made, though I did not suppose it would come from my colleague.

Mr. WHITE, of Indiana. I suggested it because it looked like justice to all. *Fiat justitia.*

Mr. COLFAX. Yes, sir; *fiat justitia ruat cælum;* and that is the only Latin I ever knew, having heard it so often in stump speeches. "Let justice be done, though the heavens fall." This surplus revenue, distributed by the General Government from an affluent Treasury among the several States, was a gift to those States, with the express understanding and reservation in the bill, that whenever the General Government needed and desired it, it should be returned. The law of June 23, 1836, distributing this surplus revenue, declares that the States receiving it "shall pledge their faith to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying the wants of the public Treasury."

My second proposition looks to a modification of the present tariff. I know that I tread upon delicate ground when I speak in relation to that subject. I voted for the present tariff, as my friend from Vermont [Mr. MORRILL] very well knows, although a point in it, in which Indiana was deeply interested, was stricken down by the action of Congress. Though it was three times voted in, in the Committee of the Whole, yet it was finally stricken down by offering substitutes, which omitted it, and we were compelled to take the bill without having that duty on flax seed as we desired it, and I voted for that bill. Now, when we desire to raise a revenue, it is our duty to see whether we can so modify our present tariff as to raise the revenue we desire without affecting the industrial interests of the country. I propose an imposition of duties upon the free list; and to increase the duties upon such other schedules as will fairly increase, without impairing the revenue.

Now, in regard to the free list. After the tariff of 1846 had brought us more money than was needed for the expenses of the Government, we were told that we should modify it; and that most unwise tariff of 1857 was adopted. I voted against it; and I rejoice that I did so. It has been pernicious in almost every respect. It ran down the average duties from nineteen to fourteen per cent., and we were crippled by it. In this tariff of 1857 we largely increased the free list, and at the same time it was legislation with interest of protection, it being on many articles used for manufactures, and therefore it was that South Carolina and Massachusetts voted side by side for the tariff of 1857. Now, when we are looking around for a mode of taxing our people, and ourselves, and our incomes, our watches and our carriages, and when our agricultural products are at zero in price, I think we should go back off the policy of the tariff of 1857, and reimpose a duty upon the free list. And here I desire to say that the language of my resolution, in that respect, is "as far as practicable;" and I wish the Committee of Ways and Means to understand that I do not propose to impose a duty upon every article in that list; for instance, bullion will come in free, as well as a few other articles which no one contemplates any duty upon. I refer to those articles which were previously dutiable, and upon them we should reimpose duties, as well as upon other low-taxed schedules, which will not impair the revenue.

The other proposition is that we shall increase the revenue, in that where we find prohibitory duties which cut off the revenue entirely, we shall bring them down to a standard which, while it shall be protective, shall yet allow us to derive revenue from them.

Now, sir, there are three classes of duties which may be levied by a tariff. The first are general revenue duties, which look alone to revenue; the second, protective duties, with incidental reference to revenue; and third, duties positively prohibitory, and therefore from which we derive no revenue at all. I do not allude to any specific articles, because I do not wish to speak about the interests of any of the States. The interests of the country and the Treasury ought to be dearer to us than the interests of any State. I voted for the tariff bill of the gentleman from Vermont, without any special regard to the interests of my own State, because I thought it on the whole best for the whole country at that time, although the interests of my State were not protected as I desired. Now, if we find duties which are prohibitory, my policy is not to cut them down radically, but, as suggested by the Secretary of the Treasury in his proposed modification of the tariff, to such a point as will allow importations to come in, from which we might derive revenue. You thereby give this amount of protection to your manufacturers: first, the freight; second, the interest on the money embarked in the enterprise during the time consumed in the importation; and third, the duty, which would be large, even when reduced as I propose. Now, it does seem to me, that this is a proposition upon which we might agree; and I believe it to be the least objectionable mode in which we can collect the revenue which we desire to raise, in this hour of our necessity.

Mr. HORTON obtained the floor.

Mr. VALLANDIGHAM. I desire to ask the gentleman from Indiana a question.

Mr. HORTON. I yield to my colleague for that purpose.

Mr. VALLANDIGHAM. What is the amount to be realized by calling in this surplus revenue?

Mr. COLFAX. The surplus revenue was $30,000,000, to be divided into four installments. I speak from memory, and am not positive about the amount. The gentleman from New York [Mr. F. A. CONKLING] can probably state the amount.

Mr. F. A. CONKLING. I will state it, if the gentleman will permit me.

Mr. VALLANDIGHAM. I desire to know the gross amount.

Mr. COLFAX. The gentleman from New York has the exact figures.

Mr. VALLANDIGHAM. I want to know it in round numbers.

Mr. COLFAX. Let the gentleman from New York state it.

Mr. F. A. CONKLING. Mr. Speaker, the whole amount of surplus revenue distributed among the States in 1837 was $28,101,644 91; being three installments of the sum of $37,468,459 88, which was ordered to be distributed by the act of June 23, 1836, entitled "An act regulating the deposits of public money." Of this amount, sir, the sum of $19,116,765 24 was distributed among States now loyal, and not the sum of $16,000,000 as stated by the gentleman from Indiana.

Mr. COLFAX. I am glad the gentleman has corrected me. The amount is larger than I supposed.

Mr. VALLANDIGHAM. And since 1836, some ten new States have been admitted into the Union which never received any part of that amount.

Mr. F. A. CONKLING. Eight States.

Mr. VALLANDIGHAM. How does the gentleman propose to require them to bear their proportion?

Mr. COLFAX. I only propose that the gift given to the States by the Federal Government will be returned. Of course, we cannot ask

States that have received nothing to return anything.

Mr. HORTON. I wish to say a few words in reply to the gentleman from Indiana.

Mr. F. A. CONKLING. I desire to correct a misapprehension on the part of the gentleman from Ohio.

Mr. HORTON. I yield to the gentleman for that purpose, but not to make a speech.

Mr. F. A. CONKLING. I wish to say that the whole number of States among which the surplus revenue was distributed in 1837 was twenty-six. Eight new States have since been admitted into the Union, and that, sir, in my view, constitutes one of the chief arguments in favor of the proposition. It has been stated by the honorable member from Illinois, [Mr. McCLERNAND,] who is on the Committee of Ways and Means, that those States are the least able of all to pay this direct tax. Now, sir, the States have had the use of this money for twenty-four years; and the interest which has accrued upon it, computing it at the rate of six per cent. per annum, amounts to more than $40,000,000.

Mr. HORTON. Mr. Speaker, if I understand the remarks of the gentleman from Indiana, he makes three points in his motion to recommit and instruct. One is to do away with the direct tax, and call in instead the surplus revenue that was distributed among the States in the years 1836 and 1837. Now, in reference to that part of his proposition, it has been already stated that eight of the States now loyal have received none of the surplus revenue, and therefore would be called upon to pay no part of the present expenses of the emergency in which we find ourselves. I will not amplify that point, for I think it is decisive. But there is another objection. The plan of the gentleman from Indiana would only answer for one year; it would only answer a temporary purpose; whereas the bill of the Committee of Ways and Means commences and inaugurates a policy which may last one, two, three, or four years, as the country may require. If the rebellion now existing in the country should continue more than one year, we should have to do just what the Committee of Ways and Means are now proposing to do.

Again, Mr. Speaker, suppose that any State should be unable or unwilling to respond to this call: we should have to inaugurate a mode of collecting the money; and then where would we be? We should be without the means of sustaining the Government, and the Secretary of the Treasury would be without the means of paying the interest on the public debt which we create so willingly.

I say, then, with all deference to the gentleman from Indiana, that his proposition was considered, and considered as unwise. He makes another point, Mr. Speaker, and that is, that the Committee of Ways and Means should be instructed to bring in a tariff bill levying a tax on the free list. Mr. Speaker, we came here for a temporary purpose, and the Committee of Ways and Means have been laboring very industriously ever since we have been here, and they long ago reported such a bill as he proposes to instruct us to report now. That bill has passed the House, and it covers everything on the free list that is available for revenue. That bill has passed the House by a very large vote, and is now before the Senate; and therefore the gentleman from Indiana has been anticipated by the Committee of Ways and Means and by the House. As to the other point in the gentleman's proposition, the Committee of Ways and Means, in considering the matter, thought that "the Morrill tariff" had not been in operation long enough for us to have any experience under it, and that it was not wise, at an extra session, for us to undertake to remodel a tariff which had been created by the labor of two or three sessions of Congress. This matter has been thought of and talked of, and I submit to the gentleman from Indiana if he is not imposing upon the Committee of Ways and Means an unreasonable labor, and upon this House what they cannot perform wisely and well? We cannot stay here and remodel the tariff in the month of August, and do it as it ought to be done; and with all the industry and ability which I accord to the gentleman from Indiana; he cannot do his part of it.

Mr. COLFAX. If the gentleman will allow me, I will state that the Secretary of the Treasury, as I understand, has proposed a modification of the tariff which has been before the Committee of Ways and Means, but I understand that it did not receive their assent. I can state that some portions of that revision met with my cordial approbation. I will also state to my friend that although we are approaching the month of August, I am willing to stay here a month longer, if necessary, to devise ways and means for collecting revenue in the manner that will be least objectionable to the people. We are paid by the year, and ought to be willing to stay here and do our work; but I concede that perhaps I am not able to do my share of the work so well as my friend from Ohio.

Mr. HORTON. The gentleman from Indiana is very happy and very ready in giving my remarks a turn which I did not intend them to have; but let that pass. I submit to the House that, if the bill from the Treasury Department had been thought by the Committee of Ways and Means to be well digested, they would have reported it. But, with all deference to the Treasury Department and to the opinion of the gentleman from Indiana, we had our doubts about it. We may have been in error; but still I must be allowed to retain my own opinion. That the gentleman may have read that bill I have no doubt. That he may have comprehended it I have no doubt; but that he is ready to say, and that the House is ready to say, that the tariff bill which was sent to the Committee of Ways and Means and to the House, from the Treasury Department, is such a bill as the country demands, and as we must ultimately have, he does not pretend to claim. We have more than read that bill; and when there is time, it will be made such a bill as the country demands. But it cannot be done in a hurry. It cannot be done under the reasoning and policy indicated by the gentleman from Indiana. I took particular notice, Mr. Speaker, that that gentleman, ready and quick as he is, did not respond to that point of my objection in regard to the free list; and now I call upon him to say if he can add any large sum to the revenue of the country by taxing the free list as it exists in our bill.

Mr. COLFAX. The reason why I did not do so is, that I took no notes of all that the gentleman said. I can answer it, perhaps not satisfactorily to his mind, but to my own. The first branch of my resolution in regard to the tariff imposes duties on the free list; and if the gentleman had examined the debates in the Congressional Globe, he would find that in the Senate they have found articles in the free list on which they have imposed duties as an amendment to our bill, and have sent the bill back for our concurrence in the amendment.

Mr. STEVENS. I believe the Senate have sent back the bill; but if I recollect aright, my friend from Indiana voted against the bill taxing the free list.

Mr. COLFAX. No, sir; the gentleman is mistaken. I voted for the highest duties proposed.

Mr. HORTON. I would ask the gentleman, in case this bill is recommitted to the Committee of Ways and Means, and in case they bring in a bill authorizing and requiring States to pay the surplus revenue, what machinery he has got to compel the States to pay, if they are a little remiss or delinquent? How will he compel them to refund the surplus revenue?

Mr. COLFAX. I believe that every loyal State will as readily refund the surplus revenue which they have received in good faith that they would return it when demanded by the Government, as they will raise the amount by direct tax. I will answer further, that if we find next winter that there is any loyal State which has so far lost its honor as to refuse to pay it, then we can provide to have it raised by direct taxation, and send the Federal tax gatherers to collect it.

Mr. HORTON. After all, it is simply putting it over to the next winter. Instead of doing it now, it is making a machinery by which we can do it next winter. The object of the Committee of Ways and Means is to put the machinery in motion now, so that the country may know what they are obliged to come to at last, and may be prepared to meet it. I submit, Mr. Speaker, that it is not wise for the House to adopt the suggestion of the gentleman from Indiana.

Mr. LOVEJOY. The chairman of the Committee of Ways and Means says that the bill which we have before us is exactly copied from one got up by Albert Gallatin, an old fogy. I desire to ask the gentleman whether he has entirely copied from the bill of Albert Gallatin, to wit: whether specified duties are imposed on pig iron, castings of iron, brad iron, rolled or sheet iron, nails, brads, &c?

Mr. STEVENS. I must humbly suggest that if the gentleman from Illinois would attend to his duty, he would read the bill, instead of asking me what is in it.

Mr. LOVEJOY. I have not had an opportunity of reading it. It has not been printed, and the previous question was sprung upon us before we had a chance to read it. It has only been reported this morning, and a strenuous attempt was then made to get the previous question on it. If the Committee of Ways and Means expect to drive this thing through with a tandem team, I reckon they will find some obstacles in the way.

Mr. STEVENS. I do not know what the gentleman refers to, I have not said a word about the bill this morning.

Mr. LOVEJOY. I simply asked the question, whether this bill was exactly the same as that drawn up by Albert Gallatin?

Mr. STEVENS. I would say to the gentleman from Illinois that we do not expect to drive the bill through with a tandem team. There are too many mules here. [Laughter.]

Mr. LOVEJOY. Mules are very obstinate when they have long-eared drivers. [Laughter.] I want to know whether pig iron, castings of iron, brad iron, rolled or sheet iron, nails, brads, &c., are embraced in the articles on which specific duty is imposed?

Mr. HORTON. We have not meddled with the tariff in any particular.

Mr. LOVEJOY. I do not refer to the tariff; but a specific or internal duty is put on certain articles.

Mr. HORTON. If any person engaged in the pig-iron business shall happen to make any money, he pays three per cent. on all his net earnings over $600. He pays at the same rate if he makes money in the bar-iron business, in agriculture, merchandise, manufacturing, commerce, or any other business. But we do not propose specific duty on pig iron, or bar iron, or any other thing of that description.

Mr. LOVEJOY. I fail to get a direct answer to my question.

Mr. HORTON. I gave you a direct answer.

The SPEAKER. The Chair will state that this conversation is not in order.

Mr. ARNOLD. I desire the attention of the House for a moment, while I show the injustice of the apportionment of the tax among the eastern and western States. A friend of mine has furnished a computation under the original apportionment of $30,000,000, which exhibits this injustice in a striking manner, contrasting the valuation of real estate in New England and the western States, and the rate of taxation thereon. The real estate of Illinois is valued by the census of 1860 at $287,219,940. The amount of tax originally apportioned to that State by this bill was $1,719,827; or at the rate of 5.99 mills upon the dollar. The real estate of Massachusetts is valued at $475,413,165—or nearly double that of Illinois; and yet her tax is not so much by nearly half a million dollars as that of Illinois—being only $1,236,872. In other words, Illinois is taxed at the rate of 5.99 mills on the dollar, while Massachusetts is only taxed at the rate of 2.60 mills per dollar. The gross injustice of this apportionment will, I apprehend, strike the sense of fairness of every member of the House.

Sir, the State of Illinois is willing, in this hour of peril to the country, to contribute the last man and the last dollar to crush out this wicked rebellion; but her people desire that this tax shall be apportioned fairly, justly, and equitably. Her Representatives will go as far as the furthest in voting for any tax necessary to carry on the war; but such tax should commend itself to the justice and fairness of the people, in order that it may be willingly and cheerfully paid.

In the State of Michigan there is the same disparity. Her real estate is valued at $123,605,084; and her tax, under the first apportionment, was $752,645. The real estate of Vermont, which I compare with Michigan, is valued at $65,639,973, and her amount of tax is $316,602.

I will read to the House a comparative view of several of the States in respect to the valuation of their real estate, amount of tax assessed upon them respectively, and the rate per dollar of such tax, showing the inequality of taxation on real estate between eastern and western States:

Table showing inequality of taxation on real estate.

States.	Valuation of real estate.	Amount of tax.	Rate per dollar.
Illinois	$287,219,940	$1,719,827	5.99 mills.
Massachusetts	475,413,165	1,236,872	2.60 "
Michigan	123,605,084	752,645	6.09 "
Vermont	65,639,983	316,602	4.82 "
Wisconsin	148,238,766	779,533	5.26 "
New Jersey	151,161,942	675,201	4.47 "
Iowa	149,433,423	678,132	4.54 "
Connecticut	191,478,842	462,321	2.41 "
Kansas	16,088,602	107,615	6.69 "
Rhode Island	83,778,204	175,445	2.09 "

By this table it will be seen that Rhode Island pays a less ratio than any other State, being but a trifle over two mills. It will be seen that Illinois, Michigan, Wisconsin, and Kansas, pay a ratio of from five to six mills—one of them more than six mills even—while Vermont, Massachusetts, Connecticut, and Rhode Island, pay a ratio of but a little over two mills.

These are facts; and I appeal to the Representatives of the people, I appeal to patriotic New England, whether, in the present condition of affairs, she is willing thus to impose this heavy tax upon the new agricultural States in the West?

The wealth of the country is in the East—in New England, in the great Empire State of New York, and in the great Keystone State of Pennsylvania; and yet by this bill, there, where the wealth is, the burden of taxation is made to fall lightest.

But the gross injustice in the apportionment of taxes by this bill is still greater than already shown. The table does not include the valuation of personal property. The great proportion of the personal property is in the East. An inquiry into all the facts will show to a much larger extent that the greater proportion of this direct tax comes from that portion of the Republic least able to pay it.

Now, sir, it is a matter of general notoriety that all the western States, and particularly the State of Illinois, have suffered severely in their pecuniary affairs in consequence of the depreciation of their currency, growing out of the action of the seceding States. Illinois alone in the last four months has not lost less than $8,000,000 in consequence of the depreciation of the value of the bonds of the rebel States in the market, in consequence of secession. The bank issues of my State, based on these stocks, have indeed become almost worthless; and these taxes, now about to be imposed, will therefore fall with peculiar hardship upon the people of that State.

But, sir, notwithstanding all these facts, if it shall be the pleasure of this House and of the Senate to impose the tax which the bill provides for, severe as it is, Illinois will try to pay it. Your tax gatherers may go there and take all that she has; she will give it freely, ungrudgingly.

I have, sir, with the greatest reluctance, felt compelled to oppose so much of this bill as imposes the direct tax, so unjustly apportioned. Representing a district which has furnished as many, if not more, men for this war than any other, I am conscious of representing a people who will not stop to count the cost in subduing these barbarous rebels; a people who will pay cheerfully, to the full measure of their ability, to support the Government and pay those soldiers But I appeal to the justice of this House whether it is not better to lay this tax in such a way as will be equitable, fair, and just, such as shall include all the property of the people, and in such a way as shall not fall so severely upon the new agricultural States of the West?

I am aware that I shall be met by the interposition of a supposed constitutional difficulty. That difficulty, sir, does not exist, in my mind. I believe it can be obviated by a change in this bill. But, sir, if it cannot, then it is better, it seems to me, to adopt the amendment of the gentleman from Indiana, [Mr. COLFAX,] and call in the money which has been distributed among the several States. Will it not be better to adopt such a measure, and so modify the tariff as to produce all the revenue possible, in preference to imposing the severe burdens which this bill imposes upon the people in the West, struggling as they are under the unusual and severe embarrassments that now oppress them?

I hope, therefore, Mr. Speaker, that, in view of the unjust apportionment which this bill makes, the amendment of the gentleman from Indiana [Mr. COLFAX] will prevail; and that whatever tax may be necessary will be so adjusted as to fall equally and fairly on all the property of all portions of the country. Such a tax the people will pay without a murmur.

Mr. KELLOGG, of Illinois. Mr. Speaker, if it be important to give stability and certainty to our national credit, it is vastly important that we should establish and fix it upon the surest and firmest basis that we have. For one, I am satisfied that no scheme of taxation will be exactly just or exactly equal. I am satisfied that will not be. I am satisfied that no scheme that has been presented, or will be presented, will produce that result. But, sir, we are in a time of war, acting under a condition of things and circumstances that surround us, which requires us to place the credit of the country upon a rock; and that rock in America is real estate—the landed estate of the country. For that reason I have been, since the commencement of this debate, willing to place the faith that we pledge to the moneyed interest of the country, and base it upon the real estate of the country. And when it is placed there, capitalists will recognize such security as abundant, and furnish to the Government means necessary to its wants; and I am not prepared to stand here and question or quibble about the exact proportion the States should pay, when I am satisfied that the perpetuity of our Government and the hope of free Government in the world depend upon the vigorous prosecution of this war against rebellion, and which cannot be done without financial means. I am satisfied that the West will pay more than its proportion. We are an agricultural people, and our wealth mainly consists of real estate and the improvements thereon; but we are willing to pay all that we have, all that we can pay, to exhaust the last man and the last dollar in our contributions for sustaining this Government, and carrying on this war to a successful and speedy termination, and to crush out this most wicked and unprovoked rebellion now abroad in the land.

But it is said that we will pay more than our neighbors in the East. Of that I have no doubt. We will do that, and we may as well face the music right here as anywhere else. From our existence as States we have always been tributary to the East, and we expect to be so until the young lion of the West shall rise in its strength and go forth upon the field of political power of the country, and assume that equality of position in the Government to which we are entitled. I desire that we shall then set to work to adjust these questions of equality when we are in a time of peace. But, sir, the country has unsheathed its sword; and, sir, the West, with the North, the East, and the great center, is ready to come up and give its last dollar, irrespective of whether some community shall, by reason of unequal taxes, pay more than its proportion in this great emergency.

I am not satisfied with the details of this bill; but, sir, I am satisfied that the amendment of the gentleman from Indiana [Mr. COLFAX] is of questionable expediency. It is placing our national moneyed operations upon an uncertain basis—uncertain in its ability to procure the means necessary to carry on the war. And because it is uncertain, I am opposed to it. I would much rather place it, unjust though it may be to my State, upon that great national interest, the basis of all wealth—real estate—which never has failed and never will fail.

I say, Mr. Speaker, that although such a measure may bear hardly upon my constituents, I, for them, am willing to pledge all of them—whether capital other than realty pays its proportion or not—to pay whatever is required, to their last dollar, for carrying on this war, rather than that this glorious Government should be rent in twain and scattered to the winds by the foul hands of the seditious South, who are in rebellion against the Constitution and the laws. Holding this position, I am opposed, then, to the questionable policy introduced this morning by the gentleman from Indiana. Mr. Speaker, there is safety against the injustice which gentlemen fear from the operation of the bill reported by the Committee of Ways and Means, and that is in the provision that the State may assume to act through its own organization and in its own way of levying taxes and collecting revenue. It may assume its just proportion, and collect it upon its own property, and upon all of its property, as justly and equally as may be. It has the power to do that under this bill, and to pay its proportion thus collected into the Federal Treasury. This is a safeguard well provided against evil complained of. If any State will not voluntarily come up, and in the best possible way contribute its proportion of the means necessary for the prosecution of this war, then it is properly provided that the thumbscrew of the General Government shall be applied. If the States do not act in good faith, by sending money to the Federal Treasury, as well as men to the tented field, they act, in my judgment, in *quasi* sympathy with the secession movement. The State, sir, that hesitates upon the threshold of the battle-field, in reference to its exact proportion of contribution to the wants of the Government, is itself leaning toward the cause of the secessionists.

This bill, Mr. Speaker, though not precisely just and equitable, is perhaps the best that we can get at this moment. It provides that the States may take the matter into their own hands, making an assessment and collection upon all property, real estate as well as personal property. For one, therefore, I shall vote against the proposition of the gentleman from Indiana, [Mr. COLFAX,] and for the bill as reported this morning from the Committee of Ways and Means. I have given the reasons for my action, and I think that my constituency will sustain me in my present position.

Mr. ROSCOE CONKLING. Mr. Speaker, I am one of those who voted against sustaining the demand for the previous question on the substitute brought forward to-day by the Ways and Means Committee. I did so because I desired, in the first place, that the gentleman from Indiana, and every other gentleman with a proposition, should be permitted to submit it; and, in the second place, for the reason that I am inclined to think in all cases—certainly in case of a bill involving so much complication and moment as this—that a mode less summary and more deliberate is to be preferred to that proposed this morning in the case of this measure.

But, sir, I cannot coincide with my friend on my right, who thinks that the instructions he proposes to give to the Committee of Ways and Means would be beneficial or conducive to the end we both have in view. So far as the surplus revenues are concerned, it is true that it seems about nineteen million dollars in amount is in the hands of the loyal States; it may be true—I think it is—that being called upon to refund it, they would respond, and promptly respond, and that the amount would be realized.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by his Private Secretary, Mr. NICOLAY; also a message notifying the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States; and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," passed February 28, 1795; and

An act (H. R. No. 73) to authorize the issue of a register to the steamer Estella.

ADDITIONAL REVENUE BILL—AGAIN.

Mr. ROSCOE CONKLING. Mr. Speaker, I was about to say that the recommendation which undoubtedly weighed with the gentleman from Indiana [Mr. COLFAX] in favor of his proposition touching the surplus revenues, is, that it would submit to every State the wide alternative in any way, either by borrowing or by taxation, or partly by borrowing and partly by taxation, to make up the amount of its quota of the required sum. Now that is indeed a great recommendation; but I de-

sire to submit to the House that, in the bill before us as it has been now modified, the same end has been substantially attained. And why? Because the bill does present to every State (not, I observe, to every Territory, which may be an oversight) the alternative and permission to do whatever it may choose to do in raising the amount of its share of this surplus revenue, or of the tax as the case may be. Therefore it seems to me that the objection based upon the mode of procuring the money is obviated by this change in the bill. In the second place, according to my recollection of the date when this surplus revenue was distributed, eight, perhaps nine, States since that time have been added to the Confederacy; so that, however the equipoise and proportion as to the older States might be preserved, the newer States would be released entirely from all contribution to the sum needed now. This would surely not be just, for these two reasons, without stopping to assign any other. I think the suggestion in regard to the surplus revenue presents a distinction without much of tangible difference.

The second branch of the instructions proposed by the gentleman from Indiana contemplates a revision or modification of the tariff. Now, sir, if the distinguished chairman of the Ways and Means will allow me fully to agree with him once in reference to this bill, I desire most cordially to concur in what he said, on Saturday, of the evil with which an extensive change, a constant change, of the tariff would afflict us. I believe myself that certainty, more even than philosophy, is often important in laws; and I believe that nothing with regard to the tariff system of the country is so injurious as a dubious, hesitating, apprehensive feeling in the public mind, arising from a conviction that we lack legislative stability; that the quicksands of partisan politics and individual caprice are the foundation underlying the financial policy of the country. Transition, never ending, perplexes men with the thought that if they invest their money at night upon one state of facts and prospects, they may get up in the morning and find everything changed, or about to be changed, or some one proposing a general modification; I say, I believe that anything is better than that; and therefore I believe now, whether the present tariff was, or was not, when it was passed, is or is not, as it will be now, with the free list cut down, the best that could be made, it is preferable to a change; infinitely preferable to the risk of sowing broadcast over the land the uncertainty, doubt, and trepidation, which would arise from the idea that extensive changes are to be lightly or constantly made. If the reasons which I have assigned or alluded to are sufficient to justify me in voting against the proposed instructions, they are sufficient to justify me in giving my support to this bill—this bill as it has been altered now.

As I understand the general condition of our affairs—if I may spend a single moment in recapitulating—the Secretary of the Treasury estimates that for the expenses this year he requires $80,000,000. He estimates that he will realize from revenues, from customs, public lands, and miscellaneous sources, $60,000,000, leaving a deficit of $20,000,000. This deficit, when made up, will, with the $60,000,000 already referred to, carry on the Government for the year, pay the interest on the $90,000,000 of public debt, furnish $5,000,000 to go to the sinking fund, and provide the unascertained sum, whatever it may be—I will say nine or ten million dollars—required to pay the interest upon loans which are being negotiated and loans *in futuro* liable to fall within this year. In some way or other, to borrow the expression of some gentleman, we must bridge this gap. I appreciate, I hope, as well as my learned friend from Ohio, [Mr. BINGHAM,] who on Saturday treated the House to a very animated dissertation on our financial duties—I appreciate, I believe, as well as he does, the necessity of preserving the public credit. I hope I am as ready to preserve it as any man. Is there a gentleman here who dare assume to be chief mourner over the calamities of his country? Is there one claiming to desire more than others to maintain the Republic, and restore its prosperity? If there is, in the language of the great master, "I will fight with him upon this theme until my eyelids will no longer wag."

No, sir, we are all peers in this. I believe every gentleman in this House understands that war is not a question of valor, but a question of money; that it is not regulated by the laws of honor, but by the laws of trade. I understand the practical problem to be solved in crushing the rebellion of despotism against representative government is, who can throw the most projectiles? who can afford the most iron or lead? who, by mastership in managing finance, shall attain supremacy in the great grapple for the mastery going on to-day upon this continent? I believe the subject of money and credit is almost as broad as the ultimate question itself; and surely that is a mighty question—no less a question than the destiny of an empire, the preservation or partition of a continent, the perpetuation or extinction of a nationality incontestably the greatest in the future the world has ever seen. The facts admonish us that we are to stand up like men in voting money, which is only another name for troops and all the other elements of civil and military power; that we are hew to the line no matter where the chips fly. For one, I am entirely disposed to do it. I was disposed to do it at the threshold of this discussion, but there came here a bill which proposed to lay an annual tax of $50,000,000 upon the people of the country, and proposed, for the purpose of doing it, to give birth, at one litter, to no fewer than twenty-five thousand officeholders; to create in my own State officeholders not fewer, according to my computation, than three thousand five hundred—a bill which I believe has no parallel in parliamentary history; no, sir, not in the halcyon days of East Indian bills; not in the days of Warren Hastings or Lord Clive. I believed all this unnecessary, and I took the liberty of saying so, without intending to become a conspirator against the credit of my country, or to be stingy in maintaining it.

And I will take leave to stop here and say, that whatever else I may do, I will not stand upon this floor speaking, as the old man eloquent once said, "that the nation may hear," because the humblest of us should remember that the lightnings of heaven flash what we say from one side of this continent to the other—yes, sir, from its center to its circumference.

Mr. BINGHAM. Inasmuch as the gentleman has seen fit to refer to me once, and seems to address his very direct remark about being called a conspirator upon this floor to me, I wish the gentleman to understand that I have said nothing which, by any fair intendment, will bear any such construction as he has put upon it.

Mr. ROSCOE CONKLING. I accept the suggestion of my friend, and very likely I, precisely like my friend, in the heat of this discussion made use of a phrase of higher color than was just to the occasion.

Mr. BINGHAM. I will inform the gentleman that no heated phrase was used by me.

Mr. ROSCOE CONKLING. Will my friend hear what I was saying? If he had, he would not have answered me with so much animation and, perhaps, asperity. I was just reconsidering what I said, and was adding that perhaps I had fallen into the error into which, I think, my friend fell the other day, in some slight degree, of making use of language exceedingly warm for the *cold* subject we are discussing.

Now, I was going to say that, although I should be glad to emulate a hundred things in the case of the gentleman from Ohio, I shall take care and not imitate him by standing upon this floor, and gazetting the assertion that this Government, in its financial system, is at least in a swoon, if it is not really *in articulo mortis*. I do not believe any such thing, and if I did believe it, I should not say it here; and I certainly should not say it as an argument intended to arraign any gentlemen who are standing here in good faith to see to it that they select from all the propositions presented that one which involves the greatest good to the greatest number, and the most of it, and does the least possible injury. I believe that any member of this House, whether it be in reference to this tax bill, or any bill, who is honestly devoting his capabilities to choosing most wisely between alternatives, is not justly subject to the line of comment or advice which fell on Saturday from the lips of the distinguished gentleman from Ohio.

Mr. BINGHAM. I beg leave to assure the gentleman that I gave him no advice at all, and I will take none from him.

Mr. ROSCOE CONKLING. I cannot afford to stop on this occasion to give the gentleman any advice, even if he would take it; and if he will give me none any more, it will be my loss, as I have often profited by his counsel, and should be glad to do so again.

But I have wandered from what I intended to say. I was going to remark that this bill came here the other day with the obnoxious feature I have suggested. It went back to the committee, and they have divested it of that feature; and divested it, I may be permitted to say, by adopting the very suggestion I endeavored to make to the committee in the amendment I sent up, and in the remarks with which I accompanied it. They have obviated the objection by submitting to the States the perfectly fair and constitutional alternative of raising their respective quotas themselves, in their own way, by their own officers and laws, or else having them collected by the machinery of the General Government. That is all that could be asked upon that point; and I think it improves the bill by removing the most obnoxious feature in it.

The committee has done another thing: the bill, in the first place, came in with a profession of distributing and dispersing the burden it created; it laid a tax of $30,000,000 upon land, and then, as the bill read, as if to distribute the $20,000,000 somewhere else, it laid that not at all upon land in terms, and yet it did lay it largely upon land; because, when it taxed domestic spirits by way of imposts, and when it laid an impost upon stills, although I know the brewers and the distillers were the middle men, still the burden fell upon the farmers, and thus the weight was accumulated and aggravated, instead of being fairly equalized and distributed. That provision has been modified. It has been modified in two respects: first, by diminishing the direct tax; and secondly, by bringing in and subjecting to taxation a vast variety of things in which farmers especially and exclusively have no interest. I say *farmers*, I mean landholders. The bill modified in these two respects, and assuming, as I do, that something is indispensably necessary to place the credit of the Government upon a sure foundation, I feel, for one, no security, I see no hope that we shall be able to substitute for this measure, at this stage of this session, anything better; and therefore, although a great many points might yet be found in which it could be improved, I am willing to pass it, trusting the Senate to scrutinize it as far as they can, and trusting to experience to enable us to prune it, perfect it, and render it symmetrical, if in any respect it is wrong.

I have thought, Mr. Speaker, inasmuch as I have been one of those somewhat active in endeavoring to acquaint myself with the merits of this bill as it was, and somewhat active in a humble way in endeavoring to bring its demerits to the attention of the House, that it might be just to the subject, and due to myself, that before voting for the substitute, as I shall, I should state briefly, as I have endeavored to do, the considerations now moving me to that course.

Mr. BINGHAM. Nothing could gratify me more than to know that this bill, as now reported by the Committee of Ways and Means, will receive the cordial support of the distinguished gentleman from New York; and nothing could surprise me more than that the gentleman from New York—so able to discuss any measure that may come before this House, and to give his own reasons for supporting it or opposing it—should nevertheless, after sleeping upon the matter for two nights, be capable of departing from the legitimate discussion of the bill, and raise an issue with me about remarks I made, in which he was in nowise involved at all. That the gentleman was instigated, in the language of the old common law, to do this thing "by the instigation" of a certain gentleman that is not supposed to have ordinary associations and communications with honorable gentlemen, I will not say; but nevertheless, that is the course the gentleman has seen fit to pursue.

Now, I say I agree with all the gentleman has said in support and approval of the bill reported by the Committee of Ways and Means; and I suppose he will not hold me up to the world as giving advice to the committee or to the House,

when I say that; I agree with all the gentleman has said touching the instructions to the Committee of Ways and Means by the resolution of the gentleman from Indiana. I agree—I repeat it—with all the gentleman has said in support of this bill as it now comes from the committee to the House. And I wish to say further, that, in the very first words I uttered upon this floor touching this bill, I discussed the very questions which the gentleman from New York, from first to last, suggested—of imposing duties on moneys as well as lands.

If the gentleman will look into the report of my remarks, as they appear in the first day's debate, he will find the announcement distinctly made by me that I was for taxing both land and money. So there is no room for debate between us; and hence it surprised me very much that, in this view of the case, the gentleman should come here and assume that I have charged any gentleman upon this floor, and especially himself, with being a conspirator.

The gentleman assumed in his remarks that I have come here and ventured to give advice to members upon this floor. The gentleman uses words carefully. I stand here to say that, in the offensive scene of giving advice, I am as guiltless of that practice as the gentleman can be. When the gentleman knows me better, he will understand that, in all matters of legislation, and in every matter pertaining to my duties here as a Representative, I stand upon this rule which I extend to others, that my own judgment shall suffice for myself; and I am in as little danger of surrendering that judgment to others as of imposing it officiously upon them. But I do not recognize the right of the gentleman from New York, nor do I claim the right myself—and the records of your debates will bear witness to the truth of what I now say—of coming in here and setting myself up as a model of parliamentary order and decorum, and telling gentlemen how they shall clip and fashion their words and construct their sentences, and venture to give their opinions on the measures before us for consideration.

Mr. ROSCOE CONKLING. I have been thinking of the remark of the gentleman which made upon my mind the impression which led me to refer to him this morning, and although I have not looked to see how it is reported, I will state it to him that he may understand what it was. If I understood the gentleman aright, on Saturday, in the course of the very eloquent remarks which he submitted to the House, turning in this direction and speaking of the defeat which the bill which he was then advocating had just suffered in the vote by which its enacting clause was stricken out, he alluded to gentlemen who, according to my recollection, were sitting here in a niggardly way and doling out the poor pittance which they were willing to give for the sake of their country. If he did not say something like that, or something tantamount to it, I misunderstood him; and if I misunderstood him, I certainly withdraw anything I may have said.

Mr. BINGHAM. In what I said in that way I did not allude to any gentleman upon this floor; and what I said in respect to that point is published precisely, I believe, as it was reported, and it was reported right. I never said anything on this floor reflecting, or intended to reflect, upon the manner in which any gentleman chooses to express his views on any bill. But the gentleman is mistaken as to the position of the question at the time to which he alludes. The gentleman forgets that I was speaking to a motion of the gentleman from Kentucky, [Mr. WICKLIFFE,] to postpone this whole matter till next December, and to strike out the direct tax. I was not standing here advocating the passage of this bill as it had been reported. I never declared that I was in favor of the passage of the bill as reported. I was standing here arguing against the postponement of the bill, and showing, in my humble way, what would be the effect upon the credit of the country if the Congress should adjourn without the passage of this or some other bill by which to sustain the credit of the country and enable the Treasury Department to negotiate loans without loss to the country.

Mr. ROSCOE CONKLING. I understood my friend to declare, a moment ago, that he did not apply the remarks which he quoted to gentlemen here. Now, I will read from the report of his remarks:

"Gentlemen stand here holding the nice scales in hand, and measuring out the poor pittance that they are willing to contribute to the support of the Constitution and the Union."

Mr. BINGHAM. Yes; that is what I said, in general terms. But the gentleman assumed that I was referring individually to him. I suppose, however, that one may make a general remark without its being deemed offensive.

Mr. ROSCOE CONKLING. Will the gentleman yield to me for a moment?

Mr. BINGHAM. What does the gentleman desire to say? I will hear him.

Mr. ROSCOE CONKLING. I certainly would not have asked the gentleman to yield to me if I had supposed either that he would refuse to do so, or that he would consent in the manner in which he seems to have done. I asked him to yield for the purpose of saying that he would do me very great injustice if, in the remarks he made this morning, he should attempt to carry the idea to the House that I charged him with applying those remarks exclusively and individually to me. On the contrary, I said expressly that the gentleman, turning in the direction of the large body of this House, and referring to the vote which came from a majority of the House, by which the enacting clause of the bill was stricken out, made these remarks. I know that the gentleman would not intentionally do me injustice, and I therefore ask him not to do me so great injustice as to assume that I stated he spoke especially to me. I do not wish to be like the man in the farce. "I know," says Scrub, "they were talking of me, for they laughed so." I do not assume that when a gentleman makes a remark which may embrace me, that it is aimed intentionally at me.

Mr. BINGHAM. If everything said in debate that applies to the course of gentlemen were to constitute personality in debate, it would come to this, that there would be no debate at all. A general line of remark like that which the gentleman has referred to, is always excusable; but the gentleman seems to have had some grievance to complain of this morning, and he has disburdened himself. I was not, on Saturday, as the gentleman asserts, complaining of the vote of the House, but was resisting the motion to postpone the question till December next, and instructing the committee to strike out direct taxes. The gentleman deems it very wrong in me to intimate, as a reason for my action against postponement, that the credit of the country might suffer, and that the individual interest of the Shylocks who always prosper on the public misfortune, would be advanced. But if the gentleman is content with what he has said on that point here, and with my reply to it, so am I.

Now, sir, I have this to say touching the amendment of the gentleman from Indiana, [Mr. COLFAX.] I inquired of the gentleman whether he meant, by his motion, to instruct the committee to strike out to the direct tax, and I understood him to answer in the affirmative.

Mr. COLFAX. The three points of my resolution evidently show that they contemplated the formation of a new bill. The internal taxes are to be retained as in the present bill. It is proposed to strike out to the thirty-ninth section, and to form a new bill on that basis.

Mr. BINGHAM. Then the correct language is not employed in the gentleman's resolution. The third instruction is the retaining of the internal duty.

Mr. COLFAX. It is in my power to modify the resolution, there having, as yet, been no vote upon it; and if the gentleman from Ohio has any doubt on the subject, I am perfectly willing, as he understands the force of language a great deal better than I do, to modify it so as to make it read, "in place of the original bill."

Mr. BINGHAM. That is right.

Mr. COLFAX. I wish to say furthermore: the point was raised on Saturday that a motion to commit with instructions was not divisible, and the Chair so decided, and decided correctly. But I wish to say to the House that, in my desire to have every member vote on this bill as he wants to, I am perfectly willing that my motion may be divided, if gentlemen see fit to demand its division.

Mr. BINGHAM. I wish to say a word or two on the motion to commit. The first instruction is to provide for the return of the surplus revenue distributed among the several States. According to the table presented by the gentleman from New York, [Mr. F. A. CONKLING,] this morning, a surplus revenue of over nineteen million dollars was distributed among seventeen States of this Union. Four of these are slave States, to wit: Delaware, Maryland, Kentucky, and Missouri; the rest of them are free States. I have looked into that table of distribution, through the favor of the gentleman from New York, and have ascertained that, excepting these four slave States, the bill would impose—if passed according to the instructions asked for—a burden of $16,000,000 on thirteen free loyal States, or, in other words, the whole amount contemplated by this provision of the bill, which the gentleman's motion proposes to strike out. The provision of the bill which authorizes the assessment of a direct tax is limited to $20,000,000, and is distributed among the several States according to their representative population. So that, by the proposed change, you impose on sixteen free States within $4,000,000 of the entire amount proposed to be raised by direct taxation, equitably distributed throughout the entire Union. Gentlemen agree on every hand that it is the object and purpose of whatever legislation we adopt here to strengthen the public credit. I submit, Mr. Speaker, that this is not the way in which to accomplish it. I do not say that, under certain circumstances, I would not agree to call in the surplus revenue from the several States; but I do say that I object to striking out this direct tax, and incorporating this provision in its stead. Why? Because, sir, in addition to the reasons already assigned, the result would be, that in every seceding State, as it is called, where your Federal courts are broken up, and your Federal judges have resigned, or been driven out of the State, under the provisions of this proposed amendment you could not collect one solitary cent of this surplus revenue. It is not to be collected through your collectors. It is not to be collected under the conquering arms of your Army. It is to be collected solely and exclusively through the strict process of the State courts. It cannot be collected in any other way. The gentleman strikes out the thirty-ninth section of the bill, and there is nothing left in the bill which authorizes the States to assume the payment.

I admit, sir, that the loyal States will return, if required, this surplus fund which was distributed; but the point I make is that the seceding States will not return it, and that no revenue will be derived from them from that source. How does the case stand with reference to Virginia, which everybody knows is to all intents and purposes declared to be a seceded State? It is true that some gallant, loyal men in western Virginia are reorganizing the State; but, at the same time, you have to conquer the rebels in arms in Virginia, and to drive them from their fastnesses, before you can enforce any law there. Now Virginia has received $2,000,000 of this surplus revenue. The effect of this amendment is to release Virginia, until your arms are victorious within her limits, from contributing her share to the support of this war. That is the effect of striking out the direct tax.

Mr. LOVEJOY. I would ask the gentleman how you are to collect any taxes in these seceded States?

Mr. BINGHAM. I have already remarked that the direct tax is to be collected in the rebel States by the direct instrumentality of your collectors, without the intervention of the courts at all, by distraint and sale, under the protection of your invading army; but your collectors cannot collect the surplus revenue. The amendment of the gentleman from Indiana makes no provision by which it can be collected until you reëstablish the supremacy of the Constitution within the seceded States.

Now, look at the injustice which the proposition does to the State of Kentucky. There are loyal men enough in Kentucky, thank God, thus far, to prevent the government of that State, in the hands of its State officers, being arrayed in arms against the lawful authorities of the Union. Kentucky has $1,400,000 of this surplus revenue, and the effect of this proposition is to make Kentucky—loyal, through her good men, those who represent her upon this floor and those at home—as a punishment, I suppose, for her loyalty, (although

I have no idea the gentleman from Indiana intended any such thing,) pay this $1,400,000, while you, in fact, release Virginia, who has $2,000,000, from paying anything at all; and so with regard to all the other loyal slave States. The same injustice would be done to the gallant and loyal people of the State of Missouri. You employ the instrumentality of the local law to collect this money there, but you have no such instrumentality in any of the disloyal States. That is the point I make here, and which I wish gentlemen to consider. I am opposed to striking out the direct tax; and, for the reasons assigned, I am opposed to this proposition for a return, at present, by the States, of this surplus revenue. I understand that the State of New York received over $4,000,000 of this surplus revenue. Am I right in that?

Mr. F. A. CONKLING. Yes, sir.

Mr. BINGHAM. You retain, under the proposed instructions, the provision in the bill for levying and collecting an internal tax, and the result, I apprehend, will be—although I have had no opportunity of making any exact calculation based upon the personal taxable property of the State of New York—that the gentleman's own great State would, under this amendment, be required to pay to the Government not less than $6,000,000 during the current year, while the State of Virginia and her sister rebel States will pay nothing at all. In order that the full force of the remark may be appreciated by the House—for I do not desire to detain them longer than is required to make myself understood—I will only remark further, that it will be impossible to collect a dollar of the surplus revenue in any one of the seceded States until you have reëstablished your authority by striking down entirely the rebellion there. And even when that is done, if the provision for direct taxes is stricken out, all the internal duties you will collect in the rebel States will not amount to enough to pay for the trouble of collecting. This is all I have to say upon the subject at this time.

Mr. F. A. CONKLING. Having on Saturday last offered a resolution requesting the Committee of Ways and Means to inform the House in regard to the amount of surplus revenue in the possession of the several States, respectively, and, if by them thought advisable, to report a bill recalling the same, I desire now, in justice to myself, to explain what I in vain sought the opportunity to do at the hands of the honorable member from Ohio [Mr. HORTON] a short time ago. And permit me here to remark, that for one, I feel inclined, to the utmost extent of my ability, to resist any attempt to force this measure hurriedly through the House.

It is a measure, sir, of the highest importance. It is one which I have had very little opportunity to examine. The provisions imposing an income tax are such as, judging from an imperfect hearing of the bill when read at the Clerk's desk, I must think will prove insufficient to accomplish the proposed object.

In reference to the proposition to call in the surplus revenue distributed among the several States, I wish to show what were the conditions on which that revenue was distributed. By the act of 1836, it was provided that, reserving $5,000,000 in the Treasury, the sum of $37,468,857 88 was to be distributed among the several States in proportion to their Federal representation, in four quarterly installments, payable on the 1st of January, April, July, and October, in the year 1837. Three of these installments were paid. In consequence of the embarrassments which came upon the country in the course of that year, the fourth installment was not paid. Now, sir, I ask attention to the conditions under which this money was to be received. The thirteenth section of the act provides:

"That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers, or other competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurers, or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid;"—

Here, it appears to me, is a full answer to the inquiry of the gentleman from Ohio, [Mr. HORTON,] as to the manner in which this surplus revenue is to be recovered.

"which certificates shall express the usual and legal obligations, and pledge the faith of the State for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury, beyond the amount of the $5,000,000 aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit, in the proportion aforesaid."

That provision, I may remark, referred to the State of South Carolina, which had declined to receive her *pro rata* of the fund:

"*And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding $10,000, from any one State, in any one month, without previous notice of thirty days, for every additional sum of $20,000, which may at any time be required."

Now, I apprehend there will be no difference of opinion as to the ability of the United States to recover this money. And here let me call the attention of gentlemen to the fact, that by the provisions of this section the repayment of the money is distributed over an entire year. It does not come like a direct tax, in one sum, to be paid at one time, with all the penalties for non-payment which are provided by the bill under consideration.

Mr. BINGHAM. Will the gentleman from New York allow me to ask him whether the act to which he refers is the act of June 23, 1836?

Mr. F. A. CONKLING. It is.

Mr. BINGHAM. Then I call the attention of the gentleman to the fact that that act has been repealed, and desire to ask whether the provisions of this thirteenth section have been revived?

Mr. F. A. CONKLING. I think I am justified in saying that the act has not been repealed, and that the conditions of the thirteenth section, therefore, remain unchanged and in full force.

Mr. BINGHAM. I was under the impression that the act had been repealed, and it was in reference to that I wished to inquire.

Mr. SPAULDING. I will say to the gentleman that the original act of 1836 was so amended in 1837 as to provide that the money should not be called for until otherwise ordered by Congress. There must be an act of Congress before the Secretary can call for the money.

Mr. F. A. CONKLING. Congress will so order, if, in place of the first section of this bill, it should enact that the money shall be called for.

Now, Mr. Speaker, the honorable member from Ohio has argued at great length to show the injustice and unequal operation of the proposition which I had the honor to submit. He stated what, for one, I do not know, and what I would be very glad to be enlightened upon—that by this proposition my own State would be required to pay the sum of $6,000,000. How the gentleman arrived at that result I am at a loss to imagine. The amount of money received by the State of New York from this source was $4,014,520 71. Now, sir, it never has been contemplated by any State, to my knowledge, nor has any one ever proposed such a thing in Congress, that the payment of interest upon the money deposited was to be required. If such had been the intention, as I have already stated, $40,000,000 would be required to meet the interest that has accrued during the twenty-four years which have elapsed since the distribution took place.

The gentleman from Ohio, in arguing against this proposition, has called the attention of the House to its operation upon the State of Kentucky. The original bill reported by the Committee of Ways and Means, in apportioning the $30,000,000 among the several States, assigned to the State of Kentucky the sum of $1,070,543. The amount deposited with the State of Kentucky, in 1837, was $1,433,757—a difference of less than $400,000—and so, in like proportion, with the other States which the gentleman named. The argument of the gentleman is disproved by the statistics which I have before me.

It is true that beside the Territories, eight of the States would be exempted from this call. These States are Iowa, Minnesota, Wisconsin, California, Oregon, Texas, Kansas, and Florida; and these are the States which, it has been argued, are least able to bear the direct tax which is now proposed.

By the adoption of this proposition the chief objections which have been urged against the bill, so far as the provisions for a direct tax are concerned, it seems to me, will be obviated. One of these objections is, that an army of twenty-five thousand office-holders will be created, that an amount of patronage will be dispensed such as no other single measure has ever before rendered necessary. The States owing this money will go on and collect it in any manner they may see fit. They may raise it by a loan. They may collect it by taxation, using the machinery now in existence for the purpose. They may pay it out of the surplus in their several treasuries The new States and the Territories, I repeat, will be exempted from the burden of direct taxation, and the money, in all probability, will be received into the Treasury at an earlier period than it would be under the provisions of this bill.

But, Mr. Speaker, I am prepared to vote for the bill now before the House. I have simply endeavored to gain for the proposition which I had the honor to submit a fair and candid hearing. I believe, sir, that the omission of this House to provide for the deficit of $20,000,000 in the revenue of the Government, according to the report of the Secretary of the Treasury, will lead to the derangement of our financial system, not to say to the bankruptcy of the Government. The first Secretary of the Treasury (the illustrious Hamilton) urged, as a fundamental maxim in all systems of public credit, that the creation of a debt should always be accompanied with the means of its extinguishment. That he declared to be the true secret for rendering public credit immortal. The means of giving effect to this principle he declared to be twofold; first, the establishment, at the time of contracting a debt, of a fund for the reimbursement of the principal, as well as for the payment of the interest, within a determinate period; and second, making it a part of the contract that the fund so established shall be inviolably applied to the object; and to this end, vesting the same in commissioners as a proprietary trust. This is the wise and salutary policy adopted by the present Secretary of the Treasury. It is the policy urged in his report.

According to that report, the entire expenditures of the Government during the current fiscal year will be $318,519,581 87; which includes for the War Department, as I understand it, only the sum of $185,296,397 19. This amount, according to the report of the Secretary of War, will be required to keep in actual service two hundred and thirty thousand men. The exigencies of the Government are now much greater. Since that report was transmitted to this House, an additional force of eighty thousand men, according to the newspapers, has been called into the field, and provision for their maintenance ought to be made by this Congress. Besides that, various appropriation bills have been reported, in violation to what I regard as the only sound rule of administrative policy, that all appropriations of money should come from one committee. For instance, the Committee on Naval Affairs has reported one bill appropriating the sum of $3,000,000; another, appropriating $1,500,000; and a third appropriating $1,200,000. So with the Committee on Military Affairs, which reported a bill on Saturday last calling for the sum of $2,000,000. Now, sir, I repeat, if this Congress shall adjourn without passing this bill, or adopting some measure equivalent to it, it will plunge the country into an abyss of financial embarrassment, not to say financial ruin.

Mr. MORRILL, of Vermont. Mr. Speaker, since the commencement of this session we have had a comparatively smooth sea. This morning a little ripple has passed over, which I very much regret. The distinguished gentlemen from New York [Mr. ROSCOE CONKLING] and from Ohio, [Mr. BINGHAM,] I am satisfied, on reflection will see that there was no cause for personality in the debate which has occurred; and I trust that my friend from Ohio will, on reflection before we adjourn, see that something he has said was not exactly parliamentary, and will make proper reparation.

Mr. BINGHAM. If I have said aught against the order of this House, I beg the pardon of every

member of it; and in looking over my remarks I will see to it that nothing unparliamentary shall appear in the report.

Mr. MORRILL, of Vermont. I have nothing further to say on that subject.

In considering the bill before the House, Mr. Speaker, we have this matter to bring to our contemplation: the amount, or whatever is necesary to support the Government. According to the report of the Secretary of the Treasury, to carry out the recommendations of the Government, we were going to require $80,000,000; but we have surpassed that. We have already reported other bills, not included in the estimate, to the amount of five or six million dollars; and, in addition, there are bills now pending that ought to pass, and probably will pass, which I have no doubt will increase it to not less than $15,000,000, and perhaps to $20,000,000. This must also be provided for. Now is it supposed that we are going to provide for it by calling in the surplus fund? Although I have no doubt of the patriotic intentions of the gentleman from Indiana, [Mr. COLFAX,] and of the others who advocate that measure, I regard it as a tub thrown to the whale. It will mislead the House, whether so intended or not. I would as soon undertake to find the treasure of Captain Kidd by a witch hazel rod, as to expect to get back this surplus just at the present moment. And why? Because one State will not pay unless the other States pay. It would not be just if they did, and we know that *all* will not pay. When we call that back, we must make a call that will reach every State, including those now in rebellion, as well as loyal States. In due time it may be done and may be necessary; but it cannot be done now; nor is it necessary. And if it could be done, with what justice could we do it? Take the State of Indiana. When the surplus fund was distributed she had less than one half the population she now has, and much less than one half the wealth. We want to apportion this tax according to population, or according to wealth. To return this contribution now would be neither.

The gentleman from Indiana [Mr. COLFAX] says that this was a gift. There is no law which can recover a gift after it has been taken possession of by the party to whom it has been given.

Mr. COLFAX. The gentleman is mistaken. It was a deposit with the States on the condition and solemn pledge that they would return it whenever it was wanted by the Federal Treasury.

Mr. MORRILL, of Vermont. Everybody understood at the time that it would never be recalled. It was expressly so stated in the debate in both Houses at the time the bill was passed. It took that form to ease constitutional scruples. Now, what is the state of the surplus fund in the States? It has been loaned out, in many instances, on mortgage to farmers. Would they be relieved by being called on to refund it at this time? In many States it is used as a school fund. Would you destroy the school fund of any State by recalling this surplus? Certainly the House is not ready for any such measure. There would hardly be a State which would not choose to levy a tax rather than recall these old, solid investments.

The gentleman from Indiana suggests that we have a large amount of resources yet unmined and unworked in the free list. Let me tell him that he could not raise a sufficient amount on the free list yet remaining to supply the ladies of the country with pins and needles. When we took out tea and coffee we took out something like three fourths of the whole amount. In the tariff that was passed in 1861, a large item to which the gentleman has alluded, linseed, was taken from the free list and put upon the taxable list at sixteen cents a bushel. The gentleman is slightly in error in relation to that question. The bill, when it passed the House, laid on a tax of twelve cents on linseed; and the only question presented was, whether it should remain at twelve cents or be fixed at sixteen cents.

Mr. Speaker, in relation to the manner in which this bill has been presented to the House, I think I am authorized by the Committee of Ways and Means to say that it was no purpose of that committee to force the House to a vote on this bill. If the House had seen fit to object to its consideration, of course it would have been printed and laid over until to-morrow. Neither the gentleman from Indiana nor any other member objected to its present consideration. Therefore the gentleman from Ohio, as well as the rest of us, had the right to infer that it was the pleasure of the House to consider it now. And why not? The committee on Saturday was expressly instructed what to do. According to the best of their ability they have done that very thing. They were instructed to report this very bill reducing the direct taxes. Instead of $30,000,000, it now comes before the House proposing to raise only $20,000,000, of which we only hope to realize eleven or twelve million.

It was also taken to be the sense of the House that a much larger amount of personal property and personal wealth should be subjected to taxation; and this bill accomplishes that object. In the course of the discussion it leaked out from all sides that money, bonds and mortgages, stocks, and various incomes from such sources, should be included in the tax list. The committee have endeavored faithfully to embrace the whole of these things in this bill, so that not a dollar shall improperly escape. And in raising this amount of money, let me say to gentlemen of the West, and to the gentleman from Illinois, who seemed to think that his portion of the country would be hardly dealt by, that, so far as a direct tax is concerned, we cannot apportion it in any other way than according to numbers, agreeably to the Constitution; but we have changed the thirty-ninth section of the old bill, so as to allow the States to collect that or any other tax in any way and manner they choose, and by their own officers. The indirect or income tax which is to be raised by this bill will be, in my judgment, at least twice as much as what we shall raise by direct taxation. Now, I undertake to say there is a far greater inequality in that than in the other tax; but this time the boot is on the other leg. Every farmer in Illinois whose farm does not yield him, over and above the State and local taxes, over and above what he pays out for wages of labor, $600, will not be taxed a single copper. How many farmers in Illinois will be taxed under that provision of this bill?

But when you come to the East, to New York and the Atlantic cities, you find more men of larger income; and you find incorporated companies, factories, insurance companies, and banks, that should be and will be taxed. But the banks in Illinois, at the present time, have nearly vanished. Does anybody expect that there will be any tax upon the income of the banks of Illinois? Certainly not. I expect that nearly two thirds, if not three fourths, of this income tax will be paid by the East—by New England, New York, and Pennsylvania. Then I undertake to say that, taking both portions of the bill together, it will be found to operate as nearly equal as any bill that legislators may hope or expect ever to be able to perfect.

And now, as it seems to me that we have sufficiently discussed the bill, if there is no objection, I will call the previous question.

Mr. COVODE. If the gentleman will withdraw the call for the previous question until I can give my reasons for voting against this bill this morning, I will renew it.

Mr. MORRILL, of Vermont. I am urged upon all sides to adhere to the previous question. There are others who will want the same thing. I will, however, yield in this instance.

Mr. COVODE. I will renew the previous question. I voted against calling the previous question this morning, because I was opposed to the manner in which the bill was brought in, and because I was asked to vote upon it without knowing what it was. I listened attentively to the reading of the bill, but was not able to hear half of it.

Upon this question of finance, I am unwilling to yield my private judgment to any man. I have had some experience in this matter, and I have my own views in regard to the best mode of levying taxes, when to do it, and how to do it; and I wanted, before voting for this bill, to give my views in relation to it. There are two things necessary in order to levy and collect taxes: the first is, to give the people the ability to pay taxes. You have got to put money into the hands of the people by some means to enable them to pay taxes before you can collect them. My desire has been that only one half the amount of taxes suggested by the committee should be raised at this time, and then, if it should be necessary to do so next session, double the amount. Satisfy the capitalists that we are ready and willing to tax our people for the purpose of meeting the interest upon the debt when it becomes necessary.

But there is an easier and better way of doing it than this; and that is for the Government to issue and pay out Treasury notes in sums as small as ten dollars. Thus you would put into the hands of the people the money wherewith to pay taxes. I am ready to admit that after a time these Treasury notes may depreciate in the hands of the holders; but at that time, I would say, Congress should, without hesitation, levy a heavy tax, and make it payable in Treasury notes. In that way you will create a demand for them, and keep them up in the market. There is no danger of these Treasury notes depreciating now. The country is ready to receive them. The country is patriotic; but it is too much to impose such a heavy burden upon the people, who are producing nothing. I would ask what are you to get from the income tax, when there is no income accruing? I have endeavored to ascertain this morning where there is a dollar to be had, either from money in the hands of the capitalists or otherwise. There are no incomes to tax. Parties who have money at interest cannot even get the interest upon it. How is the Government to get three per cent. when there are no incomes?

There is another point in this bill. It proposes to levy a tax of $20,000,000, and allow the States to pay it over to the Government, thus saving the States from being inundated by Federal officers. But how is the $10,000,000, the remaining portion of this tax, to be paid? Is there any provision by which the States shall collect and pay the income tax? [Several VOICES. Yes, yes!] Very well. All right, then, so far as that is concerned.

My object was, if possible, to induce the committee, at this session, only to levy one half of this tax, and postpone the collection of the other half until the next session of Congress.

Mr. MORRILL, of Vermont. I move the previous question.

Mr. WICKLIFFE. I rise to a point of order. It is, that the previous question cannot be demanded a second time the same day, when the question is in the same condition that it was when the main question was voted down.

The SPEAKER. The Chair will ask the Clerk to read the rule.

The Clerk read, as follows:

"But its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion. Whenever the House shall refuse to order the main question, the consideration of the subject shall be resumed as though no motion for the previous question had been made. The House may also, at any time, on motion seconded by a majority of the members present, close all debate upon a pending amendment, or an amendment thereto, and cause the question to be put thereon; and this shall not preclude any further amendment or debate upon the bill.

The SPEAKER. Under this rule, the Chair would state to the gentleman from Kentucky that the House refusing to order the main question, leaves the question before the House to be acted upon as if no previous call of the previous question had been made, and it can be called at any other stage of the proceeding. The Chair would also state, that this is not the same stage of proceeding; for, since the House refused to order the main question, the gentleman from Indiana has offered a resolution to recommit with instructions.

Mr. WASHBURNE. What would be the effect of laying the resolution of the gentleman from Indiana upon the table?

The SPEAKER. It would carry the bill with it.

Mr. COVODE. I have another proposition to make.

The SPEAKER. No debate is in order pending the call for the previous question.

The previous question was seconded.

Mr. BURNETT. Is the resolution of the gentleman from Indiana divisible?

The SPEAKER. It is not. The rules expressly provide otherwise.

The main question was ordered to be put.

The question recurring on the resolution of Mr. COLFAX,

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. TROWBRIDGE called for tellers upon the adoption of the resolution.

Tellers were not ordered.

The question was put; and the resolution was not agreed to.

The SPEAKER. The question recurs upon the adoption of the substitute.

Mr. COVODE. I do not see how we can take that question until a motion to reconsider and lay upon the table the last vote is made.

The SPEAKER. Until the previous question is exhausted, a motion to reconsider is not in order, and it will not be exhausted until the bill is read a third time.

The yeas and nays were demanded on adopting the substitute.

The yeas and nays were not ordered.

The substitute was then adopted.

Mr. STEVENS moved to reconsider the vote by which the substitute was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. STEVENS moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. VALLANDIGHAM demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 77, nays 60; as follows:

YEAS—Messrs. Alley, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Bingham, Samuel S. Blair, Blake, George H. Browne, Calvert, Campbell, Chamberlain, Clark, Cobb, Frederick A. Conkling, Roscoe Conkling, Conway, Corning, Covode, Cutler, Davis, Dawes, Delano, Diven, Edwards, Eliot, Fessenden, Franchot, Frank, Gooch, Goodwin, Granger, Gurley, Harrison, Horton, Hutchins, Julian, Kelley, William Kellogg, Lansing, Loomis, McClernand, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Pomeroy, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Sheffield, Shellabarger, Sherman, Spaulding, John B. Steele, Stevens, Stratton, Benjamin F. Thomas, Train, Upton, Van Horn, Van Wyck, Wall, Wallace, E. P. Walton, Washburne, Wheeler, Albert S. White, and Worcester—77.

NAYS—Messrs. Aldrich, Allen, Ancona, Arnold, Beaman, Francis P. Blair, Buffinton, Burnett, Colfax, Cox, Cravens, Crisfield, Crittenden, Dunlap, Edgerton, English, Fouke, Grider, Haight, Hale, Hanchett, Harding, Holman, Jackson, Johnson, Francis W. Kellogg, Law, Leary, Lehman, Logan, Lovejoy, May, Mallory, Menzies, Morris, Noble, Norton, Odell, George H. Pendleton, Perry, Porter, Reid, Robinson, Shanks, Smith, William G. Steele, Trowbridge, Vallandigham, Vandever, Vibbard, Wadsworth, Charles W. Walton, Ward, Webster, Chilton A. White, Wickliffe, Windom, Wood, Woodruff, and Wright—60.

So the bill was passed.

Mr. RIDDLE stated that Mr. TRIMBLE was still confined to his room by illness.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ARMS FOR VOLUNTEERS.

Mr. STEVENS. I am instructed by the Committee of Ways and Means to report a bill making an appropriation for the purchase of arms for the volunteer and regular troops of the United States. It is to provide for the purchase of arms abroad.

The bill was read a first and second time by its title.

Mr. STEVENS. I ask the unanimous consent of the House to put the bill upon its passage.

No objection was made.

Mr. COLFAX. With the permission of the gentleman, I desire to withdraw the remark I made about snap judgments a little while ago. It was a hasty remark, and I withdraw it.

The bill was then read. It appropriates the sum of $10,000,000, to be expended under the direction of the President of the United States, in the purchase of arms for the volunteer and regular troops of the United States.

Mr. STEVENS moved the previous question.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. STEVENS moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The bill was passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PAY OF GOVERNMENT OFFICERS.

Mr. STEVENS. I am also instructed by the Committee of Ways and Means to report back, with a recommendation that it do pass, Senate bill No. 48, providing for a commission to examine and report as to the compensation of all officers of the Government, and for other purposes. The bill makes no appropriation, and I ask that it may be put upon its passage.

The bill was read. It organizes a board of commissioners for the purpose of scaling, equalizing, and reducing the compensation of the various officers of the Government, said board to be composed of two members of the Senate, to be appointed by the Presiding Officer of the Senate, three members of the House of Representatives to be appointed by the Speaker of the House, and one officer of the Army, and one officer of the Navy, to be appointed by the President. The board are to examine and report as soon as practicable. 1. A fair and just compensation for each officer of the Government. 2. Such provision of law as will regulate the expenditure of all indefinite and contingent appropriations, including those for the courts of the United States. 3. Regulations for the more economical collection of the revenue; and 4. What officers or employments, if any, may be dispensed with without detriment to the public service. The commissioners have leave to report by bill or otherwise, to each House at the next session of Congress, and to employ a clerk, at a compensation of four dollars a day for the time he may be actually employed.

Mr. STEVENS. I move the previous question.

The previous question was seconded, and the main question ordered.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. STEVENS moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The bill was passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

COLLECTION OF DUTIES ON IMPORTS.

Mr. WASHBURNE. The Senate have sent in a bill in addition to an act entitled "An act further to provide for the collection of duties on imports and for other purposes," approved July 13, 1861. It is an addition to the fifth section of the House bill which passed during the early part of the session. On a critical examination of the fifth section of that bill, it was thought that the President should have a little more power than is given him in that section. It was supposed that it might be construed to mean that the President could only issue his proclamation in regard to those cases that then existed. The object of the supplemental bill is, to give him the same authority in all cases that may hereafter arise of insurrectionary movements. That is the whole substance of the bill, and I ask the House to pass it.

Mr. BURNETT. I object to taking the bill from the Speaker's table at this time.

Mr. WASHBURNE. I move to suspend the rules for the purpose of putting it on its passage.

The question was taken, and (more than two thirds voting therefor) the rules were suspended, and the bill taken from the Speaker's table, and read a first and second time.

It provides that the power of the President to declare the inhabitants of any State or of any part thereof, in a state of insurrection, as provided in the fifth section of the act to which it is an addition, shall extend to and include the inhabitants of any State or part thereof, where such insurrection against the United States shall be found by the President at any time to exist.

The bill was read the third time.

Mr. WASHBURNE moved the previous question on its passage.

The previous question was seconded, and the main question ordered.

Mr. BURNETT called for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. WASHBURNE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PEACE PROPOSITIONS.

Mr. COX. I ask leave to offer the following resolution:

Whereas it is the part of rational beings to terminate their differences by rational methods, and inasmuch as the differences between the United States authorities and the seceding States have resulted in a civil war, characterized by bitter hostility and extreme atrocity; and although the party in the seceded States are guilty of breaking the national unity and resisting the national authority: Yet,

Be it resolved, First. That while we make undiminished and increased exertions by our Navy and Army to maintain the integrity and stability of this Government, the common laws of war, consisting of those maxims of humanity, moderation, and honor, which are a part of the international code, ought to be observed by both parties, and for a stronger reason than exists between two alien nations, inasmuch as the two parties have a common ancestry, history, prosperity, glory, Government, and Union, and are now unhappily engaged in lacerating their common country. Second. That, resulting from these premises, while there ought to be left open, as between two alien nations, the same means for preventing the war being carried to outrageous extremities, there ought also to be left open some means for the restoration of peace and union. Third. That to this end—the restoration of peace and union on the basis of the Constitution—there be appointed a committee of one member from each State, who shall report to this House, at its next session, such amendments to the Constitution of the United States as shall assuage all grievances, and bring about a reconstruction of the national unity; and that for the preparation of such adjustment and the conference requisite for that purpose, there be appointed a commission of seven citizens of the United States, consisting of Edward Everett of Massachusetts, Franklin Pierce of New Hampshire, Millard Fillmore of New York, Reverdy Johnson of Maryland, Martin Van Buren of New York, Thomas Ewing of Ohio, and James Guthrie of Kentucky, who shall request from the so-called confederate States the appointment of a similar commission, and who shall meet and confer on the subject in the city of Louisville on the first Monday of September next. And that the committee appointed from this House notify said commissioners of their appointment and function, and report their action to the next session as an amendment of the Constitution of the United States to be proposed by Congress to the States for their ratification, according to the fifth article of said Constitution.

Mr. WASHBURNE, (interrupting its reading.) I object to the introduction of that resolution. We have had enough of it read.

Mr. COX. I move to suspend the rules, to enable me to introduce it.

The reading of the resolution was resumed and completed.

Mr. POTTER. I wish to ask the gentleman from Ohio if he is willing to insert, among the proposed commissioners, the name of James Buchanan? [Laughter.]

Mr. COX. No, sir; not at all. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. ROSCOE CONKLING. I move that the House do now adjourn.

The motion was not agreed to.

The question was taken; and it was decided in the negative—yeas 41, nays 85; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, Burnett, Calvert, Cox, Cravens, Crisfield, Crittenden, Dunlap, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Leary, Logan, May, Mallory, Menzies, Morris, Noble, Norton, Nugen, George H. Pendleton, Perry, Reid, Richardson, Robinson, Smith, William G. Steele, Vallandigham, Voorhees, Wadsworth, Webster, Chilton A. White, Wickliffe, Wood, and Woodruff—41.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Davis, Dawes, Delano, Diven, Duell, Edgerton, Edwards, Eliot, Fessenden, Franchot, Frank, Gooch, Goodwin, Granger, Gurley, Hale, Harrison, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Spaulding, Stevens, Benjamin F. Thomas, Train, Trowbridge, Upton, Vandever, Van Wyck, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Albert S. White, Windom, Worcester, and Wright—85.

So (two thirds not voting therefor) the rules were not suspended.

During the vote,

Mr. CAMPBELL stated that Mr. HICKMAN was detained at home by indisposition.

Mr. POTTER stated that Mr. SLOAN was detained from the House by illness.

Mr. COVODE stated that Mr. PATTON was detained at home, in Pennsylvania, by sickness.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that the Senate had disagreed to the report of the committee of conference on the bill (S. No. 3) providing for the better organization of the military establishment, and asked for further conference.

Also, that the Senate had agreed to the reports of the committees of conference on Senate bills Nos. 31 and 20.

Also, that the Senate had agreed to the amendments of the House to Senate bill No. 24; and had agreed, with amendments, to the amendments of the House to Senate bill No. 41.

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri. There is a message just received from the Senate, announcing that the Senate has disagreed to the report of the committee of conference on Senate bill (No. 3) providing for the better organization of the military establishment, and asking for a further conference. I move that the House insist on its amendments, and consent to a further conference.

The motion was agreed to.

MILITARY ACADEMY.

Mr. OLIN. I ask leave to report, from the Committee on Military Affairs, a bill to increase the number of cadets in the Military Academy of West Point, and for other purposes.

Mr. BURNETT. I should like to hear the provisions of that bill.

The bill was read. It provides that there shall be added to the corps of cadets in the Military Academy at West Point, a number equal to the number of Senators and Representatives in Congress, to be selected from States on the recommendation of Senators and Representatives, as prescribed by former laws; provided that when districts neglect or refuse to send Representatives to Congress, the President shall have power to fill vacancies in the corps of cadets, corresponding to the representation in such districts.

The second section provides that all cadets now in service, or that may hereafter be appointed, shall be called upon to take and subscribe an oath to support the Constitution of the United States, bear true allegiance to the national Government, maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty, that they might owe to any State, county, or country whatsoever; and that they will obey at all times the legal orders of their superior officers, and the rules and articles governing the Army of the United States. And any cadet or candidate for admission who shall refuse to take such oath shall be dismissed or rejected from the service.

The third section provides that any graduate of the United States Military Academy at West Point who shall at any time hereafter take up arms against the United States shall be deemed guilty of desertion, and on conviction by court-martial shall suffer death. It also provides that all persons entering the military or naval service of the United States shall take and subscribe an oath to support the Constitution of the United States, bear true allegiance to the national Government, maintain and defend the sovereignty of the United States paramount to all allegiance, sovereignty, or fealty to any State or country whatever, and obey, at all times, the legal orders of superior officers, and the rules and articles governing the Army and Navy of the United States.

The fourth section provides that when cadets are found deficient in their studies or duties they shall be dismissed, unless otherwise recommended by the academic board.

Mr. BURNETT. That bill is defective in many particulars. I object to its introduction.

Mr. OLIN. I move to suspend the rules.

Mr. BURNETT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WRIGHT. I move that the House do now adjourn.

The motion was agreed to; and the House thereupon (at ten minutes before four o'clock, p. m.) adjourned.

IN SENATE.

TUESDAY, *July* 30, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. JOHNSON of Tennessee, and Mr. GRIMES, the select committee to inquire into the abandonment and destruction of the public property at the navy-yards at Pensacola and Norfolk, and the armory at Harper's Ferry, under the resolution of the 25th instant.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bill, which yesterday received the signature of the Speaker of the House of Representatives:

A bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion or rebellion.

DISTRIBUTION OF DOCUMENTS.

Mr. RICE. I have a resolution to offer; and if there no objection, I should like to have it considered at the present time:

Resolved, That the extra public documents in the possession of, or ordered by the Senate, be distributed equally among the Senators from the States represented in the Senate.

Mr. COLLAMER. I desire to inquire what is meant by the word "extra?"

Mr. RICE. There is a large number of documents that did belong to the Senators who have left the Senate in consequence of their States having seceded. I thought it would be better to have them distributed among the Senators now present.

Mr. COLLAMER. I did not know but that the gentleman meant to include those belonging to several of us, which we have not distributed.

Mr. RICE. Not at all.

Mr. COLLAMER. If the word "extra" can be understood in that sense to mean the books of those who have absented themselves, I have no objection.

Mr. RICE. I have a large number of documents here that I do not consider "extra." They are mine.

Mr. DOOLITTLE. I hope the resolution will not pass. I expect that every State is to be represented on this floor by Senators; perhaps not this summer, perhaps not next winter; but it will be in the course of a year or two. Let them, when they come, distribute the documents belonging to their States.

The PRESIDENT *pro tempore*. The resolution lies over, objection being made.

Mr. BAYARD. If it is order, I move to refer it to the Committee on the Library.

The PRESIDENT *pro tempore*. There being objection to the consideration of the resolution, it lies over, and is not subject to any motion.

PRINTING OF NEW LAWS.

Mr. WILSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed, for the use of the Senate, two thousand extra copies each of the act approved the 22d of July, 1861, authorizing the employment of volunteers, &c.; the act approved the 26th of July, 1861, in addition thereto; the act increasing the Army; and the act for the better organization of the military establishment.

On motion of Mr. WILSON, it was

Ordered, That the bill (S. No. 5) for the organization of a volunteer militia force, to be called the National Guard of the United States, be printed.

REPORT OF A COMMITTEE.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804, reported it with a recommendation that it be postponed to the first Monday in December next; which was agreed to.

APPROVAL OF PRESIDENTIAL ACTS.

Mr. WILSON. If there is no special business before the Senate, I ask that the joint resolution approving and legalizing the acts of the President be taken up for the purpose of taking a vote upon the resolution at this time.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion.

Mr. BAYARD. Is it in order to move any amendment?

The PRESIDENT *pro tempore*. The question being on the passage of the resolution, it is beyond the reach of amendment. On this question the yeas and nays have been ordered.

Mr. PEARCE. Mr. President, before the vote is taken, I desire to say to the Senate that it had been my purpose from an early day of the session to address them at length on the subject of this resolution. But I have found myself in a condition of health that has made me physically incapable of doing so, and I am under medical direction to avoid the excitement of public speaking. Nevertheless, I am not willing, sir, that my vote shall be given upon this resolution without saying a very few words to explain the position which I occupy.

Mr. President, I am one of those who, from the commencement of this controversy, lamented the progress of that antagonism of sections which seemed to me from the beginning to promise the calamities which have since gathered around us. I was most sincerely anxious, not only that the dissolution of the Union should not be the result, either of the political condition of the two sections of the country, or of any other conceivable state of things; but I looked upon it as the most important interest of my State, of all others, that the Union should be maintained in its integrity. A small State, situated in the very heart of the Union; penetrated by its great bay and its affluents, so as to be accessible at all times to those whose maritime power commands the sea; bordering upon one of the most powerful free States of this Union, and within a very short distance from another, the most powerful of all the States in the Union; deeply interested in her trade with several southern States which seemed to be likely to be cut off from the residuary States; largely interested, too, in trade with Pennsylvania, with Rhode Island, and with other of the northern States; it was impossible to conceive a condition of things which could be more disastrous to the State of Maryland than the dissolution of the Union.

Sir, if there had been no patriotism in Maryland; if there had been no cherished recollections of the glories of the past; of that glorious Revolution, in which we, small in population and limited in territorial extent as we were, had borne a not inglorious part; if there had been no attachment to that flag which we had so long been proud to hail as the common standard of the country, still our interests were such as bound us inevitably to the cause of the Union. We did not believe in the right of peaceful, constitutional secession. We saw no mode of separation from the Union other than revolution; and we were not sensible of any grievances so intolerable as to absolve us from our allegiance, and require us to make, or justify us in making, a revolution, with all its uncertainties and dangers and the probable or possible consequences, involving not merely our future relations, but our peace, security, prosperity, and happiness for all time. I have not changed a jot of these opinions and feelings from that day to this; and it is the prevailing sentiment in my State now—now, when that State has felt peculiar evils growing out of the existing condition of things, and has suffered in violation of private and public rights as no other State has. Though in the Union; though loyal to a large degree; though represented in the other House of Congress exclusively by men who are Union men, who have been elected as such by enormous and unprecedented majorities; though still firm in these convictions and in this attachment, my State has been subjected to what we conceive to be positive, arbitrary, causeless, and wanton oppressions.

Now, sir, while I have not changed these sentiments of Union; while I desire, if possible, that the Union may be preserved in the face of all the probabilities which I confess seem to be against it, I am not willing that a course of pro-

cedure shall be adopted in Maryland, which I do not believe to be sanctioned by the Constitution, but at variance with the plain principles of the Constitution, and with the essential rights of republican liberty.

The suspension of the privilege of the *habeas corpus* by executive authority is a violation of the principles of public freedom which have been consecrated for centuries. These principles were dear to our Anglo-Saxon forefathers before the the period of Magna Charta. From the days of Magna Charta, which, seeking to restore ancient rights, provided that no *freeman should be taken or imprisoned without the lawful judgment of his peers, or the law of the land*, down to the declaration of our independence, that principle has been dear to the freemen of England and America. From Magna Charta, about the year 1200, down to the revolution of 1668, there was a constant struggle between the people and the Crown for the preservation of this privilege, the only one which guarantees personal freedom anywhere—the freedom from being arrested and imprisoned, except by lawful process. Without this guarantee, no Government can be called free; no people can feel that sense of security which is indispensable to true liberty; and all the boast of constitutional barriers to despotism are utterly idle and vain.

I will not undertake to describe the struggles between the people and the monarch throughout that long period. We know that the power of arbitrary imprisonment was an enormous engine of oppression, and was most tyrannously used. The Commons of England resisted it in all its phases; and at last, even in the time of the despotic Stuarts, succeeded in restraining the executive authority and snatching from it this pretended power to arrest upon the King's command without process of law.

In the time of Charles I, the Petition of Right, accepted and signed by the King when the people of England were led by an assembly of statesmen, declared these arbitrary imprisonments to be illegal, and thus secured, as was supposed, a return to the great rule of Magna Charta.

We know, too, sir, how royal power, with judicial minions depending upon its pleasure, contrived to avoid, evade, or delay the operation of that rule. De Lolme tells us that the case of an obscure individual in the reign of Charles II led to another successful struggle between the Commons and the Crown. One Jenks, a plain citizen, was charged with uttering mutinous language at a meeting in Guildhall, where he had moved a petition to the King for a new Parliament. For this he was illegally committed by order of the privy council, and detained for two months. This violation of Anglo-Saxon right stimulated that noble struggle of the people which resulted, in the thirty-first year of Charles II, in the passage of the *habeas corpus* act, which defined the right of the citizen to judicial relief from illegal imprisonment, made the duty of the judge imperative, and imposed a heavy pecuniary penalty upon him for denying it. This act only sought to secure the rights of the citizen which honest judges, even before the judicial tenure was made independent of royal authority, had affirmed. It was in the reign of Henry VI that an English judge, when asked if it was not lawful for one to arrest a party upon the command of the King, said "No; if I were to arrest a man even in the presence of the King and by his command, nothing could save me from the action of false imprisonment which the party would have against me."

Then, sir, the declaration of rights and the bill of rights, in the time of William III, consecrated this principle; and the independence of the judiciary made it impregnable; and from that day to this, never has there been in England a suspension of the privilege of *habeas corpus*, except by the voice of Parliament, whose omnipotence compasses everything done by legislative authority.

There have been many occasions when it has been deemed necessary in Great Britain to suspend the privilege of the *habeas corpus*. It was suspended during the time of William III, and of Anne, a period of great intrigue, when the validity of the settlement of the Crown, at the revolution, was vehemently disputed; during the reign of the Georges, when the Scotts' rebellion of 1715 and 1745 took place; during a portion of the stormy periods of the French revolution; in Ireland during the great rebellion of 1798; and upon the occasion of the great riots which followed the peace of 1815; and its last suspension, I believe, was in Ireland in 1848, during what was called Smith O'Brien's rebellion.

It is well to observe how the English nation, attached as they are to the form of monarchy, but great and glorious in maintaining their freedom against executive authority at all times and against all odds, have preserved that principle; and when Parliament has suspended the privilege of *habeas corpus*, how carefully the law has been guarded. In passing laws for this purpose they have always limited the time during which the parties arrested for highly treasonable practices, or suspicion of them, may be detained without bail or mainprize; and in the bill passed in 1848, during the last Irish rebellion, they went further, and required that such detentions must be of persons taken on warrants signed by the Lord Lieutenant of Ireland, or by six counselors of the privy council, or their chief secretary. They require, further, as a guard for the liberty of the subject, that a copy of the warrant thus to be issued shall be transmitted to the clerk of the Crown for Dublin, and filed by him in the office of the pleas of the Crown in and for the city of Dublin. They do not intrust to inferior military officers, even in times of rebellion, this discretion, so liable to abuse, for they know and acknowledge that if this inestimable privilege is liable to be suspended by the will of one individual, it is subject, of course, to the caprice, the passion, the malignity, and folly of the party, whosoever he may be. How much more is it liable to these influences—unjust, unholy, and infamous—when it may be exercised by a subordinate officer, no one knows who, for an indefinite period, and without any public evidence of the order under which the odious arrest and imprisonment may be effected, as seems to be the case with us in this land of republican freedom and written Constitution, ordained for the purpose, among others, of securing the blessings of liberty to the people of the United States and their posterity.

Sir, in my own State of Maryland, where this privilege has been suspended, I cannot, in most instances, trace the order of arrest to any act of the President, or of General Scott, or of General Banks, or of any superior officer. I have, in some cases, where the parties were men of peculiar position, traced it to General Banks, or his predecessor; but in general we cannot trace it. A major of New York militia, in one case, whose name I do not remember, and probably shall never hear again; some person even of less authority—a captain of militia, in one instance, from some other State—has arrested a party; and these arrests have been made, not upon any lawful assignable cause; not by any warrant for which the party may be held thereafter responsible; not by the ordinary superior military authority, nor upon any suggestion that authorized the suspicion that the party was guilty of practices treasonable in their nature or dangerous to the Government, but, as I believe most firmly, upon intimations conveyed by base and unprincipled men, who, to gratify private malignity and personal or political hostility, have rendered persons far more respectable than themselves, and quite as loyal too, the victims of this tyrannous oppression. What is tyranny, sir, if we may not thus designate injustice practiced upon men, whether communities or individuals, by illegal and irresponsible authority? That is the very highest and the very worst tyranny, in my judgment; and it is that for which I object to the suspension of the *habeas corpus* by executive authority at this time.

Mr. President, we thought when we were adopting our Declaration of Independence, that we were preserving all the principles of Anglo-Saxon liberty. It was because of the violation of those principles that we entered into the controversy with our mother country. One of the causes of complaint against George III in the Declaration of Independence was, that he had affected to render the military independent of and superior to the civil authority; and when we adopted the Constitution of the United States, it was no new thing with us to declare that the privilege of the writ of *habeas corpus* should not be suspended, except when in cases of rebellion or invasion the public safety should require it; and it was not a new thing with us that that privilege, thus authorized to be suspended in certain limited cases, was to be suspended only by legislative authority. The Constitution, when it declares that the privilege of the writ of *habeas corpus* shall not be suspended except when in cases of rebellion or invasion the public safety may require it, does not describe the sort of writ which is meant, because it was well known that every intelligent freeman understood only that one writ of *habeas corpus*, which was intended for the protection of the personal liberty of the subject or citizen. The Attorney General, in an opinion which I see he has given to the President, asks the question, which one of the many writs of *habeas corpus* it was? as if any intelligent man, as if he himself, ever doubted which it was. Who supposed that the privilege alluded to in the Constitution meant the *habeas corpus ad respondendum*, or the *habeas corpus ad testificandum*, or any of the others, which are not worth a button now, being superseded by other processes? Whoever dreamed, what lawyer, what commentator, what intelligent politician, what statesman, ever dreamed that any other *habeas corpus* was intended by that clause of the Constitution, than the *habeas corpus ad subjiciendum*, which is the only remedy for freemen against tyranny and oppression, let it come from individuals out of power or individuals in power?

Our fathers, in the amendments to the Constitution, guarded against the very possibility of any abuse of this sort, as they supposed, when they declared, in the fifth amendment to the articles of the Constitution, that no man should be deprived of his liberty without due process of law. When they put into the Constitution the provision in regard to the *habeas corpus*, they did so with the full knowledge of what it was in England at the time when our sturdy ancestors settled in America, and what it was in all the States of the Union when the Constitution was made. They knew that it was the great bulwark of personal liberty there and here—the right of rights, as the Senator from Kentucky properly called it. A writ of right it is, and a right of rights it is, and without it we have no rights; and its violation by executive authority is just as much to be tolerated as a violation of any other constitutional principle, no matter how vital and how sacred it may be, if anything can be considered more sacred to freemen than personal liberty.

Besides, sir, the Constitution, while it recognizes the right of every freeman in the United States to the writ of *habeas corpus* for relief against imprisonment, for deprivation of personal liberty by any restraint upon it, does not provide the machinery by which that writ shall be carried into operation. It left that to Congress; and Congress very properly, with a full understanding of the subject, at its first session, I believe, passed the *habeas corpus* act, by which jurisdiction was given to the courts of the United States, on that subject; and the Supreme Court of the United States have said that we must look to the common law for the construction of it. The right is therefore both a constitutional one and a statutory one. Shall I be told that a statutory right can be taken away except by a statute? Who has the right to take away, either permanently or temporarily, the authority of the courts upon that subject? It is legislative in its character, and it must be by legislation that it shall be repealed, and by legislation that it shall be suspended, if at all. Suspension of a law is but a temporary repeal of it. It is therefore legislative in its character, and cannot be referred to the power of the Executive, without confounding these powers of government, which it was our special object to keep separate and distinct. It was a legislative power in England. Why is it to be pretended that it is an executive one in republican America? It is beyond the power of the Crown under a monarchy; and became so after long and arduous struggles of the people. Why should it at once elude the legislative authority here, and settle down into the hands of our Executive, without a word in the Constitution to indicate such a departure from the best examples of liberty set us by our English forefathers? You will find, upon referring to the Constitution, that the provision is found in the first article, which relates to the powers of Congress; and in that section of it which puts prohibitions upon Congress. I have heard it said that there are other things than prohibitions upon the Congress in that ninth section of the first

article; but whoever looks at it carefully will see that such is not the fact; that they are all prohibitions upon Congress; and that it is not possible to imply, from the fact that some of them look to other branches of the Government than Congress, that therefore this may be assumed to be an executive power.

There are eight clauses in this ninth section of the first article. The first relates to the prohibition upon Congress as to the migration or importation of certain persons prior to the year 1808. The second is the clause in question, which we are now considering. The third relates to bills of attainder. Of course, only Congress could pass a bill of attainder; and the prohibition against passing a bill of attainder is a prohibition upon Congress alone. The fourth relates to capitation or other direct taxes. The fifth to duties upon articles exported from any State. The sixth declares that no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another. All these are prohibitions upon the power of Congress. The seventh, it is said, however, is not a prohibition upon the power of Congress. This provides that—

"No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

The latter part of this, clearly, is an injunction on Congress; the first part of it would be an injunction on the Executive as well as on Congress. In regard to this, we must remember that this clause, which is said not to be a prohibition upon the powers of Congress, was not in the original draft of the Constitution; it was brought in by the subsequent report of a committee, very late in the session of the convention. The whole clause was inserted in this ninth section, to which, indeed, it is appropriate; for it contains an injunction upon Congress to make annual publications of the receipts and expenditures; and it does, in effect, prohibit their allowing the purse to go into the unfettered control of the Executive, but requires them to direct, by appropriations, the purposes to which the public treasure, of which they are the guardians, shall be applied. The last clause of this section, the eighth, is, undoubtedly, a prohibition upon Congress. "No title of nobility shall be granted by the United States," &c. Unless it be contended that our President has royal prerogatives, and is like the King of England, the fountain of honor, this prohibition cannot be supposed to be intended to be on him; and the permission in the last part of the clause is expressly to Congress to consent to the acceptance, by an officer of the United States, of any present, emolument, &c., from any king or State.

These are the whole of the eight clauses in that ninth section of the first article, and all relate to the power of Congress; so that, while it is legislative in its character, and cannot be anything else than legislative—it cannot be executive, for the simple duty of the Executive is to see that the laws are executed, not to make them, nor to repeal them, nor to suspend them. While, therefore, it is legislative in its character—legislative as to the place in which it is put by the Constitution, it is also legislative for another reason, which may be inferred from the Constitution. The second article of the Constitution describes the office of the President of the United States, gives his executive powers and his duties; and not one word do we see there of any authority to him to suspend the privilege of this writ, nor anything from which, by the most strained and forced construction, it can possibly be implied. So that, if we are to find any authority for the suspension, by mere executive power, of a constitutional provision enforced by legislative enactment, we must look to some higher law than the statutes of Congress or the Constitution of the United States.

I find, sir, in the letter addressed by the Attorney General of the United States to the President, that there is a great deal said about coördinate branches of the Government, and the unity and activity of the Executive, and about the power which the President may, under an act of Congress, exercise in the use of the force which the law puts at his command for public purposes; and we are gravely told that the President may use the Army of the United States to eject intruders—squatters—from the public lands; as if there were any analogy between that case and this; the one being the case of power given under a statute of Congress, the Legislature conferring the power upon the President expressly, not in violation of any principle of the Constitution, but in subordination to it; and the other a case in which they have conferred no such power, and where they cannot confer any such power. For I not only hold that the suspension of the constitutional and legal provisions in regard to the *habeas corpus* is not executive in its character, and cannot be exercised by the President, but that Congress itself cannot make the exercise of that power of suspension legal by any one else: It is their own power. It is intrusted to them exclusively as one of their legislative functions, and they can no more assign it than they can assign any legislative authority with which they are invested. The legislative powers of this Government must be exercised by Congress, in whom alone the Constitution reposes them. Then we are told that the President's constitutional oath is to "preserve, protect, and defend the Constitution of the United States," and that this "implies the power to perform" what he thus solemnly undertakes to do; that as it is his duty to put down insurrection, he may, at his discretion, use all the means of force which the Constitution and the statutes place at his command, and that the manner in which he shall use these means depends solely upon his own discretion. And from these premises the Attorney General assumes—I cannot say argues—the opinion that the President may, in a rebellion like the present, suspend the privilege of persons arrested by his order, upon the suspicion which he entertains that they are spies, emissaries, or accomplices of those in arms against the Government, and thus suspend the constitutional provision, the enactment of Congress, and the judicial authority conferred thereby. This doctrine would have been all-sufficient for Charles I or Charles II, and the Commons of England would have had no cause for exultation when the petition of right was signed, or the *habeas corpus* act passed, which, under this opinion, would have been worth only so much blank paper as they were enrolled on. It assumes that all provisions of the Constitution are inferior to that which imposes upon him the oath of office, and that the power implied from that oath overrides all other powers and provisions with which it may come in conflict; and so this great zeal for the preservation of the Constitution makes it a thing of wax, to be twisted and molded at the discretion of the Executive, instead of an inexorable fundamental law of the land, beyond the reach of President or Congress, and only to be altered by the people in prescribed form and mode. I regret to be obliged to say all this, because I have always had great respect for not only the private but the professional character of the Attorney General.

Equally unfounded in law or fact is the allegation that the suspension of this constitutional privilege by the President was necessary.

I know that never before in the history of this country has it been deemed necessary to suspend the *habeas corpus* even by Congress; that though upon a message of Mr. Jefferson to Congress, during the alleged treasonable conspiracy of Aaron Burr, the Senate did pass such a bill, (in secret session, I think,) it was rejected overwhelmingly by the House of Representatives—the vote being 113 to 19. I know, too, that Mr. Jefferson, that great apostle of liberty, whom so many gentlemen here profess to revere as the founder of the political creed in which they place the most implicit confidence and faith, declared himself, at the very time of the formation of the Constitution, as opposed to any suspension whatsoever, even by legislative authority, of the privilege of the writ of *habeas corpus*; declared himself in favor of its eternal and unremitting force; and, sir, I very much incline to think he was right. I doubt very much whether the good to be effected by its suspension, in any condition of things in which the country can be placed, will be at all commensurate with the evil undoubtedly sure to follow from such suspension. If necessity, which is an odious plea, known for hundreds of years as "the tyrant's plea"—a plea by which you may overthrow all constitutional provisions—if that plea is efficient here; if that is a justification for a violation of one provision of the Constitution, it is equally a justification for any and all violations of it. As well may you justify the President for breaking into the Treasury and taking from it all the millions and the very last dollar in it, not in pursuance of appropriations made by law, but without appropriations, and in the face of appropriations made for other purposes, that he may apply it as he thinks needful; as well may you do that, under the plea of necessity, as justify the suspension of the *habeas corpus* under this plea. I incline to think that the necessity in this latter case would often be much stronger than it would be in regard to the suspension of the personal right of the citizen. Indeed, sir, the greatest danger is to be apprehended from infractions of the law which seem to be sanctioned by good motives. It is not easy in other cases to make breaches in the Constitution, but this may be tolerated when purposes of corruption and oppression are not supposed to be intended, when a solemn duty only is supposed to prompt a little largeness of construction, some straining of the Constitution for a purpose of high patriotic duty, which disguises the danger of the example. But breaches in the Constitution once made, others are more easy; and soon its enemies, with the worst purposes, rush in to its destruction. As to the necessity in fact, or rather as to the danger to the country of permitting to go at large those persons who have been arrested by order of various military men under the alleged authority of the President—I know many of these cases, and can confidently say that many of the persons arrested are wholly without any general personal influence for good or for evil; and that they will derive any political importance which they may acquire solely from the blunders by which they have been made into political martyrs. Many of them covet political influence no more than they do the restraints upon their liberty. They wonder at the baseness of the unknown informer and the folly of the zealous agent of the Executive; but are not the less indignant at the disregard of law and constitutional privilege which leaves them without the time-honored remedy for the wrong they suffer in the deprivation of their liberty.

So too, sir, these domiciliary visits, which are equally in violation of a provision of the Constitution, are sought to be justified by necessity. Now, let us see where these things are done. Nowhere, so far as I am informed, except in the State of Maryland, unless there be some exceptions in the State of Missouri. I believe there have been some in that State. I recollect to have seen one or two cases of a suspension of the *habeas corpus* there; but chiefly it has been exercised in Maryland, a loyal State—a State proved in its loyalty; a State whose remarkable quiet *now*, under all illegal and oppressive practices, is the best proof she could give of her loyalty and her submissiveness. Indeed whatever of disloyalty there may be in the State of Maryland to the Union grows out of these very abuses—the suspension of the *habeas corpus* by executive authority, and these unnecessary, sometimes absurd, and always irritating domiciliary visits and searches, which yield no public benefit whatever, and tend only to irritation, oppression, and mischief.

It was but the other day that some officer of volunteers—I do not know who—marched some three hundred of his men from a point in one of the counties in Maryland to another, a little village, where there are about the same number of residents, of every description. This little village found itself invested by three hundred armed men early in the morning. There was a double object: to search for arms, which were not to be found; to search houses where there were no arms; and to arrest one party, perhaps two, one of whom was arrested and carried to a military camp out of the county. Well, sir, two houses were particularly designated as proper to be searched. One of them was the house of a gentleman of the bar of distinguished ability and high cultivation; and though I believe he is an extreme southern man for that region of Maryland, he nevertheless holds this doctrine—that there can be no greater absurdity possible, in the State of Maryland, than to think of getting up an organization in opposition to the power of this Government, and in violation of its constitutional authority. He has strong southern sympathies; that is about the amount of it. His house was searched from top to bottom by a detective police officer, who happened to be one of these three hundred men marched to that point.

They found nothing, simply because there was no conspiracy, no gathering of arms for rebellious purposes, no intention on his part to engage in any secret organization against the Government. Nevertheless, he felt this searching of his house to be an injustice, an affront, and an oppression.

The other was the case of an old gentleman of over eighty years of age, who is now and always has been, the strongest Union man of the county. He was lying at the time on a sick bed, from which his family fear he may never rise. The ladies met the officer at the door, and felt very much disposed to resist, if it had been in their power; but finally, when told that his object was to search for arms, answered promptly: "There are two guns here; one is a bird gun." "That I do not want," said the officer. "Then there is another gun here—a drilling gun." "Ah! that is what I want." "Very well," answered one of the ladies; "I pledge you my honor I will bring it to you in two or three minutes; but do not come into the house, for Heaven's sake." It so happened that a company of little boys of eight, ten, or twelve years, were playing the military, and drilling with wooden guns; and one of these poor little wooden guns was the trophy which the lady brought to the officer, very much to his mortification. I believe he did not care about receiving it, though she insisted upon his taking it.

There are two cases. Who can suppose that any honest, loyal citizen, had given information against these two gentlemen? Is it not palpable that it was owing to the malicious, wanton, and wicked interference of some base mischief-maker, that the military were dragged some twenty miles, and marched back the same distance, for the purpose of searching these two houses, and looking into a little village armory, where they did not get a solitary gun, I believe?

Sir, these things have been repeated elsewhere. In my own neighborhood, three or four hundred men, who had gone over in a steamboat from Annapolis to one of the country districts, marched into the town of Easton, and on their way, meeting two gentlemen standing at a gate, arrested them, and said: "you must come and march with us." "Why?" They chose to give no answer, except to say, that they understood there are secessionists in the town, and if they chose to fire upon them, these gentlemen should be in the front rank—take the fire first; and thus, two men, of whom they knew nothing, and who, unquestionably, were not concerned in any treasonable act, were thus wantonly arrested and marched from their residence to the town, to be contemptuously dismissed. An armory, belonging to the State, was searched and the arms taken. There were some arms, I suppose not more than two or three hundred guns in all, many of which were of little value, being old, and having been there from time immemorial, with some cannon. Two of these belonged to the commissioners of the county, and had been purchased in the year 1832, just after a memorable event in Virginia, and were intended for the defense of the county against internal foes.

Sir, these are but a few of the instances that have occurred. I have known houses to be broken open, wardrobes and bureaus to be rudely searched, and young men to be arrested, because they talked saucily. They were not more mutinous, I presume, than poor Jenks, whom the privy council put in prison for talking mutinously at Guildhall, when he wanted to have a petition presented to the King. These young men, without public influence, without that position which gives control of society, without the ability to command the services of a single man in any organization against the Government, are seized and taken away from their business, one from his farm, another from his store, and carried off to Fort McHenry, or some other military station, and lodged there, without warrant in form of law, or upon affidavit, without even a decent ground of suspicion that they were affiliated with secessionists in arms, or had any intention to associate with them, and when, indeed, they were further from violating their duty to the Constitution and the law than the men who thus ruthlessly violated both.

In the first case I mentioned, one gentleman was captured, taken prisoner, and carried to Cockeysville, and there remained for some days; and when inquiry was made by his friends, nobody knew by whose orders he was taken. The President knew nothing of it; the Secretary of War knew nothing of it; General Scott knew nothing of it; and I think I may say without any impropriety, was exceedingly sorry to hear that such an act had been committed. It could not be traced to any officer of superior authority. General Banks knew nothing of it; and finally he was released by the Secretary of War upon representation of the facts to him. But while this and similar proceedings have been in progress, while these imprisonments have been suffered, irritation has been springing up, friends have been dissatisfied, and the people have asked themselves, is this the paternal Government that we have a right to expect will protect us, or is it one that looks upon us as aliens, as conquered foes surrendered at discretion, as rebellious subjects who have been reduced to a condition of obedience and vassalage? I say this, sir, not so much for the Senate as in the hope that it may some way or other reach the ears of those in power, and teach them the propriety and the prudence of stopping these irritating, vexatious, illegal, and unconstitutional proceedings.

Sir, in my opinion there is, in the State of Maryland, at this time, not the slightest probability of any further *emeute*. No man regrets more than I do the riot of the 19th of April. I unhesitatingly admit that it was illegal; it was in every respect wrong; quite as prejudicial to the State of Maryland as it was injurious to the Government of the United States. No man rejoiced more when the organization which followed it was dissipated. But I do not think that the disturbances of that day—the attack of the rioters upon the Massachusetts soldiers and the subsequent proceedings—can, without the grossest outrage, be made the pretext for a series of aggressions upon the constitutional rights of the people throughout the State. There was a single, unorganized popular tumult on the 19th of April. Senators will recollect that the mob on that occasion were not organized into an armed force. They were armed with paving stones and brickbats. Those are not the weapons used by conspirators who are organized for the deliberate purpose of overthrowing a government. As for the few pistols that appeared there, they will be found in all tumultuous assemblages that grow into riot. And the after proceedings by the authorities, however much their propriety may be doubted, had at least one effect: that of reducing, by the military organization that followed, the tumultuary elements of the State into such a condition that they could be controlled, which, without that military organization, I very much fear would not have been the case, and then the evil might have been much more serious to the Government, the people of Baltimore, and the State of Maryland. Be that as it may, I do not defend that proceeding or palliate it; but I do say that however much gentlemen may condemn that *emeute* in Baltimore, it was punished severely on the spot; for the blood which flowed then was more that of the people of Maryland engaged in the tumult than those against whom they illegally directed the riot. The resentment which was felt in the North was natural, but it did not justify the threat of razing the city to the ground, nor does it justify any other proceedings than legal ones for the prosecution of those concerned in it. It must be remembered, too, that the President himself was satisfied that the authorities of Baltimore had acted with perfect loyalty, and that the popular excitement there was an unfortunate occurrence, unforeseen by the authorities, and which they could not control, though the mayor, the marshal of police, and others, risked their lives in the effort to control it, and to protect the soldiery from the attack.

Now, sir, here are the police commissioners of the city who have been imprisoned for a month, and during the session of the grand jury which have been finding bills of indictment against persons suspected of treasonable practices. They have found a number of bills (I do not remember how many) for treason, but they have found no bill against these gentlemen; nor have we heard, from any source whatever, any intimation of any specific conduct of theirs which could be declared to be illegal. On the contrary, the only intimation upon which I understand their arrest to have been founded, is that contained in the proclamation of General Banks on the 1st of July, in which he says they were supposed to entertain some purpose not known to the Government, but believed to be detrimental to its peace and security. I think that is the language. I know I am right in regard to the other words—"some purpose not known to the Government." I understand that General Banks admitted that there was no charge affecting the integrity of these gentlemen; that they had been arrested rather with a view to prospective events than for anything then done by them. And yet, sir, not only are these gentlemen still suffering illegal confinement, but I see by the papers of the morning that they are now being transported from the State of Maryland to some northern fortress, where they are to be deprived of the sympathy and service of their friends, torn from the partial association of their families hitherto permitted, and doomed to imprisonment among strangers, where kindred and friends can no longer cheer and sustain them. Why is this? What prospective event makes this necessary? It is most unusual, extraordinary, and I think oppressive. Partisans of the Administration in Maryland may defend it; but no one else, however earnest and ardent in his attachment to the constitutional union of the States, can be otherwise than indignant.

Now, sir, this police organization is a part of the State system. With as much authority might this Government undertake to suppress the State Legislature itself, and put its members in military jails. As well might they suppress the whole organization of the different departments of the government of the State of Maryland. The State is prostrate this moment at the foot of the executive power of the United States, and that for no reason that I can perceive, except the fact of the *emeute* of the 19th of April. Certainly no conduct on the part of the State of Maryland since then has caused any apprehension or surmise, that such a state of things prevails there as would justify the violation of the Constitution and the suspension of the writ of *habeas corpus*, and the other oppressions which I have described.

Mr. President, there are other things to which I should desire to allude at this time, but, as the Senate perceive, I am laboring under difficulties which make it very arduous for me to make any remarks at all. Nothing but a deep sense of the duty which I owe to my constituents, and the knowledge that it was expected of me that I should say something on this subject, has induced me to trouble the Senate at this time. I shall, of course, not vote for the joint resolution; and the more, because I believe that, if these things which have been done by the Executive are legal, there is no necessity for Congress to undertake to validate or ratify them; and, if they were illegal and unconstitutional, no power of this Congress can give them any authority whatsoever. Congress may pass indemnity bills; they may indemnify their officers who violate the law by paying all expenses which may be incurred; but they cannot make an illegal and unconstitutional thing legal by a declaration that it is so. That is impossible. The doctrine I hold, as to the suspension of the *habeas corpus*, is sustained by the highest judicial authority—by Chief Justice Marshall, Justice Iredell of the Supreme Court, Judge Story, and by the present pure and able Chief Justice. It has never been questioned by any known jurist of eminent character, unless there be one exception in a northern State; and it has been the received doctrine from the origin of the Government to the present day.

Mr. McDOUGALL. Mr. President——

Mr. FESSENDEN. I move that the further consideration of this joint resolution be postponed, with a view to take up the tariff bill.

Mr. McDOUGALL. I addressed the Chair first, I believe.

Mr. FESSENDEN. I was recognized by the Chair.

Mr. McDOUGALL. I want the floor on this question.

Mr. FESSENDEN. It is important to pass the tariff bill this morning; we almost passed it last night.

Mr. McDOUGALL. I do not want to interfere with the course of business.

The motion to postpone was agreed to.

THE TARIFF BILL.

The Senate resumed the consideration of the bill (H. R. No. 54) to provide increased revenue

from imports, to pay interest on the public debt, and for other purposes, the question being upon its passage.

Mr. SIMMONS. I wish to get the unanimous consent of the Senate to make one or two verbal amendments in the bill. In the second section I want to strike out the word "herein," and insert "in this section." There will be no objection, I presume.

The PRESIDING OFFICER, (Mr. KING in the chair.) If there be no objection, that amendment will be considered as agreed to. The Chair hears no objection, and the amendment is adopted.

Mr. SIMMONS. In the second section of the income tax portion of the bill, after the words "United States," in the fifth line, I want to insert, "and in the District of Columbia." That happened to be left out in the provision for assessors.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment is agreed to.

Mr. GRIMES. I wish to understand the exact position of the bill, whether or not the question now before the Senate is on the adoption of the amendment proposed by the Senator from Rhode Island in relation to the income tax, or whether the question is upon the final passage of the whole bill, including the tariff and the income tax bill.

The PRESIDENT *pro tempore*. The question is on the final passage of the bill as amended, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 22, nays 18; as follows:

YEAS—Messrs. Anthony, Baker, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Howe, King, Lane of Indiana, McDougall, Morrill, Pomeroy, Simmons, Sumner, Ten Eyck, Wilkinson, Wilmot, and Wilson—22.

NAYS—Messrs. Bayard, Breckinridge, Bright, Browning, Carlile, Grimes, Harlan, Harris, Johnson of Tennessee, Johnson of Missouri, Kennedy, Latham, Pearce, Polk, Powell, Rice, Saulsbury, and Trumbull—18.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (H. R. No. 71) to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by the assessment and collection of a direct tax and internal duties.

The message further announced that the House had passed a resolution directing the President of the Senate and the Speaker of the House of Representatives to close the present session of Congress by adjourning their respective Houses on Friday, the 2d day of August, at twelve o'clock, noon, in which the concurrence of the Senate was requested.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 31) to increase the medical corps of the Navy, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, and for other purposes;

A bill (H. R. No. 45) to define and punish certain conspiracies; and

A bill (H. R. No. 81) making an appropriation for the purchase of arms for the volunteer and regular troops of the United States.

HOUSE BILL REFERRED.

The bill (H. R. No. 71) to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by the assessment and collection of a direct tax and internal duties, was read twice by its title, and referred to the Committee on Finance, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The joint resolution which was under consideration, and passed over informally, is now before the Senate.

Mr. TRUMBULL. I believe it was postponed. I move that all other business be postponed, and that the Senate proceed to the consideration of Senate bill No. 33.

Mr. WILSON. I hope we shall take the vote upon the joint resolution, and have it disposed of, that it may be got out of the way. I understand the Senator from California desires to speak upon it. If that be the case, I will not press it now. I hope to-morrow, however, that we shall have a vote.

Mr. McDOUGALL. I do not propose to detain the Senate long. I do not wish to make what is called a set speech, but to state my opinions briefly.

The PRESIDENT *pro tempore*. The Chair is informed that the joint resolution was passed over informally with a view to take up the tariff bill, which has now been disposed of; and therefore it now comes up again for consideration; but the Senator from Illinois moves to postpone this and all prior orders, with a view to proceed to the consideration of the bill (S. No. 33) to suppress insurrection and sedition, and for other purposes.

Mr. BAYARD. Yesterday the report of the Committee on the Judiciary, asking to be discharged from the memorial of the City Council of Baltimore, was before the Senate; and I offered resolutions, in lieu of the report of the committee on their resolution to be discharged. All I desire is a vote upon them. I thought them reasonable in themselves. They were postponed then until to-day. I hope that the honorable Senator from Illinois will suffer me to take the vote on this before he calls up a bill which will give rise to a good deal of discussion. I only desire a vote on them.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

Mr. TRUMBULL. The bill, the consideration of which I have asked, is somewhat germane to those very matters to which the Senator from Delaware alludes. There may be some discussion upon it, which may be applicable also to these proceedings in Baltimore, and I would prefer that the bill should come up for action rather than that we should spend our time upon resolutions which lead to no practical legislation.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois, to take up the bill indicated by him.

The motion was agreed to.

SUPPRESSION OF INSURRECTION.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill (S. No. 33) to suppress insurrection and sedition, and for other purposes.

The PRESIDENT *pro tempore*. The bill and the amendment of the Committee on the Judiciary will be read.

Mr. TRUMBULL. I imagine that it will be unnecessary to read both the bill and amendment. The amendment is a substitute for the bill, and is the text of the original bill, with some verbal alterations, and perhaps one section stricken out that was in the original bill. It will be, substantially, reading the same thing twice over to read both; and unless some Senator desires it, I suggest that the substitute recommended by the committee be read, instead of the original bill.

The PRESIDENT *pro tempore*. That course will be taken, if no objection be made.

Mr. BAYARD. I only got hold of the bill yesterday, and I should prefer not to have it brought up to-day; but I believe the substitute and the bill are essentially the same, with the exception of an additional section added to the substitute.

Mr. TRUMBULL. And the omission of one section. The twelfth section of the original bill is omitted in the substitute, and another section added to it.

Mr. BAYARD. At least the substitute ought to be read. I do not care about the original bill being read. They are both essentially the same.

The PRESIDENT *pro tempore*. The substitute alone will be read, unless the reading of the original bill is demanded.

The Secretary read the amendment reported by the Committee on the Judiciary, to strike out all the bill after the enacting clause, and insert the following substitute:

That the Commanding General of the Army of the United States, the commanders of the several military departments and military districts within the military jurisdiction specially assigned to them, shall have power within their several commands, and within States, Territories, or districts of country which may have been, or shall hereafter be, declared by the President of the United States to be in a state of insurrection, or in actual rebellion against the Government of the United States, to declare, by proclamation, the territory so designated by the President as aforesaid within their respective commands, or any part thereof, to be in a state of insurrection and war, which proclamation shall be extensively published within the districts to which it relates.

SEC. 2. *And be it further enacted*, That after the publication of said proclamation as aforesaid, the said commander shall make and publish such police rules and regulations, conforming as nearly as may be to previously existing laws and regulations, as he may deem necessary to suppress said rebellion and restore order, and to protect the lives and property of all the loyal citizens within said districts; and all the civil authorities within said district shall be bound to carry said rules and regulations into effect.

SEC. 3. *And be it further enacted*, That if, from any cause whatever, the said civil authorities fail to execute the said rules and regulations, the said military commander shall cause them to be executed and enforced by the military forces under his command.

SEC. 4. *And be it further enacted*, That from and after the publication of the proclamation heretofore mentioned, the operation of the writ of *habeas corpus* shall be so far suspended that no military officer shall be compelled to return the body of any person or persons detained by him by military authority; but upon the certificate, under oath, by the officer having charge of any one so detained, that such person is detained by him as a prisoner under military authority, further proceedings, under the writ of *habeas corpus*, shall be dismissed by the judge or court having issued the said writ.

SEC. 5. *And be it further enacted*, That all persons who, after the publication of said proclamation, shall be found in arms against the United States, or otherwise aiding and abetting their enemies or opposers, within any district of country to which it relates, and shall be taken by the forces of the United States, shall be either detained as prisoners for trial on the charge of treason or sedition, or other crimes and offenses, which they may have committed whilst resisting the authority of the United States; or may, according to the circumstances of the case, be at once placed before a court-martial, to be dealt with according to the rules of war in respect to unorganized and lawless armed bands not recognized as regular troops, or may be discharged on parol not to serve against the United States, nor to aid and abet their enemies or opposers.

SEC. 6. *And be it further enacted*, That no sentence of death pronounced by a court-martial upon any person or persons taken in arms as aforesaid, shall be executed before it has been submitted to the commander of the military department within which the conviction has taken place, or to the Commanding General of the Army of the United States, who shall either approve of said judgment of the court-martial or commute the sentence, or may discharge or pardon the person so sentenced.

SEC. 7. *And be it further enacted*, That all prisoners dismissed on parol, if retaken in arms, or found aiding and abetting the enemies and opposers of the Government, shall be placed before a court-martial, and if identified and convicted by competent testimony, shall be ordered to suffer death, or such other punishment as said court may direct; the said sentence to be submitted to the said Commanding General or commander of the department as aforesaid.

SEC. 8. *And be it further enacted*, That any military commander aforesaid, in any district declared to be in a state of insurrection and war, may cause any person suspected of disloyalty to the Government of the United States to be brought before him, and may administer, or cause to be administered, to such person an oath of allegiance, as follows: "I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith and loyalty to the same, any ordinance or resolution of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination and pledge, without any mental reservation or evasion whatever: so help me God." And on their refusal to take such oath, they shall be detained as prisoners until the restoration of quiet and peace in the locality where such arrests may have been made. And any person having taken said oath who shall afterwards be taken in arms against the Government, or found aiding and abetting its enemies and opposers, shall be subject to the same punishment prescribed for those who violate their parol, as provided in the seventh section of this act.

SEC. 9. *And be it further enacted*, That all arms, accouterments, horses, or movable effects whatever, taken from armed men resisting the authority of the Government, or taken from men aiding and abetting the enemies or opposers of the Government, shall, in time of insurrection and rebellion, as aforesaid, be treated and held in the same manner as property taken in war from foreign enemies.

SEC. 10. *And be it further enacted*, That whenever, in the opinion of the Commanding General, or the commander of any military department or military district, the necessity for declaring a state of insurrection and war to exist within their respective commands shall have ceased, such declaration shall be publicly recalled, and all the powers and authorities vested by this act in military commanders and authorities shall likewise cease.

SEC. 11. *And be it further enacted*, That all felonies, petit larcenies, assaults and batteries, not provided for in

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. WEDNESDAY, JULY 31, 1861. NEW SERIES.....No. 22.

the "Act for establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, which may be committed by any officer, soldier, sutler, retainer to the camp, washerwoman, or other person employed in or about the columns, detachments, guards, barracks, quarters, camps, or forts occupied by the troops of the United States, upon the person or property of any other officer, soldier, sutler, retainer to the camp, washerwoman, or other person employed in or about the Army as aforesaid, which offenses, or any of them, if committed within the United States in time of peace, would be cognizable before the ordinary courts of law, shall, if committed beyond the jurisdiction of the United States, or in any part of a State or Territory of the United States in a state of insurrection or rebellion against the same, be tried and punishable by a general court-martial: *Provided*, That no sentence rendered by such court shall be executed that is not known to the criminal jurisprudence of at least some one of the United States.

Mr. TRUMBULL. I desire to make some verbal alterations in the substitute before we proceed with the debate upon the question. In section seven, line five, I ask that the words "by competent testimony," and also the words "be ordered to," be stricken out; so that it shall read "and if identified and convicted, shall suffer death." Another verbal alteration is necessary in the fifteenth line of the eighth section. The words now are in the plural number, when what precedes is in the singular. The word "their," after "he," should be stricken out, and "his" inserted in its place; and the word "they" should be stricken out, and "he" inserted. The word "a" should be inserted before "prisoners," in the sixteenth line; and the word "prisoners" should be made to read "prisoner." In the seventeenth line, the letter "s" should be stricken out; so that the word "arrests" will be "arrest." These amendments merely put the section in the singular number, as the oath is provided for in the singular.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) Unless objection be made, these alterations will be considered as agreed to, without taking the vote.

Mr. POLK. I did not hear the first alteration. I should be glad to have it reported.

The SECRETARY. It is proposed, in section seven, line five, to strike out the words "by competent testimony," and also the words "be ordered to."

Mr. POLK. Unless it be the privilege of the Senator to amend the bill in that way, I cannot give my consent to that amendment.

Mr. TRUMBULL. I have no objection to allowing the words which I have moved to strike out remain in the bill; but I thought it read better without them. I supposed, of course, that the party must be convicted on competent testimony. If the Senator from Missouri thinks it better to have those words in, I have no sort of objection to allowing them to remain. I suppose, as a matter of course, that when a party is tried and convicted, it must be on competent testimony. I think the sentence would read better by leaving out the words, and that is the only reason why I proposed the amendment. In regard to striking out the other words, "be ordered to," I only moved the amendment because it is an awkward expression to say "be ordered to suffer death." However, if the Senator from Missouri likes that phraseology, I have no objection.

Mr. POLK. I prefer that the words "by competent testimony" should remain; for it looks like some regard to evidence in a bill which is certainly one of the most extraordinary I have ever known proposed in a deliberative body acting under a written constitution.

Mr. TRUMBULL. Does the Senator object to the proposed alteration?

Mr. POLK. I prefer that the words should remain in the bill.

Mr. TRUMBULL. Do you object to striking out the words "be ordered to?"

Mr. POLK. I do not care about that.

Mr. TRUMBULL. Then I move to strike out the words "be ordered to."

The amendment was agreed to.

Mr. TRUMBULL. As this bill, in my judgment, is a very important one, and perhaps the most important of any action which Congress may take at its present session, I will, if I can get the attention of the Senate for a few moments, explain what the object of this bill is. I wish to premise by saying that I am as much for standing by the Constitution of the country, and for putting down this rebellion in a constitutional and legal way, as any gentleman here. I will not yield to the Senator from Kentucky, [Mr. BRECKINRIDGE,] or any other Senator, in my veneration for the Constitution of the United States. I will not wink at its violation. I believe that that instrument was intended by its framers to be perpetual. I believe it contains all the power necessary to suppress even this gigantic rebellion; and the object of this bill is to confer the necessary power on the military authorities, in cases of insurrection and rebellion, to suppress them, and to regulate, as far as practicable, by law the exercise of those powers. The object of the bill is to provide for putting down rebellion in a constitutional and legal manner.

The present insurrection broke out during the recess of Congress, and the President was compelled to provide as best he could for the preservation of the Government until Congress should meet. It was the duty of the President, sworn to take care that the laws be faithfully executed—to use all his constitutional powers to preserve the Constitution and the Government from overthrow; and in doing this, I admit—and the Senators who have denounced the President for the acts which he has done may have the full benefit of the admission—that the Executive has been compelled to do, and has done, acts for which it may be difficult to find, in the strict letter of the law, the authority; but, sir, that I am ready to justify. This was necessary when Congress had not assembled; but after Congress convenes, clothed with the power to grant whatever authority may be necessary to crush rebellion, I say we shall be derelict in our duty if we leave our positions here without having regulated by law the action of the Executive. There can be no excuse for the Executive, when Congress meets, in exercising questionable authority, and we should not ask him to do it; but we should use the high powers vested in us to clothe the Executive with all the authority which may be necessary to preserve the Government. That is what is intended by this bill.

Let me be distinctly understood on that point. I justify the President in the exercise of the authority which he has used upon the great principle (as was said the other day by my colleague) of self-defense. Here was a rebellion aiming at the overthrow of the Government; a blow was about to be struck at the very heart and life of the Republic; and unless warded off, it would have destroyed the Government. Under such circumstances, I justify and sustain the Government in doing whatever was necessary to preserve it till Congress could be assembled. When we do assemble, there is a duty incumbent upon us; and it is, in my judgment, to provide by law for the putting down of this rebellion.

By reference to the Constitution, it will be found that various powers are conferred on Congress. I will read some of them, for it is under these grants of power that I claim the authority for the bill which is now under consideration. The Constitution provides that "Congress shall have power" "to declare war," "to make rules concerning captures on land and water," to "raise and support armies," "to make rules for the government and regulation of the land and naval forces," "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" and it further declares that Congress shall have authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." It also provides that the privilege of the writ of *habeas corpus* may be suspended in cases of rebellion or invasion, whenever the public safety requires it.

Under these various grants of power I derive the authority for the bill in question. When authority is given to declare war, and when authority is given to call forth the militia to enforce the laws of the Union and to put down insurrection, all the incidents necessary to the successful prosecution of the war to accomplish the ends for which it is declared, all the incidents necessary to the suppression of the rebellion to put down which your militia is called forth, necessarily follow. You will observe the language of the Constitution is not that Congress may declare war against foreign nations, nor is it necessary that Congress should, in so many words, proclaim a declaration of war; it is enough if Congress does that which recognizes the existence of hostilities, and then all the incidents follow connected with the declaration of war. When the Constitution gives authority to call forth the militia for the purpose of enforcing the laws of the Union, it is not a meaningless authority; it does not mean that the militia is called forth for a mere display; but they are called forth to accomplish the object for which the Constitution authorizes them to be called out; and that object is to put down the rebellion—to enforce the laws of the Union; and whatever authority it may be necessary to exercise to accomplish that object, I say your militia and your Army may lawfully exercise. If it be necessary to suspend the writ of *habeas corpus*, if it be necessary to ravage the country and plunder towns, if it be necessary to slay persons, to search houses, to do anything that men in time of war may do, then that authority is given in the Constitution. And when the war begins, when the Army is called forth to the field, it is not to wait for the operation of the courts; your *habeas corpus* cannot interfere with it. It is the exercise of the military power—the great power which is placed under the control of Congress, and authorized to be called out to put down rebellion. When the Constitution authorized the calling out of the troops to put down rebellion, did it not mean that you should put it down by force? Did it mean anything else? And all the powers necessary to accomplish this object necessarily follow from this one grant of power. You will find, by reference to the works upon international law, that it is laid down by all writers that whenever an insurrection assumes such formidable proportions as to be recognized by the Government, and whenever the civil authority is unable to put it down and the military is called out, then all the incidents which, according to the laws of nations, may be done by an army, follow your Army called out for that purpose.

The Supreme Court of the United States has decided this very question; and as much of the reasoning of the court is applicable, as I think, to the condition of things now in the country, I will, if the Senate will bear with me, read two or three pages of the decision of the Supreme Court of the United States, delivered in the case of Luther *vs.* Borden and others, in 1849, reported in 7 Howard. The reasoning of the court here, it seems to me, is conclusive, so far as we need judicial authority; but I do not think it would be necessary. I think the Constitution itself is plain, and that whatever is inconsistent with the putting down of this rebellion, according to the mode of civilized warfare, is overridden by the grant of power to the Government to call forth its forces to put it down. In this case, in the opinion of the court, the Chief Justice says:

"The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion; and on the application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

"Under this article of the Constitution it rests with Congress to decide what government is the established one in a State; for as the United States guaranty to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican

character, is recognized by the proper constitutional authority, and its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal."

This is particularly applicable to the condition of Virginia at this time. Congress has decided that very question in the very mode pointed out by the Supreme Court of the United States as the appropriate one:

"It is true that the contest in this case did not last long enough to bring the matter to this issue; and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts.

"So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided, that 'in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection.'"

And, by the second section of that act, it will be remembered that it was provided—

"That whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed."

It was under that provision that the President called out seventy-five thousand men, in the first instance, for the purpose of suppressing the existing rebellion. The court, in commenting on this act further say:

"By this act, the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere, is given to the President. He is to act upon the application of the Legislature or of the Executive, and consequently he must determine what body of men constitute the Legislature, and who is the Governor, before he can act."

The court here were speaking in reference to calling out the militia on the requisition of the Legislature or of the Governor of a State, as provided in the first section of the act, and not in reference to the case provided for in the second section.

"The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed on him by the act of Congress.

"After the President has acted and called out the militia, is a circuit court of the United States authorized to inquire whether his decision was right? Could the court, while the parties were actually contending in arms for the possession of the government, call witnesses before it and inquire which party represented a majority of the people? If it could, then it would become the duty of the court (provided it came to the conclusion that the President had decided incorrectly) to discharge those who were arrested and detained by the troops in the service of the United States, or the government which the President was endeavoring to maintain. If the judicial power extends so far, the guarantee contained in the Constitution of the United States is a guarantee of anarchy, and not of order. Yet if this right does not reside in the courts when the conflict is raging, if the judicial power is at that time bound to follow the decision of the political, it must be equally bound when the contest is over. It cannot, when peace is restored, punish as offenses and crimes the acts which it before recognized, and was bound to recognize, as lawful."

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"It is said that this power in the President is dangerous to liberty, and may be abused. All power may be abused if placed in unworthy hands. But it would be difficult, we think, to point out any other hands in which this power would be more safe, and at the same time equally effectual. When citizens of the same State are in arms against each other, and the constituted authorities unable to execute the laws, the interposition of the United States must be prompt or it is of little value. The ordinary course of proceedings in courts of justice would be utterly unfit for the crisis. And the elevated office of the President, chosen as he is by the people of the United States, and the high responsibility he could not fail to feel when acting in a case of so much moment, appear to furnish as strong safeguards against a willful abuse of power as human prudence and foresight could well provide. At all events, it is conferred upon him by the Constitution and laws of the United States, and must therefore be respected and enforced in its judicial tribunals.

"A question very similar to this arose in the case of Martin *vs.* Mott, 12 Wheaton, 29-31. The first clause of the first section of the act of February 28, 1795, of which we have been speaking, authorizes the President to call out the militia to repel invasion. It is the second clause in the same section which authorizes the call to suppress an insurrection against a State government. The power given to the President in each case is the same, with this difference only, that it cannot be exercised by him in the latter case, except upon the application of the Legislature or Executive of the State. The case above mentioned arose out of a call made by the President, by virtue of the power conferred by the first clause, and the court said that 'whenever a statute gives a discretionary power to any person to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts.' The grounds upon which that opinion is maintained are set forth in the report, and we think are conclusive. The same principle applies to the case now before the court. Undoubtedly, if the President, in exercising this power, shall fall in error, or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy. But the courts must administer the law as they find it.

"The remaining question is, whether the defendants, acting under military orders issued under the authority of the government, were justified in breaking and entering the plaintiff's house."

Now, the portion of this case which I am about to read, and to which I desire to call the attention of such Senators who will give me their attention, is peculiarly appropriate to the present condition of things. In this case the Legislature of Rhode Island had declared martial law; and the military officers of the State of Rhode Island, notwithstanding the clause in the Constitution that forbids the searching of houses, went by force into the houses of private citizens, broke them open, and arrested and imprisoned the occupants; and that without any warrant whatever from any court. Suit was brought against them, and this act of the Legislature of Rhode Island declaring martial law, and authorizing its soldiers, by the strong hand, and without regard to writs from courts, to seize and imprison men who were supposed to be hostile to its government, was pleaded in justification of the proceedings of the military; and here is what the court say in reference to that:

"The remaining question is, whether the defendants, acting under military orders issued under the authority of the government, were justified in breaking and entering the plaintiff's house.

"In relation to the act of the Legislature declaring martial law, it is not necessary in the case before us to inquire to what extent, or under what circumstances, that power may be exercised by a State. Unquestionably a military government, established as the permanent government of the State, would not be a republican government, and it would be the duty of Congress to overthrow it. But the law of Rhode Island evidently contemplated no such government. It was intended merely for the crisis, and to meet the peril in which the existing government was placed by the armed resistance to its authority. It was so understood and construed by the State authorities."

Now, see the rule which the court lay down:

"And, unquestionably, a State may use its military power to put down an armed insurrection, too strong to be controlled by the civil authority. The power is essential to the existence of every Government; essential to the preservation of order and free institutions; and is as necessary to the States of this Union as to any other Government. The State itself must determine what degree of force the crisis demands. And if the government of Rhode Island deemed the armed opposition so formidable and so ramified throughout the State as to require the use of its military force, and the declaration of martial law, we see no ground upon which this court can question its authority. It was a state of war; and the established government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition. And in that state of things, the officers engaged in its military service might lawfully arrest any one who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection, and might order a house to be forcibly entered and searched when there were reasonable grounds for supposing he might be there concealed. Without the power to do this, martial law and the military array of the government would be mere parade, and rather encourage attack than repel it."—*Howard's Reports, vol. 7; Luther vs. Borden et al.*, pp. 42, 43, 44, 45, 46.

That is the solemn decision of the Supreme Court of the United States pronounced a dozen years ago in reference to a State. Judge Woodbury dissented from the opinion of the court, and placed his dissent chiefly upon the ground that a State had not this power, admitting that the Government of the United States might exercise it. Here is an express decision that the military power may interfere in a case where the civil authorities are overborne, and may arrest any one when they have reasonable grounds to believe that he is engaged in the insurrection, and may enter houses for that purpose; and the court say that if this were not so, the military array of the Government would be mere parade, and rather encourage than repel attack. Shall it then be said, when express power is given by the Constitution of the United States to call out the militia to enforce the laws of the country, that they are merely to make a parade? What more has your military power done in this instance than was done in the State of Rhode Island? Have they done anything more in Baltimore than to arrest persons suspected of favoring this insurrection? Nothing. The writ of *habeas corpus* cannot relieve them; the courts cannot interfere; and this power, the court say, is essential to the preservation of order and free institutions and the existence of every Government, and they would draw the power from the nature of Government itself if it were not expressly given in the Constitution.

That case covers, in my judgment, every feature of the bill now under consideration. This bill provides in its first section that the President may declare any district of country in a state of insurrection; and when the President has declared that, it authorizes the commanding officer of that military department to issue a proclamation reiterating that insurrection exists there, and that there is a state of war.

Mr. COLLAMER. Will the gentleman have the goodness to refer me to the expression which gives that power to the President?

Mr. TRUMBULL. The first section of the substitute declares that—

"The Commanding General of the Army of the United States, the commanders of the several military departments and military districts within the military jurisdiction specially assigned to them, shall have power within their several commands."

Now, where?

"Within their several commands and within States, Territories, or districts of country, which may have been or shall hereafter be declared by the President of the United States to be in a state of insurrection or rebellion," &c.

Now, whatever State or district of country the President of the United States declares to be in a state of insurrection or rebellion, in that district of country the commanding general of that department may issue his proclamation setting forth this fact; and then, after having done that and caused it to be published throughout the district, he is to adopt such police rules and regulations, conforming as nearly as may be to previously existing laws, as shall be necessary to preserve order and to put down the insurrection. The very object which the Constitution of the United States had in view when it gave the power to call forth the militia to enforce the laws, is to be carried out by this bill. The commanding officer is to adopt the necessary rules for that purpose, and the civil authorities are to enforce them; but if they refuse to do it, then he is to enforce them by the military power.

The fourth section of the bill makes provision in reference to the writ of *habeas corpus*, which express authority is given to suspend in cases of insurrection. This fourth section provides, not that the writ shall not issue, but that no military officer shall be compelled to return the body of any person detained by military authority; but upon the certificate under oath of the officer having charge of such a person that he is detained as a prisoner under the authority of this bill, the judge who issued the writ is to dismiss it.

Subsequent sections provide for the treatment of disloyal persons who are captured, require an oath to be administered to them, and on their refusal to take it, provide that they shall be held in custody as prisoners, and also provide punishment against those who shall violate their parol, or who, after having taken this oath, shall be found in arms against the United States. Other sections of the bill provide that when peace and order are restored, all these military rules and regulations which have been adopted during the time of insurrection shall cease to have effect. The last section provides for the punishment of offenses committed by persons in the Army, or attached to the Army, upon each other during a state of insurrection, or when they are beyond the jurisdiction of the United States; and it is made applicable only to such cases as are not already provided for by the rules and articles of war.

I believe, sir, this is all that I desired to say in reference to the bill. Perhaps it may be imperfect; it may be defective in its details; but the object is to confer upon the military authorities the warrant of law for all that it may be necessary for them to do in crushing out this rebellion.

Mr. CARLILE. Mr. President, I desire to move to strike out from this bill the eighth sec-

tion of it; I shall not detain the Senate long in assigning the reasons why the section should be stricken out. It provides that "any military commander," in a district declared to be in a state of insurrection, "may cause any person suspected of disloyalty to the Government of the United States, to be brought before him," &c. That will authorize the arrest, by any one in command, from the general of a division to the lieutenant of a squad, of any person who may be suspected of disloyalty.

Mr. TRUMBULL. The Senator from Virginia will allow me to say, that I think that is not the construction of the sentence. The language is, "any military commander aforesaid;" and a previous section of the bill designates the Commanding General of the United States, and the commanders of the several military departments and military districts. It does not apply to the commander of a squad.

Mr. CARLILE. Well, sir, the whole of western Virginia is now under the command of a brigadier general. I presume it would be in the power of the military authorities of the country to leave us even under the command of a colonel, and probably an officer of less grade. But, sir, it is not material whether this power is to be conferred upon a commanding general, be his grade ever so high, or upon an officer of inferior rank. The power of arresting persons upon suspicion, at any and at all times, is a power, in my humble opinion, that should never be exercised, and is in conflict with the spirit of our institutions. But, at a time like this, when the public mind is excited to a degree bordering almost upon frenzy, when neighbor suspects neighbor, and friend suspects friend, we may, without much stretch of imagination, see to what injurious result such a provision might lead. I know, sir, within my own region of country, that this power has been exercised again and again, to the great detriment of the cause we would all serve, and to the great annoyance of the officers who subsequently had the subject brought to their consideration, and who were not within the district at the time of the exercise of the power. Men have been arrested and detained at an expense from one to three dollars per day to the Government of the United States, and who never, in their lives, lived so well as they did under arrest, and who had no motive whatever to procure their release.

The other provisions of the bill I am prepared from the hasty reading I have given it, to sustain. I believe the exigencies of the country demand some such legislation; but this particular section which authorizes the arrest of persons upon suspicion, and their discharge upon the mere taking of an oath will accomplish no beneficial purpose and may work injury. Sir, those men who are disposed to aid in this effort to overthrow this Government, will not regard any oath that you may administer to them under circumstances of this kind. It has come to my knowledge that those who have been discharged after having taken similar oaths, have at the very first opportunity again raised their arm of rebellion in aid of the movement now going on in the southern States to dissolve the Union. It is regarded by those who take it under compulsion, who have to take it in order to be relieved from detention, as of neither moral nor legal obligation. I am free to say, sir, here, that if I should be so unfortunate as to be taken by those who are engaged in this rebellion, and my life was offered me upon the terms of taking an oath to support the southern confederacy, and I could only preserve it in that way, and I believed it was a duty I owed to my country, and to my family, to preserve my life, I should not regard my oath as being of binding obligation either morally or legally.

Now, Mr. President, I perhaps am prepared to go further than any Senator who has addressed the Senate on the subjects connected with this bill. I believe that the President, in refusing to regard the writ of *habeas corpus*, did not exceed his constitutional power. I believe that in no single act enumerated in the joint resolution which was under discussion this morning, has the President exceeded his constitutional power. I believe he would have been derelict to his duty, and would have violated the oath that he took when he entered upon the discharge of the duties of the office which he now fills, if he had not done all that he has done. The writ of *habeas corpus* shall not be suspended, says the Constitution, by Congress, only in cases of rebellion or invasion. It is looking to the legislative suspension of it. But when the Executive, who is sworn to preserve, protect, and defend the Constitution of the country, finds it absolutely necessary, in order to discharge that duty, to refuse to obey this writ, he is acting directly in the line of his duty, and is responsible only in the mode pointed out by the Constitution for the manner in which he has discharged that duty. It depends altogether on the circumstances that attended the refusal, on the exigencies that demanded the refusal on the part of the President; and of those circumstances and of those exigencies the Congress of the United States—the House of Representatives, to whom he is liable for impeachment, and the Senate, who are to act as his judges—will determine. I can therefore support heartily that joint resolution

Sir, we must look, in regard to the legislation proposed, to the present condition of the country in order to ascertain its necessity. This is, as I before said, a rebellion instigated by those who desire the overthrow of republican institutions. It is the existence of no particular or peculiar institution; none whatever. It has long been the cherished object of men who are restive under a Government that brings them before the people at stated periods to be passed upon by them, and whose tenure of office depends upon the popular breath, to overthrow institutions that subject them to this (to them) distasteful mode of obtaining honor and emolument. We have the evidence of that in the declarations made by the eminent South Carolina statesmen who first declared that State out of the Union. Mr. Keitt, and other gentlemen on the floor of that convention, declared that it had been the cherished object of their lives, and that they had been laboring for it ever since they entered public life. Eminent statesmen there said the Union should never have been formed; and the tracts which were disseminated throughout that whole country prior to the last presidential election, and which reached the State in which I live only after the election, go to show that the reason for the rebellion existed at the time of the formation of the Union, and should have prevented its formation.

Allusion has been made in this discussion to the arrest of parties, and to domiciliary visits paid by those who profess to act in the name of the United States Government. Sir, arrests have been made by the other side within the limits of my own congressional district; and to-day there are many of the first citizens of western Virginia confined in the jails in possession of the secessionists—men who have never raised an arm against either the authorities of the Federal Government or the authorities of the so-called confederate States. The gentleman who represented my district in the other branch of Congress has organized a cavalry troop, consisting of hundreds, and has taken, by violence and by force, everything that was necessary to enable him to equip and arm those men. The horses of Union men have been impressed by him, and they have been used for the purpose of going in the dead hour of the night and taking from their beds and their homes peaceful citizens, and carrying them hundreds of miles away and imprisoning them. One of the most inoffensive gentlemen that it was ever my fortune to meet, (Colonel Roberts, of my State,) guilty of no offense whatever, save that of representing the people of his county in the Wheeling convention, has been carried away from his home, imprisoned when I last heard of him in the Charlestown jail, before I left home, and since I have arrived here, I understand, he has been shot, by authority of General Wise.

Sir, something should be done by this body to legalize every act necessary to maintain the supremacy of the Government, and bring to the aid of the military power of the Government that of the civil power to suppress this rebellion; and I will, therefore, as I before remarked, vote for the bill introduced by the Senator from Illinois, with the amendment which I have proposed, to strike out the eighth section. That section will accomplish no good, and it may do much evil.

Mr. McDOUGALL. Mr. President, I did not propose to embark in this discussion until after the remarks of the Senator from Maryland this morning, repeating certain views with regard to the exercise of the power by the President in the suspension of the writ of *habeas corpus* in certain cases in Maryland. Those views have been so often advanced, and are, in my judgment, so erroneous, that I have thought it my duty to give to the Senate my views on the question of power, although I will not undertake to discuss its particular exercise. My great respect for the honorable Senator from Maryland prevents me questioning their sincerity, and I have myself no information as to the facts. I propose to speak only of the power of the President in the given case.

I may say here, before entering upon the discussion of this question, that I have been partly induced to make some remarks upon the policy and conduct of the Administration from the peculiarity of my position. I believe I am the only Senator now on this floor—my friend from Oregon being absent—who represents that great party, the head and front of which was the late Senator from Illinois. I have been always politically antagonistic to the present Chief Magistrate and the party now in power. It was upon careful consideration at the outset of our present troubles that I made up my mind that there was but one course for loyal men of the Republic to pursue, and that was to stand by the Government without regard to inferior party considerations; that the Government must be trusted; that it must be sustained; and that all aid should be afforded for the full exertion of its power. It was upon the distinct assumption of this position that, by the united voices of the unconditional Union men of California, I was sent here to aid in giving to the Government all required assistance in the full expression of its powers. I stated there that the only controversy between myself and the Administration would be whether or not the Administration would go far enough; and I say now I was gratified at the prompt action of the Government. Yet, if I could now have any controversy with the Administration, it would be about whether or not it has exerted as much power as might have been exerted beneficially. I repeat, I do not speak of individual instances of the application of power. I cannot be possessed of all the facts in detail of what has transpired at Baltimore and in Maryland. There must always be more or less error in the administration of extraordinary powers. It could not have been altogether avoided under the adverse circumstances in which the Government was placed in Maryland.

I will state here, that I approve generally of what has been done and ordered by the President of the United States. I do not, however, propose to embark in any discussion, further than the presentation of my notion as to the exercise of the particular power to which I have referred. Now, Mr. President, it seems to me the preliminary question is, was there, at the time of the exercise of this power, war or not? It is said we were not at war with any recognized Government. Let me ask, did the fact of our not being at war with any recognized Government give any greater privileges or rights to those who were in arms against us? Has the rover on the seas, who has no known flag, any more rights than he who sails under the flag of a recognized nation? Has the person who, without law or organized government, takes up arms against a Government, raises armies, and makes battle, any rights greater than the rights of a body or army of men acting under a recognized Government? There is no room for argument on this question. We have war. Because it is civil, illegitimate war, the parties engaged in it have certainly no greater rights than if they fought under a recognized flag. They have not the same, they have not equal rights.

Then, Mr. President, we have war, and there is a law of war. That law was never dependent upon, never grew out of, written constitutions. It was never set down in any statute-book. It is, and always has been, the law of necessity—a rule made by the occasion, and limited only by conventions among nations. The law of war is what is called martial law. When martial law is inaugurated, it supersedes the laws organized for administering affairs in time of peace, and may absolutely and completely supersede them. I am not disposed to go into any elaborate argument on this subject; but I wish to state my opinion exactly. There is a system of laws for peace, another for war. The right to the writ of *habeas corpus* is one of those that has no relation to the

condition and necessities of war. It might be called a peace right. The distinction must be observed between the laws of peace and the necessary law of war. Martial law, or the necessary law of war, is well defined by an eminent writer, on what is called the English constitution, thus:

"The law of war, that depends upon the just but arbitrary power and pleasure of the king, or his lieutenant; for though the King doth not make any laws but by the common consent in Parliament; yet, in time of war, by reason of the necessity of it, to guard against dangers that often arise, he useth absolute power, so that his word is a law."

The definition is exact, and is as applicable to the United States as it was to Great Britain. If martial law is a power that belongs to our Government, the right to suspend the writ of *habeas corpus* is included in it as the minor is included in the major. It is a fact that martial law may and does supersede the power of judges, and all but the executive and military authorities of the Government. It is, therefore, an established rule of law that the writ of *habeas corpus* does not run against a prisoner of war; and it has been so held in England by the greatest judges, and without question. When a petition is presented to a court in Great Britain for the writ, and it appears that the person is held as a prisoner of war, no matter under what circumstances, no matter whether justly or unjustly, whenever the fact appears from the petition or return, the judges do not entertain the question. In other words, they hold that the writ cannot be sued out in favor of any prisoner of war.

I will call the attention of the Senate to two well-considered English authorities. The case of a Swedish sailor, in 2 Barrows, 765, is one in which the petition showed that a Swede, on his way from Sweden to England, was captured by the French, and forced by them into the French service. The French ship was afterward captured by an English vessel, and he was taken as a prisoner of war to England. It was admitted that he was a subject of a Government at peace with Great Britain; that while on board the French ship he was under duress; that there was no just cause for his confinement. The court nevertheless say:

"It appears that the petitioner is a prisoner of war; and this appearing, the application for the writ must be denied."

The same question came up while Sir William Blackstone was on the bench, and is reported as the case of the three Spanish sailors in the second volume of his reports. The court being informed that the petitioners were detained as prisoners of war, it was held that the writ would not run.

Now, these cases happened in England, where the right to the writ of *habeas corpus* is as much respected and held as sacred as it ever has been in any part of the United States. All our legislation has been had with the understanding that such was the law. When a party is seized by virtue of the war power, or for violating the rules and articles of war, and he becomes subject to a military inquiry and a trial by court-martial, the military court has complete jurisdiction; and, with us, it has this jurisdiction by express authority of statute. This jurisdiction cannot be interfered with. There is no superior jurisdiction, except in a superior department of the same jurisdiction. I will read a single paragraph of the articles of war:

"ART. LVI. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial."

Here is the jurisdiction given; and the complaints that have been made to the military departments in Maryland and to the President have been, as I understand it, for offenses of this kind. If an officer in command may organize a court-martial having jurisdiction over the party and the subject-matter, what authority is there to question the incidental power of detention? My impression is that the difficulty in the case in which the distinguished Chief Justice of the United States wrote his opinion, grew out of the fact that the return was not made to meet the exact question. I am not certain about this; but, from my recollection of the return, I am quite confident that I am correct.

I hold, then, that when we are at war with a domestic or foreign foe, the power that is administering the Government at the time, whether legislative or executive, has the right to declare martial law; and that in any particular instance, having seized a prisoner as a public enemy, the judge who is clothed with authority to administer the law between citizens in time of peace, has no lawful authority to deliver the prisoner from military custody. This martial law, or necessary law of war, has its foundation in what may be called necessity, but which I think may be better stated as that great and universal law which grows out of the right of self-preservation or self-defense. All organized living things have that right by force of the most primary and fundamental law. When men undertake to organize institutions, their effort is to imitate life as near as possible; and self-preservation is the first law of all life, all life in nature and all organized works of human thought and action designed to live, higher than constitutions, for it is necessarily implied in all constitutions or institutions framed to continue; in everything that man has made to live, as well as all that God has created with life. I differ with the honorable Senator from Illinois, and I agree with the Senator from Virginia, that the President has not gone beyond the exercise of his legitimate power—I will not call it his constitutional power; I will call it the power which belongs to him as a part of the vital power of the Government.

Mr. President, I am not disposed to occupy the time of the Senate in going into a discussion of the other questions that have been raised here by gentlemen who are assailing the Administration. I think there is no value in any such discussion. For myself, however, I will protest against these assaults being continued on this floor. If these assailants be really what they affirm themselves to be, friends of the Republic, they must know by this time that they have been doing the work of enemies. If they are in fact enemies, favoring at heart the dissolution and destruction of the Republic, they are doing their work well.

Now, as defining more particularly my position on the general question of the Union and its integrity, I wish to say this: if I believed that we, in solemn conclave, in this body, or any body we might organize, could frame a convention with these men who are in arms against this Government, whereby, dividing the slave from the free States, we could secure permanent peace, I would regard such a consummation worthy of our consideration; but no man who has read history, no man who understands the conditions and relations of our people, but must know that any such convention would be a contract for a continuous war until one side or the other should be subjugated—I might more justly say destroyed. I am not willing to, I will not, leave such a war as a legacy to my children. I intend to see it settled in my day; I shall do my utmost to see it settled as promptly as possible; and I say every consideration of humanity, every consideration of policy, I may say further, every consideration of economy, demands that the work in which we are now engaged should be prosecuted with all the power and all the expedition within the command of the Government.

Mr. COWAN. Mr. President, I propose to say a few words upon the bill now before the Senate; and I will premise by stating my views of the powers of this Government. I think the general power of this Government is now ample for its protection in every direction. There are two classes of powers. There is a class, which may be called simple powers, which play upon the citizen, and which are for the protection of society. There is another class, that has been frequently designated, and very properly too, the war power of this Government, existing in it, and in every other Government, inherently, and is no more nor less, I take it, than the right of self-defense upon a great scale. That war power plays upon enemies, not upon citizens, and is, therefore, without the domain of constitutional or municipal legislation. They not being within it, have no right to appeal to it; and, of course, it may be absolute, and is absolute, to all intents and purposes.

Now, the war power of this Government, and the power that it has to resist its enemies and to punish them, is quite as ample, I apprehend, as that of any other nation upon the earth; and the objection I have to this bill is, that it attempts, in the first place, to give shape to that power, to reënact it, and put it upon the statute-book in, I think, a very objectionable shape. If this bill confers no war power that the Government has not already, then it is useless; and if it does confer more than absolute power, it becomes an absurdity.

The first section of the bill declares that the President, or the commanding officer of a special military district, shall declare by proclamation when that district is in a state of insurrection. I must confess I do not see any purpose to be attained by that provision. When a district is in a state of insurrection, it will certainly be so notorious that everybody will know it. When it is in an insurrection violent and extensive enough to prevent the laws from being executed by the ordinary constabulary force of the government, it will not be necessary that any proclamation should be issued in order to declare it to the people.

But the section which follows declares that the commander of the district, after making this proclamation—

"Shall make and publish such police rules and regulations, conforming as nearly as may be to previously existing laws and regulations, as he may deem necessary to suppress said rebellion," &c.

Now, as I said before, the war power is ample for the purpose of suppressing rebellion, ample for the purpose of punishing those in opposition to the Government—unquestionably so, because it is absolute. What right, if you please, sir, has a rebel to appeal to the Constitution and to the law? What right has he to invoke, if you please, the aid of the *habeas corpus* law? The moment that he sets himself in antagonism to the Government, the moment he stands without the Constitution and the laws, repudiating them, he is estopped from making any appeal to them, and he is then to be dealt with by the general power of the Government, that is the war power, and to be dealt with according as its notions of humanity, of civilization, and its obedience to the law of this nation, will demand.

There are two ways, in cases of civil war, by which a rebel may be treated. If the insurrection has attained to such dimensions as by the laws of nations to make it war between the rebellion and the regularly organized Government, then, by that same law, the rebel is to be treated as a prisoner of war, the same as though he were a soldier of a foreign Power, taken in arms against the Government. On the other hand, having been a citizen, and having foresworn his allegiance, having cut the tie which bound him to the Government, and by virtue of which he had a right at one time to appeal to its Constitution and laws for protection, he may be treated by the Government as a traitor, and may be tried for treason.

Then there are two classes of people in a civil war of this kind who are to be considered—rebels and citizens. The citizen is entitled to the laws of his country as they now exist, if they can be administered; the rebel is entitled to nothing. If a military commander then can take possession of a district, and can make police rules and regulations—if he has the authority to do that, and has power to enforce and execute them, I do not see why he cannot enforce and execute the existing laws in such a district. The constabulary of the district and the magistrates of the district may refuse to aid him in this office; but still, even if they do, it will not require him to make new rules and regulations, or in other words, to make new laws for the government of the people. He will know without any rules and regulations how to treat rebels, I trust, if he takes them in arms, or if he takes them in such positions that he can show they are in complicity with the rebellion.

Again, these rules and regulations which he is authorized by this bill to make, will not be necessary for the protection of the lives and property of the loyal citizens of the district, because he is there with his military command for that purpose. He is there with armed men coming and going at his beck and bidding, and they will be effectual for that, rather than rules and regulations.

The subsequent section I have no objection to, although I think it declares that which amounts to nothing at all.

The fourth section I consider exceedingly mischievous:

"That from and after the publication of the proclamation heretofore mentioned, the operation of the writ of *habeas corpus* shall be so far suspended, that no military officer

shall be compelled to return the body of any person or persons detained by him by military authority."

Now, Mr. President, laying aside the question as to whether the executive officer of this nation has a right to suspend the privilege of the writ of *habeas corpus* formally, I think it perfectly clear that he has the right to suspend it practically. When a neighborhood is in rebellion, the loyal and disloyal all mingled together—men in open rebellion and men in secret complicity—officers, in attempting to suppress the rebellion, which they have a right to do, may, it is very true, often make mistakes. It is one of the incidents which follow; one of the wickednesses, indeed, of a rebellion is that such instances do follow it. They may take innocent men; but it is perfectly clear that they have the same right to take a man in rebellion, in open arms—wearing the uniform, if you please, of this confederacy—or if he is proved to be in secret complicity with the rebellion, that they have to take prisoners of war. The person taken, in effect, is a prisoner of war at the option of this Government. He is either a prisoner of war, to be treated as such; or a felon, to be tried, convicted, and condemned for treason.

Mr. President, taking a prisoner of war, whether it be a foreign soldier taken upon our soil with arms in his hands, or a citizen of our own who has cut himself away from the Government and severed his allegiance, is precisely the same thing. Nobody ever supposed it was necessary to suspend the writ of *habeas corpus* in order to justify the military for such a proceeding. I take it, then, if Congress be not in session in time of rebellion or insurrection, that the President has full and ample authority to proceed, under the laws giving him the means of proceeding, as far as they may be enacted at that time, in order to suppress this rebellion, to arrest these people who are known to be rebels, or those who are suspected to be rebels, by the military authority—honestly suspected to be so, not for tyrannical purposes, but believing them to be dangerous, and to hold them until this Congress assembles; but, *eo instanti* upon the assembling of Congress, if there be a question of the writ of *habeas corpus*, or of the privilege conferred by it, then that power falls into the lap of this body, and is to be exercised by it. If the writ is to be suspended, if it becomes necessary to suspend it, then it should be suspended formally by this body; and it should be suspended, not indefinitely, not for all time, not to be brought into play again by the word of a military commander, but it should be suspended definitely, and for a fixed and definite time, and be furnished, at the same time, with all the guards which could be thrown around it.

Then, sir, I am opposed to this section giving anybody authority to suspend the privilege of the writ of *habeas corpus* formally, except the Congress of the United States. I allow that the President, by virtue of his war power, may arrest people who are in arms against this Government, and that he is not bound, or his officer is not bound, to obey the writ of *habeas corpus* in such case any more than if they had arrested a foreign soldier upon our soil they would be bound to obey it. Nobody pretends that in such a case they would be bound to obey the writ.

The next section, perhaps, contains the question of the most difficulty now before the Congress of the United States. A rebel, clearly and distinctly, without doubt, has no right to the privilege of the writ of *habeas corpus*. He has no right to be tried by our laws, except by the option of the Government. He has no other rights than those of a foreign soldier taken in war against us. But the loyal and disloyal are commingled together, and it may so happen that loyal men may be arrested, and may be detained by virtue of this power, the commanding officer supposing them to be hostile to the country; and there is the point at which I think we should intervene for the purpose of relieving the President of that difficulty, and should determine it by referring them to the proper tribunals of the State or district within which they were taken.

Again, a very great difficulty may occur there, because even the judicial tribunals may be suspected, may have lost the confidence of the loyal men of the country. There is difficulty environing us everywhere. I think, therefore, this subject should be approached with great consideration, and treated with great care.

The other sections do nothing more, as I stated in the outset, than attempt to give shape and form to this indefinite, absolute war power which the Government has already, and has as amply as any statute could give it; and I rather incline to agree with the Senator from Virginia, that there is not much virtue in compelling people to take oaths in order to make them loyal. We know the manner in which some oaths have come to be considered in this country. Custom-house oaths are in the mouths of everybody, and in the hearts of nobody, as a general thing. However, if there be any virtue which can be appealed to in this way, and which can be strengthened, I have no objection to that enactment.

But the ninth section is one to which I have a very serious objection, and involves the same distinction to which I have before alluded. That section is in these words:

"SEC. 9. *And be it further enacted*, That all arms, accouterments, horses, or movable effects whatever, taken from armed men resisting the authority of the Government, or taken from men aiding and abetting the enemies or opposers of the Government, shall, in time of insurrection and rebellion, as aforesaid, be treated and held in the same manner as property taken in war from foreign enemies."

Now, there is no doubt that can be done, so far as armed men resisting the authority of the Government are concerned; but who is to determine who are the men aiding and abetting in this rebellion? Is the military commander to go into a farm-yard and to decide that the owner of that farm is aiding and abetting this rebellion, and therefore he will ride away with his horse and drive off his sheep, his cows, his hogs, and his oxen? I think not. I think that is a power not to be intrusted to any military commander anywhere. The exercising of it would be very great difficulty. I should very much prefer confining the authority as the war power confines it. Let it be confined to the men *in flagrante bello*—the men taken in arms; and, as to the others, unless they should be too numerous, let them be treated by the laws now upon our statute-book punishing offenses against the Government.

The last section is, I presume, intended to be an addition to the articles of war. Congress has the right to make rules and articles for the government of the men who are within the Army and the Navy, as a matter of course. Those rules and articles are read to them, and they hear them. Officers swear to them; they have full notice of them; and however tyrannical they may be, however arbitrary they may be, or however severe they may be, nobody has a right to complain of them, because there is full notice in the outset. I have no special objection to make to this last section if those who are much wiser than I am on these subjects think it necessary for the government of our Army.

I hope, therefore, that the whole bill, except perhaps the last section, will be thrown out, and for another and general reason: I would not put a single additional statute of this kind upon our books at this time, and that for many reasons. The civil war with which the country is now afflicted, in my opinion, Mr. President, is to be met by war, and by war it is to be ended. It is not to be helped out of existence by multiplying the criminal statutes upon our books. It must be met, and conquered—if conquered it can be—by the strong arm of the nation; and if the nation has it once within its control, then we have laws enough already. These enactments, passed inconsiderately—passed in a time of heat and high excitement—may afterwards be rather monuments of folly, than laws that will be of use in the government of the country. Therefore, upon general principles, I feel disposed to go against them all; even where they might otherwise be supposed to be unobjectionable. This one will make us no better than we were before, and may make us a great deal worse; and I hope it will not be passed. I am exceedingly sorry to differ with the majority of the committee who reported it, but being constrained to do so by my sense of duty, I have felt obliged, in my own feeble way, to say what I have said against its passage.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) Is the Senate ready for the question on the proposed amendment to strike out the eighth section?

Mr. BAYARD. Mr. President, this bill involves very grave questions, and is, in my judgment, entirely subversive of the Federal Constitution; and I should like to make some remarks on this particular section, in order to show that such is the effect of the whole bill. The object or purpose of the honorable Senator who introduced it, or the committee who reported it, is a very different question. I differ with them as to the effect of the bill, and would like to show why I think it exceedingly dangerous to the personal liberties and rights of every citizen of the United States; and also that it is entirely unnecessary for the purpose of carrying on this war with the seceded States. If there be no objection, I will move its postponement until to-morrow at one o'clock, or any other hour the Senate may prefer.

Mr. FESSENDEN. I do not rise to say anything about the bill, but merely to suggest that we ought now to dispose of the business before us. I have no objection to action on the bill now; my own mind is made up about it; but if it is to be postponed until to-morrow, I hope it will be postponed for good and all—indefinitely.

Mr. BAYARD. I have no objection to that. That would be the wisest course.

Mr. FESSENDEN. Let us act upon it, at any rate. We do not want it postponed at this very late period of the session, so that it may be brought up at any time to interfere with other business.

Mr. BAYARD. I am willing to agree to that, although I should like to state my objections to it.

Mr. BRECKINRIDGE. I agree with the Senator from Maine, that the best disposition to make of this bill is to postpone it, and postpone it, as he says, for good and all. If there is a serious intention to pass it, at some time before the vote is taken I may briefly express my opposition to it. I content myself now with saying, that it appears to me to combine, in eleven sections, everything most atrocious which has been resisted, fought against, and trampled down by a free people for the last five hundred years; and that I think the introduction of such a bill into the American Senate is the most gloomy commentary we could have upon the degenerate character of the times. If, however, the bill is to be postponed indefinitely, I desire to say no more.

The PRESIDING OFFICER. The motion before the Senate is to postpone the further consideration of the bill until to-morrow at one o'clock.

Mr. TRUMBULL. If the motion to postpone is agreed to, I do not want it to be understood, as I believe the Senator from Maine desires, that it is to be a final disposition of the bill.

Mr. FESSENDEN. What I said was, not that I was in favor of postponing it indefinitely; but if postponed at all, I hoped it would be indefinitely. I do not want to see it again. I want it finished. However, I am free to say, that with my present impressions, I shall vote against the bill.

Mr. TRUMBULL. I desire to get action upon it at as early a day as possible, and if the object in postponing it until to-morrow is to defeat it, I shall object to the postponement.

Now, a single word in regard to what the Senator from Kentucky has said about this bill being such a monstrous one. I should like to know if there is anything in that bill that has not been done by the executive authority before the bill was introduced? The Senator says such a monstrous thing has not been done for five hundred years. Is this bill anything more than clothing the executive authority with the very power they have been exercising out of the necessity of the case?

Mr. BRECKINRIDGE. If the Senator desires an answer, I will undertake to show, if this discussion goes on, that, unconstitutional and illegal as in my opinion have been many acts of the executive authority during these troubles, yet this bill goes very far beyond anything the executive authority has undertaken to exercise.

Mr. TRUMBULL. I do not know that the bill, in its details, is in the best shape that it could be. I think it an important one; and I think it very important that some bill of this character should pass before Congress adjourns. I do not agree at all with the Senator from Maine that a bill of this kind should be postponed until the next session. I should think Congress was very derelict in its duty, in this great crisis in the country's affairs, if we were to adjourn leaving everything at loose ends, and without clothing the executive authority with the necessary power to suppress

this rebellion. I hope it may not be indefinitely postponed.

The PRESIDING OFFICER. The motion is to postpone the bill until to-morrow at one o'clock.

Mr. KING. Mr. President, I have voted for several bills and propositions for which I should not have voted but for the condition of the country; but if there is anything in particular about which, by my vote, I desire to record my opinion as to the duty of our Government, and what I believe is the will of our people, it is that the measures to be taken for the protection of our country, and the continuance of its Government, shall be vigorously prosecuted by the powers of the Government. It is necessary, in my judgment, in many places that the ordinary condition of law should be suspended; that a state of insurrection should be declared; and that we should proceed against our enemies as against those with whom we were at war. They do so with us; and we are waging this war under very great disadvantages, from the fact of the clemency which is found to exist in the minds of us all. There is an indisposition to touch any person until positive proof shall exist of his guilt of treason. The condition of our camp here, and of the country, I have no doubt, is well known to those people. There are in this city a great many people who sympathize entirely with them, openly, and who talk in that way. So far as a knowledge of their movements is concerned, I do not know to what extent our military commanders may have it, but we certainly know very little about them. I have not sought to know, because I have left those matters to the care and espionage of the military commanders; but this bill approves and make legal what there has been doubt and dispute about the authority of the executive department to do. I concur in the opinion that we should act decidedly about this matter. If we design to prosecute the war against the public enemies who are in arms in the field we must prosecute it against them as against persons with whom we are at war.

Mr. BAYARD. My motion is simply to postpone the bill until to-morrow. I wish to present my objections to it. I do not intend to make any extended argument, but I want to state specifically my objections to every clause. It seems to me some Senators who speak about it are not aware of some of the provisions of the bill. This bill, in one of its clauses, gives the right to try civil offenses by court-martial, in the direct face of the Constitution of the United States. Is that necessary to carry on the war? It gives the power of confiscation, and I want to show that that is contrary to the Constitution. I may be mistaken in this. Senators may not agree with me; but surely they will give me the right to be heard. I ask for the postponement of the bill until to-morrow. I do not care what hour to-morrow you fix for its consideration. I am perfectly willing that any other business the Senate may think proper to take up shall first be disposed of. I am willing that it should be informally passed over until we get through with other business. I never attempt to obstruct the course of business at any time.

The PRESIDING OFFICER. The Chair understood the Senator from Delaware to designate the hour of one o'clock to-morrow, and so stated the motion. If the Chair is mistaken, the Senator will correct him.

Mr. BAYARD. The Chair is right. I said one o'clock.

The PRESIDING OFFICER. Then the question is on the motion that the further consideration of the bill before the Senate be postponed until to-morrow at one o'clock, and be made the special order for that hour.

Mr. COLLAMER. The Senator from Delaware did not move to make it the special order.

Mr. BRECKINRIDGE. Then I move to amend the motion by making it the special order for that hour to-morrow.

Mr. COLLAMER. The Senator from Delaware did not ask to have it made the special order.

Mr. BAYARD. I merely asked for the postponement of it to one o'clock to-morrow. Of course, if it should not be the pleasure of the Senate to take it up at that time, I would be willing to wait for a subsequent period.

The PRESIDING OFFICER. The Senator from Kentucky moves, as an amendment to the motion, that the bill be made the special order for one o'clock to-morrow.

Mr. BAYARD. I move to postpone it until to-morrow. Perhaps that is the best way. Then, if it be the pleasure of the Senate to consider it, I will speak upon it, or, if it should be postponed in order to go on with the business, I will cheerfully defer my remarks.

Mr. FESSENDEN. I have no objection to that.

Mr. BRECKINRIDGE. I moved to amend the motion so to make the bill the special order for to-morrow, because I supposed the Senator from Delaware had inadvertently omitted those words, while he desired to make it the special order. Of course, however, if he moves to postpone generally, I withdraw my amendment.

Mr. TRUMBULL. I see, by the movement of the Senator from Maine, he intends to give the bill the go-by. I object to that. If it is to be postponed until to-morrow, I move that it be made the special order for one o'clock. I do not want to have it postponed indirectly in that way.

The PRESIDING OFFICER. The motion to postpone to a time certain will take priority over a motion to postpone generally; or a motion to postpone to a given hour of a day will take priority of a motion to postpone to a day generally; and the question now before the Senate is on the motion to postpone the further consideration of the bill until to-morrow at one o'clock, and make it the special order at that hour.

Mr. CLARK. In order that the bill may be under the control of the Senate, to be called up when they deem proper, I move to lay it upon the table.

Mr. TRUMBULL. Of course, that will be a test vote, and I ask for the yeas and nays upon it. If there is no disposition in the Senate to act upon a bill of this character, we may as well know it.

The yeas and nays were ordered; and being taken, resulted yeas 15, nays 27; as follows:

YEAS—Messrs. Bayard, Breckinridge, Bright, Clark, Cowan, Fessenden, Johnson of Tennessee, Johnson of Missouri, Latham, McDougall, Pearce, Polk, Powell, Saulsbury, and Thomson—15.

NAYS—Messrs. Anthony, Bingham, Browning, Carlile, Chandler, Collamer, Dixon, Doolittle, Foot, Foster, Grimes, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—25.

So the Senate refused to lay the bill upon the table.

The PRESIDING OFFICER, (Mr. FOSTER.) The motion before the Senate is, that the bill be postponed to, and made the special order for, to-morrow at one o'clock.

Mr. FESSENDEN. I really hope it will not be made a special order; there is so much other business before the Senate, of, I think, greater importance, that must be disposed of. I have no objection to its being postponed; but I do not know why the Senator should have pointed me out as designing to give it the go-by. I am perfectly willing that it shall be called up, if the business of the Senate will allow; but we are getting towards the last of the session.

Mr. TRUMBULL. I am sorry to differ with my friend from Maine. In my judgment, this is of far more importance than any other bill before the Senate. We differ about that. The reason why I said the Senator from Maine was disposed to give it the go-by, was because he wanted to postpone it indefinitely, and he made that suggestion to the Senate. I supposed that was evidence of it. I think that constitutional liberty and the maintenance of the Constitution of this Government are more important than any appropriation bill. I think that the idea that the rights of the citizen are to be trampled upon and that he is to be arrested by military authority, without any regulation of law whatever, is monstrous in a free Government. I cannot agree at all to the idea of the Senator from Pennsylvania, that a man may be arrested on the ground that he is a rebel and has no rights. Who is to decide that he is a rebel? Is he an outlaw that any one may shoot? How do you know that he is a rebel? The idea that the laws of war prevail is the most monstrous proposition I ever heard enunciated anywhere. The object of this bill—I do not say it accomplishes it, the features may be bad—is to place the action of the Government in crushing this rebellion under the Constitution and the law, and I think it is the most important object that can engage the attention of Congress.

Mr. FESSENDEN. I am surprised to see the honorable Senator from Illinois work himself into such a fury. There does not seem to be any occasion for it at all. In the first place, I did not say that I was in favor of indefinitely postponing the bill. I said that if it were postponed at all, I hoped it would be postponed indefinitely, for I wanted to see it finished. I did afterwards say that in the present position of the bill, I could not vote for it. I am just as ready to meet it in the face now as at any time, as I am all bills. I believe I have never seen one since I was in Congress, that I was not ready to meet and vote on directly. Now all I have to say about the particular exhibition which my friend makes of patriotism just at this moment is that his notions of constitutional liberty and mine may differ. I have no doubt that he entertains very clear ones, for all his ideas are clear, and he expresses them very clearly on all occasions, somewhat warmly sometimes, but after all it is barely possible that he may be mistaken, and that other people may be right.

The PRESIDING OFFICER. The question is on the motion to postpone and make this bill the special order for to-morrow at one o'clock.

Mr. HALE. I ask for a division of that question.

Mr. TEN EYCK. This bill was reported by the Committee on the Judiciary, and I must say that there was a disagreement in the minds of the members of that committee as to its merits. I do not mean to take up time in the discussion of the bill. I confess that I, myself, was not in favor of all the provisions of the bill, but I thought we should report some bill on the subject, and the Senate could amend it according to their enlightened judgment. I was in favor of the first section of this bill for these reasons: I had learned from a commanding general who was in the district of Virginia, that all law was beaten down and disregarded; or if not beaten down, the machinery of the courts had run out; no one there undertook to enforce law. There were crimes and offenses being committed; and from the necessity of the case, in order to protect the citizens, some of whom were loyal citizens, and claimed to be such, to protect them from violence, wrong, and injustice, the commanding generals were compelled to act as justices of the peace, issue warrants under their hand and seal, and fill the jails of Alexandria with culprits. I think that there should be some regulation of this matter; that there ought to be some act of Congress prescribing and defining the duties of these officers, who are acting in some respects as conservators of the peace.

One idea that struck my mind was, that if the people in a district did not want to have the machinery of courts, and did not want their laws enforced, they ought perhaps to abide by the consequences of that dereliction of duty; but in a state of war, they might not feel themselves in a position to do that; and rather than suffer the military to regulate the whole thing according to their own will and dictation, I thought there ought to be some restriction and restraint placed upon their action; that they should endeavor to set on foot certain police regulations for the protection of the citizens within the limits of their military jurisdiction, and that those should be as nearly in accordance with the laws of the State or district as possible; and that if the district refused to take any action in the matter, then the military officers should be confined to those rules and regulations as near as was possible with the existing state of things. And yet I was afraid of any congressional enactment on the subject; because I believed that the public law, the law of nations, did prescribe rules for the government of these matters, when a country was subject to military power. I know it was so done in Mexico by General Scott. That was, however, a foreign Power, with whom we were contending. I know that he actually established a government in Mexico—appointed governors, appointed a secretary of the treasury, regulated matters of revenue, and everything else—and it is a duty that the conquering power owe to the people that are subject to their sway for the time being. And yet I was afraid to leave it to the public law, lest it might not meet all the requirements of a crisis like this, where there was a state of rebellion; and I was fearful of passing an act of Congress on the subject, undertaking to

specify certain particular things, when we might come short of performing our whole duty.

There was a difficulty in all points of view, and the committee thought it best to present this bill to the Senate and have their action upon it. I am of opinion that the last section in the bill is of vital importance. The Commanding General of our armies states in writing that there is now no power to punish persons who are guilty of the highest crimes, felonies, who happen to be in the Army, not even by military law, because the rules and articles of war except felonies. That section ought certainly to be passed, if all the rest of the bill should be stricken out.

With these remarks, more by way of explanation than anything else, I shall feel myself constrained to vote for a portion of the bill, if not the whole.

The PRESIDING OFFICER. The Senator from New Hampshire asks a division of the question before the Senate, the motion being to postpone the bill until to-morrow at one o'clock, and make it the special order for that hour.

Mr. TRUMBULL. I made the motion to postpone until to-morrow, and make the bill the special order; but as the Senator from Delaware is endeavoring to defeat the bill, and moves to lay it on the table, I do not think—if that is his object simply—that any rule of courtesy should require me to make the motion; and I think we had better go on with the bill to-night. I therefore withdraw the motion, and let us go on with the bill.

Mr. BAYARD. I made the motion to postpone until to-morrow. The Senate can refuse to do so, if they see fit.

The PRESIDING OFFICER. The Chair understood the Senator from Delaware to withdraw the motion. Does he repeat it?

Mr. BAYARD. I made the motion to postpone until to-morrow. I did not withdraw it. The Senator from Illinois added that it be made the special order for one o'clock. I do not care whether that is the case or not. You can do as you please as to that. If you prefer to make it the special order for one o'clock to-morrow, I am perfectly content. My motion was simply to postpone the bill until to-morrow.

The PRESIDING OFFICER. The question is on the motion to postpone the bill until to-morrow.

Mr. BAYARD. I should like to know whether the Senate, on the yeas and nays, will refuse a motion of this kind; and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. I have not often interfered with the business of the Senate during the course of this session. I have endeavored to accommodate myself to their business in every way. I have interposed no objections to any of the bills they have sought to pass for the purpose of carrying on this war or for the putting down of rebellion, as it is called; but I made the exception of the case of bills that I thought unconstitutional. I think this gravely so. The bill was reported to the Senate, I believe only yesterday, and printed then. I have endeavored to compare it——

Mr. WADE. If the Senator will permit me, I will ask him to give way, and let us postpone this matter until to-morrow. I perceive that it will lead to a discussion now that will be destructive of all other business from this time to that, as I think.

Mr. FESSENDEN. The only difference is that we shall have it to-morrow instead of to-day.

Mr. WADE. We shall have it to-morrow; but we shall have it on the merits of the bill, and in good temper: but if we go on in this way I think I can see that we shall not get a very early decision. I think we had better let it go over, and take up other business.

Mr. POLK. I think the Senator from Illinois is laboring under a wrong impression, which I deem it proper that I should correct, inasmuch as I believe the Senator from Delaware did not hear the remark of the Senator from Illinois. As I recollect, it was not the Senator from Delaware who moved to lay the matter on the table, but the Senator from New Hampshire.

Mr. BAYARD. Certainly it was.

Mr. POLK. The Senator from Delaware is ready to meet the bill at any time after to-day, as I understand. He says he is content that it shall be made a special order.

Mr. TRUMBULL. I have no objection to its going over until to-morrow, and taking it up and disposing of it then.

The PRESIDING OFFICER. The motion before the Senate is, that the bill be postposed until to-morrow. The Senate have ordered the question to be taken by yeas and nays.

Mr. CLARK. The Senator from Missouri is entirely correct. It was I that made the motion to lay it on the table, and I did it with no hostility to the bill, but that we might have it under our control at any time. The Senator from Illinois chose to make it a test question by calling for the yeas and nays. I made the motion for the purpose of keeping the bill under control.

Mr. WADE. I hope now that the call for the yeas and nays will be withdrawn, and we shall let the bill go over. The Senator from Delaware I believe, called for the yeas and nays.

Mr. BRECKINRIDGE. He will withdraw that if the Senate will allow him.

Mr. WADE. If he will withdraw the call, we will let the bill go over.

Mr. BAYARD. I will withdraw the call, certainly, if the Senate agrees to postpone the bill.

The PRESIDING OFFICER. Does the Chair understand the call for the yeas and nays to be withdrawn?

Several SENATORS. Yes.

Mr. TRUMBULL. Let it go over to some definite hour, so that we shall take it up.

Mr. WADE. Say one o'clock.

Mr. BAYARD. I have no objection.

The PRESIDING OFFICER. Does the Chair understand the Senator from Delaware as withdrawing the call for the yeas and nays?

Mr. BAYARD. I withdraw it at the suggestion of the honorable Senator from Illinois.

The PRESIDING OFFICER. The call for the yeas and nays can be withdrawn by unanimous consent. The Chair hears no objection. The motion is, that the further consideration of this bill be postponed until to-morrow.

Mr. TRUMBULL. At one o'clock.

The PRESIDING OFFICER. That is not the motion of the Senator from Delaware.

Mr. TRUMBULL. I offer it as an amendment.

Mr. BAYARD. I have no objection to an hour being fixed.

Mr. FESSENDEN. I do not want it made a special order.

Mr. BAYARD. My object is not to prevent action.

The PRESIDING OFFICER, (Mr. FOSTER.) As an amendment to the motion of the Senator from Delaware, the Senator from Illinois moves that the postponement be until to-morrow, at one o'clock. The question is on that amendment.

Mr. FESSENDEN. Does that make it a special order?

The PRESIDING OFFICER. It will make the bill the special order for one o'clock to-morrow, if the amendment be adopted, and the motion, as so amended, be agreed to.

Mr. FESSENDEN. Then I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. I desire to know in what condition the motion now stands. I moved to postpone the bill until to-morrow. The Senator from Illinois added to that motion, that it be the special order for to-morrow at one o'clock. It is indifferent to me whether you make it the special order or not; I am content either way. If it were made the special order, it would be in the power of a majority to postpone it; and if it were simply postponed, it would be equally in their power to call it up at any hour they please. The gentlemen on the other side have an unquestioned majority; it is in their own disposition; therefore, it is a matter of indifference to me entirely. My motion was to postpone the bill until to-morrow.

The PRESIDING OFFICER. The Chair will state the condition of the question. The Senator from Delaware moves to postpone the further consideration of this bill until to-morrow. As an amendment to that motion, the Senator from Illinois moves to postpone the bill until to-morrow at one o'clock. The Senator from Maine has asked for the yeas and nays on that amendment, and the Senate have ordered the question to be taken by yeas and nays. The question now is, shall the motion of the Senator from Delaware to postpone the bill until to-morrow be amended by fixing the hour of one o'clock as the time for its consideration to-morrow? That is the question before the Senate, on which the yeas and nays have been ordered.

Mr. DOOLITTLE. Is it now in order to move that the Senate proceed to the consideration of executive business?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. DOOLITTLE. I think we had better have an executive session now. ["Oh, no."] I fear we shall spend the whole afternoon about this matter, when, after all, it will go over until to-morrow anyhow.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois to the motion of the Senator from Delaware.

The question being taken by yeas and nays, resulted—yeas 35, nays 8, as follows:

YEAS—Messrs. Anthony, Bingham, Breckinridge, Browning, Carlile, Chandler, Collamer, Dixon, Doolittle, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Missouri, Kennedy, King, Lane of Indiana, Lane of Kansas, Latham, McDougal, Pearce, Pomeroy, Powell, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—35.

NAYS—Messrs. Bright, Clark, Cowan, Fessenden, Foot, Johnson of Tennessee, Polk, and Saulsbury—8.

So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the motion as amended, that the further consideration of this bill be postponed until to-morrow at one o'clock.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bill and joint resolution, in which the concurrence of the Senate was requested:

A bill (No. 83) for the temporary increase of midshipmen in the Naval Academy; and

A joint resolution (No. 5) to examine the condition of the Naval Academy, and inquire as to the organization thereof.

The message further announced that the House had disagreed to the amendment of the Senate to the amendment of the House to the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," asked a conference on the disagreeing votes of the two Houses thereon, and appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. ELBRIDGE G. SPAULDING of New York, and Mr. EDWIN H. WEBSTER of Maryland, managers at the same on the part of the House.

THE NATIONAL LOAN.

The Senate proceeded to consider its amendment to the amendment of the House of Representatives to the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," disagreed to by the House; and,

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendment to the amendment of the House of Representatives to the said bill, disagreed to by the House, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

On motion by Mr. FESSENDEN, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. FESSENDEN, Mr. CLARK, and Mr. MCDOUGALL, were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 80) authorizing the construction of twelve small side-wheel steamers, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the bill (S. No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases.

The message further announced that the House had passed the bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government, with amendments in which the concurrence of the Senate was requested.

The message further announced that the House had disagreed to the amendments of the Senate to

the bill of the House No. 54, to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, ask a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THADDEUS STEVENS of Pennsylvania, Mr. JUSTIN S. MORRILL of Vermont, and Mr. ERASTUS CORNING of New York, managers at the same on the part of the House.

THE TARIFF BILL.

The Senate proceeded to consider its amendments to the bill of the House No. 54, to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, disagreed to by the House of Representatives; and,

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. FESSENDEN, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. SIMMONS, Mr. COLLAMER, and Mr. BRIGHT, were appointed.

ARMORED SHIPS.

Mr. HALE, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, submitted the following report:

The managers on the part of the Senate on the disagreeing votes between the two Houses on the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, have met the managers on the part of the House, and, after full and free conference, have mutually agreed to recommend, and do recommend, that the Senate recede from its disagreement to all the amendments of the House, and concur therein.

JOHN P. HALE,
JOHN R. THOMSON,
Managers on the part of the Senate.
C. B. SEDGWICK,
ALEXANDER H. RICE,
JAMES E. ENGLISH,
Managers on the part of the House.

Mr. HALE. I simply want the Senate to understand what the committee have done. There was no real disagreement between the two Houses except as to the first amendment, which was to insert the word "completing." That was objected to in the Senate, because it was supposed to look to Stevens's battery. Since that, both Houses have passed a joint resolution appointing a special commission to examine Stevens's battery, and to report to Congress at the next session; and if the report be such as will be satisfactory, then an appropriation may be made by Congress. The committee of conference thought that, inasmuch as there was a special resolution passed in relation to Stevens's battery, and a special board appointed to examine it, and no appropriation could be made till after they had reported to the next session, it was safe to leave this bill as it had been amended by the House of Representatives, because Stevens's battery would be taken out of its operation. The committee therefore recommend a concurrence with the action of the House of Representatives.

Mr. GRIMES. I inquire of the chairman of the Naval Committee what was the necessity of keeping the words "or completing" in the bill, if they did not refer to Stevens's battery?

Mr. HALE. They were put in at the suggestion of some member of the committee, who suggested that it might be probable that there would be some boats that were not entirely finished that would answer the purpose of the Government, and that it was well enough to leave this as it was.

Mr. GRIMES. Is the Senator aware of any that are in process of completion?

Mr. HALE. I do not know anything about them; but that was the suggestion made in committee, and it met the concurrence of the committee. I can assure the Senator, so far as my judgment goes—and it was the unanimous opinion of the committee with the exception of the Senator from Iowa—that the joint resolution, to which I have alluded, having special reference to Stevens's battery, and naming it in express terms, and appointing a committee to examine it, and prohibiting the Department from making any expenditure on it until their report should be made, took it entirely out of the operation of this bill, and that therefore there was nothing to be apprehended from it.

Mr. GRIMES. I have no immediate or direct interest either in Stevens's battery or any other batteries or armored ships that may have been built, or that may be in process of completion, by the Government, or by individuals; but I wish to state, as the bill was originally introduced into the Senate by me at the instance of the Department, and referred on my motion to the Committee on Naval Affairs, why the bill was introduced.

It was supposed to be possible that a conflict with some foreign Power might grow out of our present complications, and that in that event it might be important to provide armored batteries, floating steam batteries, for the defense of the various harbors along our sea-coast. I think the experiments in France and in England and in this country, have demonstrated that, however valueless or however valuable armored ships may be as cruisers, they certainly are destined to be valuable for the defense of harbors. That, I think, is the opinion of the scientific men in this country and in Europe. It would be very important, under such a condition of circumstances, that the Government should have the power, under some bill to be passed by Congress, to construct floating batteries for the defense of our harbors, that could take position anywhere to resist the attack of the fleet of an enemy. These batteries can be constructed, as I understand, at from $150,000 to $200,000 each. In this bill we have appropriated $1,500,000 for the construction of these batteries, which will be enough, as we understand, (if we are correctly informed as to what will be the probable cost of them,) to furnish one or more batteries to each of the principal harbors along our coast. Now, the adoption of this amendment may—I do not say that it will—cause the whole amount of that appropriation of $1,500,000 to be swallowed up in the completion of Stevens's battery. They tell us now that it will cost $812,000 to complete it. They undertook to build it at the start for $400,000; there has already been expended on it $700,000; and now they tell us that it will require considerably more than one half the entire amount appropriated in this bill which we sent to the House of Representatives for the construction of several steamers, to complete this battery; and if they miss their calculations as far, in regard to the cost of its completion, as they hitherto have done, it will engross the whole amount of money that we appropriate in the bill —$1,500,000.

We have already passed a joint resolution through Congress authorizing the Secretary of the Navy to appoint a commission of experienced officers to go and report as to the condition and probable value of this Stevens battery. If the case be as the Senator from New Hampshire has stated, why not be content with that? Why insist upon the insertion of the words "or completing" in this bill? We all know we were told in this body, and they were told in the House of Representatives, why it was. We were told that it was for the express purpose of covering Stevens's battery. If gentlemen are willing to leave it to any board of commissioners that may be created to determine whether $812,000 of this appropriation bill shall be diverted to the completion of that particular battery, well and good; I shall submit. I only want the Senate to understand exactly what is the question before them.

Mr. FESSENDEN. It is quite evident, I think, that some evil-disposed person has been taking advantage of the unsuspecting simplicity of my friend from New Hampshire. He says that this battery cannot be taken into consideration by the commission provided for in this bill, because it is specially provided for in a separate joint resolution which has been already passed. He has forgotten that a law passed to-day may be nullified and superseded by another law, which is inconsistent with it or overrules it, passed to-morrow. Being later, it would have that effect. Therefore the idea that this bill can have no effect upon that battery, is simply a mistake, and a very obvious one.

My friend from Iowa asks (and the Senate will see that the question is a very pertinent one) what are these words put into this bill for? If the object had not been avowed, it would have been manifest, because it is perfectly well-known, as well understood as anything can be, that only one attempt has been made in this country to build one of these iron-bound vessels, and that is the Stevens battery, as it called. It stands alone by itself. Therefore the idea that possibly there may be some others, has no sort of foundation. This is nothing in the world but an effort, by indirection, to accomplish what the Senate has nullified over and over again when presented directly to it, getting only two or three votes in any case; getting no support whatever here.

I warn the Senate that unless they will expose the country to have this thing stuck on the Government by maneuvering out of doors, they had better put their hand on it now. If it has merits, we have amply provided that those merits shall be ascertained. How? Both Houses have agreed upon the appointment of a commission to examine Stevens's battery, and to report upon it; and when that commission reports, we shall have the matter before us. But its friends would prefer that it should not come back to Congress at all; that we should tie our hands by appointing a commission with authority to close the bargain, to spend the money upon this thing whatever it may be; and therefore, for that object, they have put into this later bill this clause, which refers to the Stevens battery, and to nothing else. Hence all the argument that the Senator from New Hampshire has adduced in regard to it is unfounded in point of fact; and it is as plain as anything can be on the face of it, that the design is simply to nullify the effect of that resolution which we have passed in case the report of that commission should be adverse, by putting it into the hands of another commission to expend the money without any power in this branch of Congress, the other, or anywhere, to revise their proceedings, and act on the subject understandingly. It is like too many other things of the same sort that have gone through Congress in the same way. I tell Senators that unless they are willing that $800,000 should be appropriated to this object, without any power of revision on their part, and at the imminent risk of having it wasted, as I believe it would be—I am willing to wait and see what the commission report that has been appointed—they had better put their hands on this now, and reject the report of the committee of conference. It will, I fear, be too late after we have agreed to it, to prevent the accomplishment of the purpose.

Mr. HALE. Of all the compliments that are ever paid to a man in this world, I think he appreciates least those that are paid to his good nature at the expense of his sagacity. I will state, for the information of the Senate, that this matter was fully considered in the committee, in all its bearings, and that every member of the committee expressed an opinion on it. When Congress had appointed a special commission, and devolved upon them the specific duty of examining Stevens's battery, and ascertaining what the cost of completing the same would be, and how soon it could be completed, and the expediency thereof, and instructed them to report at the next session of Congress, we thought it would be an unjust and unwarrantable suspicion of the integrity of the Secretary of the Navy to suppose that, under the general provisions of this bill, he would go on, without any such examination, to do what Congress had directed him to do with the examination that is provided for in the joint resolution which I hold in my hand, and which is now a law, and which, if the Senate will give me their ear, I will read:

"That the Secretary of the Navy be authorized to appoint a board of examiners to examine the iron steam battery now building at Hoboken, New Jersey, and to ascertain what will be the cost of completing the same, and how soon it can be completed, and the expediency thereof, and report thereon for the next meeting of Congress."

It was the opinion of every member of the committee of conference, both from the Senate and the House of Representatives—I do not speak for the Senator from Iowa; he has spoken for himself—that it was extravagant to suppose that any Secretary who was entitled to the confidence of the country or of Congress, with such a resolution as that staring him in the face, would, under the general provisions of this bill, go on and spend $800,000 on Stevens's battery. This was a matter that did not pass in silence. It did not slip away in the good nature of a committee that did not examine the subject in all its aspects.

Then it is asked why was that phrase put in if

it did not look to Stevens's battery? The Senator from Iowa asks me if I know anything about what vessels are being built or are in the course of construction? I do not know anything about it at all. I have not had occasion to inquire. The Senator from Maine says he does. Well, sir, he must know it from intuition. The suggestion was made whether, when you were authorizing the Department to make provision for constructing these vessels, it would be wise and expedient to debar them in this bill from availing themselves of any incipient undertakings that might have been made; or whether it would not be wiser to leave it generally for them to construct or complete, if there were any that were commenced that would answer their purposes, better than to commence *de novo?*

Now, sir, I am as desirous to guard against tricks as anybody, but I do not apprehend any here. I do not suspect them. I believe that the Secretary of the Navy is a man, to say the least, of ordinary integrity; and I put it to the Senate if there is a single man here, if he was in the Department, with this joint resolution staring him in the face, who would undertake, under the provisions of this bill, to assume to go on and spend eight hundred thousand or a million dollars in completing Stevens's battery.

The matter is of very little consequence. If anybody sees a very ferocious animal covered up under this meal, I do not blame him for stirring it up. I do not see any such animal, I do not suspect it; but I believe the bill is what it purports on its face to be—and that is, a bill authorizing the Secretary of the Navy to construct the vessels described, or, if he finds any such vessels partly constructed that will answer his purpose, to complete them. Nor do I understand, though I do not profess to be a naval architect, that an iron-clad steamer is to be of such peculiar naval architecture that there need be a difference in the laying of the keel and building the frame from what there would be if she was not iron-clad. There may be a vessel that is started not to be iron-clad, that may be converted into an iron-clad steamer; and all in the world this bill does is to allow the Secretary to complete a vessel, instead of compelling him to begin *de novo* in every instance, if he finds one partly done that the owners are willing to abandon and sell, and that he can get cheaper than by beginning anew.

Having made this explanation, I leave the bill and leave my sagacity to be judged of by the vote of the Senate.

Mr. TEN EYCK. Although the hour is very late, at the risk even of losing the measure, I want to say a word. As I generally do not struggle for the floor, I come in usually near the last of the fray in relation to these matters. But, sir, this is a subject in which the people of New Jersey are deeply concerned; and I beg that the Senate will pardon me for a few moments while I submit some additional observations.

I profess to be a friend of this measure without any out-door influences under heaven. No man has approached me, and no man could. I am a friend of this measure because I conscientiously believe that we need it; and, if we do not complete this battery, we shall have bitter cause to rue it—especially we who are engaged in commerce and live on the sea-board.

The Senator from Iowa sees a bugbear in this battery. He is the only gentleman, as I understand, upon the committee of conference, who has not reported in favor of it. It is a bugbear to him, and has been from the commencement, and he has characterized it as worthless and useless in every way in which it is proper and suitable for him to do so. I believe that the other day he even called it a ram. Well, sir, if it be a ram, I want to put it against Bull's Run. While you are sending your regiments to Manassas Junction, who are met as they have been there, I want to send a vessel, even if it be a ram, along our sea-coast to make offensive war, and to post it in our harbors as a defense.

Mr. GRIMES. Allow me to say to the Senator that I did not call it a ram by way of reproach. It is claimed for this battery that it has great powers of propulsion, by which it is going to run down ships of war. Such vessels in England are called rams, and it was for that reason that I designated it in that way, not by way of reproach.

Mr. TEN EYCK. In that point of view, it may be a ram; but I tell the gentleman it is a great deal more than a ram. He might just as well undertake to compare it to a ram as to compare this Capitol, with all its architectural adornments, to a brickbat. The genius which devised and projected this machine has constituted it something more than a mere machine to rush through the water. It has an armament upon it which will carry destruction wherever it goes, and is so shielded and covered and so framed that no shot or shell can penetrate it.

Mr. CLARK. Will the Senator from New Jersey allow me to ask him a question? I want to inquire of him whether he claims that, under the bill now before the Senate, the Stevens battery can be completed?

Mr. TEN EYCK. That is my understanding of it.

Mr. CLARK. That is what I wanted to know.

Mr. TEN EYCK. I understand that any vessel or battery, now in process of completion, may be examined, the plans and specifications looked into by this highly respectable and intelligent board of naval officers, to be appointed by the Secretary of the Navy, whose honor will prohibit them from reporting in favor of a job; and if it does cost $812,000 to complete it, it does not cost as much as one of our six, seven, eight, or ten regiments sent from the State of New Jersey, who cost us, in addition to the pay they receive from the Government, sixty-odd thousand dollars a year; and by which we have stripped our soil of its proper defense. We ask, in the absence of the children of our State in Virginia and upon the lines, that we shall have an engine that we need for the protection of our coasts hundreds of miles in length, and our harbors, and the great harbor of New York; and I think it is a very small thing, indeed, to grant us the privilege of a board of officers to investigate the propriety of its completion merely, when it has been recommended by the Secretary of the Navy on the report of a highly distinguished officer in the Navy, sent for the express purpose of looking into it.

I will not take up the time of the Senate. It has been said that it has met with no support here. It has not been contested very strongly, because my friend and colleague, who has especial charge of this matter, was detained at his house by sickness when it was up before, and I submitted to the Senate just such views as occurred to me on the spur of the moment, and the yeas and nays were not called for. If no one else calls for them on this motion to agree to the report of the committee of conference, I shall call for the yeas and nays myself; and I should like to know, then, whether the sense of the body is against it. If it is manifest on a test of that kind, I shall yield.

Mr. HALE. I simply want to say that, however much truth and force there may be in the suggestions that have been made by the Senator from New Jersey—and I do not intend to controvert them—I think he misunderstands the precise position in which the question is before the Senate.

Mr. TEN EYCK. It may be so.

Mr. HALE. The joint resolution appointing a board to examine this iron steam battery, to ascertain the cost of completing it, how soon it can be completed, and the expediency thereof, and instructing them to report at the next session of Congress, has already passed the two Houses, received the sanction of the President, and become a law.

Mr. TEN EYCK. I want this bill to pass in the shape in which the committee of conference have agreed upon it; so that if this board of examiners shall be satisfied that this vessel ought to be completed, the Secretary of the Navy will not be required to wait until an appropriation shall be made next winter, when it may be entirely too late to answer the exigencies of the public service, which may require the use of the vessel before that time, or before the time when it can be completed, if it is not commenced until after the next session of Congress.

Mr. HALE. I will state very frankly to the Senate—for I have no purposes to gratify, and no concealments to make—that if that had been the construction of the bill, it would not have received the sanction of the committee of conference. The question was put to every one of them specially and specifically, and I am sure it would not have received the sanction of the committee if that had been the construction put upon it. But, to repeat, the committee believed—the two Houses having directed and limited the examination, and the mode of it, what it was to be for, and what the examiners were to do, by the joint resolution already passed—that by fair implication with an honest mind, it took Stevens's battery out of the general operation of this bill. It was assented to in committee—I think I violate no confidence when I say it—by the honorable Senator from New Jersey, [Mr. THOMSON,] who was a member of the committee, by myself, and by every member of the committee from the House of Representatives. This bill was recommended to be passed with this amendment in it, simply and solely because it would be invidious to confine the Secretary exclusively to the construction of vessels such as were contemplated by the original bill, and exclude from his discretion entirely the incipient attempts that might have been made at building similar vessels. That is the whole of it.

Mr. CLARK. As I understand the history of this matter, the Senator from Iowa brought into the Senate a bill for the purpose of building some armored ships. It was passed by the Senate and sent to the House of Representatives. The friends of the Stevens battery caused the bill to be amended in the House of Representatives in such a way that they supposed that battery could be completed and finished under it. It came back to the Senate with those amendments. Believing that the amendments were sufficient to authorize the finishing of that battery, the Senate refused to agree to the amendments, and sent the bill back to the House of Representatives without concurring in the action of the House. Then a committee of conference was appointed, and I understand now that that committee have agreed to the amendments of the House of Representatives, believing that they do not accomplish the purpose for which they were put in the bill originally. I understand that the Senator from New Jersey, [Mr. TEN EYCK,] a friend of the Stevens battery, contends that they do answer the purpose, and that under these amendments the Stevens battery can be completed. If for no other reason, it seems to me the very ambiguity and uncertainty of the bill should lead us to reject this report. A member of the committee of conference says that under this bill you cannot complete the battery. A friend of the battery says that you can complete it under the bill, and he wants it for the very purpose of having this money applied to that object, without waiting for Congress to assemble. Then the question comes up, do we want the battery completed, and in this sideway, indirect manner? I think the report should be recommitted, and let the Senate say fairly and openly and squarely whether they desire that battery to be completed or not; and if they do, pass a bill for that purpose about which there shall be no doubt, so that we can know, and the country can know, what legislation we are pursuing.

Mr. THOMSON. When the report was made by my friend, the chairman of the committee, I was in the other branch of the Capitol, where the report had been presented; and I may state that it has been agreed to by that House. I think there have been some very injurious imputations made upon the friends of Stevens's battery, as if they had contrived to have inserted in the bill that was originally passed in the Senate of the United States, a word under which they could smuggle in the Stevens battery for a share of this appropriation. There was nothing of that kind. The Committee on Naval Affairs in the House of Representatives, I believe, unanimously proposed the amendment for the purpose of bringing in any vessel that might be on the stocks, in the way of completion, at this time. I believe myself that the Secretary of the Navy would have had just as much power to smuggle in the Stevens battery, (if that is the proper term,) under the original bill, as it was introduced by the Senator from Iowa, as he has now with the words "or completing" added to it. I know that was the opinion of a great many of the friends of Mr. Stevens; but, as was stated by my friend, the chairman of the committee, we thought it an invidious distinction, somewhat of an imputation on the integrity and sagacity of the Secretary of the Navy; and we also thought it might be regarded as a congressional condemnation, in advance of everything except the small vessels that were in contemplation by the Senator from Iowa

when he introduced this bill. That was one of the prominent reasons why the committee reported in favor of the House amendment.

I will state further that what the Senator from New Hampshire said was perfectly true, that the three members of the committee from the House of Representatives believed that the Secretary was absolutely excluded from doing anything in reference to Stevens's battery by the joint resolution that was passed a few days before the passage of this bill. The Senator from Maine seems to suppose that if the report of the committee shall be adopted, $800,000 may be expended on this worthless battery of Stevens's, as he regards it, right away. In the first place, it is provided that there shall be a commission, a board of examiners in the one case, and a board of skillful naval officers in the other. They have to make an examination; they have to make a great many experiments; and the application and experiments necessary before they can make a proper report to the Secretary of the Navy, I undertake to say, will occupy the time of these boards at least a month, if not two months I apprehend that the Secretary will take his time to examine those reports before he does anything in the premises. That would bring it up to the 1st day of November. How much money will he spend in November, before we meet in December? Nothing at all.

Mr. CLARK. Will the Senator allow me to inquire whether he claims that, under this bill, he can expend any? That is the point.

Mr. THOMSON. I do not know; but I think he can expend just as much for Stevens's battery without these two words as with them. I do not believe myself there is very much in these two words at all. I never did believe so.

Mr. SUMNER and others. Let them go.

Mr. THOMSON. The report has been accepted by the House, and I hope it will be accepted by the Senate, and let us get rid of the thing.

Mr. FESSENDEN. We have had experience heretofore of the extreme danger of leaving great jobs of this kind to commissions from the Secretary of the Navy, the Secretary of War, or anybody else. Giving them all credit for honesty, such are the appliances that are brought to bear on men in regard to these things which have so much "money in them," as the saying is, that it is exceedingly dangerous for Congress to let them go out of their own hands, in my judgment; and, unless we want to follow in the footsteps of our illustrious predecessors, I advise Congress to keep their hands on them in all cases. It is perfectly obvious that it is the understanding of both the Senators from New Jersey, in spite of what has been said by the Senator from New Hampshire, that they are anxious to keep these words in, for the purpose of securing the purchase or completion of Stevens's battery.

Mr. THOMSON. The Senator will excuse me. I said I thought we had as much power under the original bill as it passed the Senate, as we had with the words inserted by the House of Representatives.

Mr. FESSENDEN. Exactly; but yet the Senator insists upon retaining those words. The mere matter of agreeing to the report because the other House has agreed to it, amounts to nothing. It is not a long matter; and if we disagree to the report, the difference can soon be arranged. This question goes to the very root of the matter, and that is whether, on this pretense—for it is nothing more—that there is a want of power to purchase, we will do it; or whether, if there is no want of power, it is to be left to the Secretary of the Navy?

The Senator from New Hampshire has shifted his ground a little. In the first place, he put it on the legal ground that there was no power to purchase it, because the matter had been provided for before. That joint resolution has passed; this bill is to pass to-day; and because that has passed, there is no objection to another bill afterwards passing, conferring greater power, as this does, which applies to all. The simple mode of coming at it by any lawyer, would be this: "To be sure, this commission was provided; but afterwards Congress provided another; and therefore it is evident that they were not satisfied with the first." The argument, in fact, is in favor of it, if Congress, after passing that joint resolution, should see fit to pass this bill, which manifestly covers —and was intended to cover, for nobody denies that—the very question in dispute. The argument before the commission will be, "Congress so acted as to show that they meant to do this; that was their design; it was so avowed and understood in some quarters." Then, abandoning the ground of right, and agreeing that the Secretary of the Navy would have the power, as he clearly would, to spend the money, comes the argument, "Oh, but the Secretary of the Navy, when he sees that this was provided for by the commission before, will not spend the money on this battery." That is the very danger I want to shun. I do not wish to have this matter left open. If such is the intention of Congress, I want to have the commission first, and act on it afterwards.

In regard to so large a sum of money, I do not want it left to the discretion of anybody. I warn the Senate that if they do it, they will see before the next session of Congress—no, I do not say they will; I should hope they would not; I should hope such a commission would be appointed as would act fairly and honorably on the subject—but they may see, and they would not be very unlikely to see, a contract made, binding on the Congress of the United States, to spend $812,000 out of this $1,500,000, for the purchase of this enormous vessel. I hope we shall do no such thing; but let us reject this report of the committee of conference, and confine the bill to what it was intended to reach in the first place, and leave Stevens's battery to the operation of the provision we have heretofore made.

The PRESIDING OFFICER. The question is, "Will the Senate concur in the report made by the committee of conference?"

Mr. THOMSON called for the yeas and nays, and they were ordered.

Mr. DOOLITTLE. I hope the Senate will concur in this report. I understand the effect of this bill is, that the Secretary of the Navy shall appoint three distinguished officers of the Navy to examine this floating battery and other floating batteries; and if they find that it is an instrument worth having as an engine of war, that authority shall be granted to purchase it. I understand my friend from Maine does not want to do it. I do want to do it. I say that if this engine can be purchased and completed for $800,000, or $500,000, or any less sum of money, it is of more consequence to have such an instrument and engine of war at this time in relation to our blockade and in relation to the harbors upon the southern coast, than one regiment of men that costs us more than a million dollars a year.

Mr. FESSENDEN. Whether it is good for anything or not?

Mr. DOOLITTLE. No, sir; not whether it is good for anything or not. I understand it can only be purchased when three men, who shall be appointed by the Secretary of the Navy, who are skilled upon this question, shall decide that it is worth something.

Mr. FESSENDEN. Suppose they are mistaken?

Mr. DOOLITTLE. The Senator says, suppose they are mistaken: are they more likely to be mistaken than we who sit here and never saw it and know nothing at all about it? Who does not know to-day that England and France have got iron or steel-clad ships of war that can enter any port of the United States; and if there is such an instrument as this that we can have and use and complete, why shall we not do it?

Mr. GRIMES. I will say to the Senator that England has not got a single iron-clad ship that can enter a port of the United States, and that France has only one such vessel afloat—*Le Gloire*—and she can only carry five days' coal and cannot begin to cross the Atlantic.

Mr. DOOLITTLE. I am not talking about crossing the Atlantic; I am talking about using it on our own coast and passing into our own harbors.

Mr. GRIMES. The Senator asked who did not know that England and France had ships that could enter any port of the United States?

Mr. THOMSON. Those are wooden ships.

Mr. DOOLITTLE. The Senator from Iowa says that the ship referred to is so heavy, I suppose is so heavy from its steel-clad armor, or the iron with which it is clad, that it cannot carry coal enough to come over the Atlantic. Cannot it bring transports with it that will carry coal?

Mr. GRIMES. In the first place, it has never been tested, except in passing from one part of France to another in the Mediterranean sea, and it is a very problematical question whether any vessel can be constructed of iron that can become a cruiser, or that can pass up and down the coast. The sole purpose of this bill is to enable the Secretary of the Navy to construct some floating steam batteries that can take position on either side of a harbor, or in the center of a harbor, to resist the ingress of vessels of war.

Mr. DOOLITTLE. Very well. The Secretary of the Navy is to appoint three men who are skilled on this question to examine and to judge. I believe myself that such a thing is possible and can be constructed, and if these men who are skilled in it report upon it, and find that it is possible and practicable, and can be obtained, I believe it will be worth as much as a regiment.

Mr. FESSENDEN. The Senator from Wisconsin does not seem to know, I should think from his argument, that a commission to make this examination has already been provided for by another act. He seems not to be aware of that fact at all. Nor does he seem to be aware of the fact, that the Government have refused, for years and years, to make any appropriation whatever for this vessel, because men connected with the Navy and scientific men, have declared that it was utterly useless, and that it could not be good for anything under any circumstances. Still we are willing to make one more examination, to be reported to Congress. I am in favor of having the examination made if they want it, and of having Congress to hold on to the money until it is made, and then expending it if we deem it proper after we see the report. The Senator from Wisconsin is for having the examination made and having the money expended without our knowing anything about it, or without our having any appeal made to us whatever. There is the difference between him and me—whether we shall hold the purse strings of this large sum of money, or allow the Secretary of the Navy and the commissioners to hold them.

Mr. THOMSON. One word in reply to the Senator from Maine. He speaks of this battery as having been condemned by men of science and by naval officers. I know it has been approved by men of science, and I have never yet heard a man of science condemn it. I understood that the other day my friend from Iowa gave as authority a post captain in the Navy—one Captain Gregory—who gave it as his opinion that the thing was an entire failure, stating at the same time that he had been at one time superintendent of it. I think he is mistaken in that. But with regard to the opinion of Captain Gregory, it is worth as much as my opinion. The experiment is an untried one, and it is certainly very unsafe to pronounce a thing a failure before it is tried. I have no doubt at all of its success, from the very character of the constructor, who was one of the best mechanical minds in this country; one of the purest men in this country; a man who, so far from seeking to make a job, was the richest man we had in the State of New Jersey, who gave all his time to the modeling, and afterwards to the construction of the vessel as far as it has gone, without a single dollar of remuneration; and his brother, who is his executor and heir, proposes now, and has offered, to give his services and his abilities, which are very little inferior to those of his deceased brother, without asking one dollar in the way of remuneration from Congress. There is no job about it; not the least.

While I am up, I will say to my friend from Iowa, that, though those iron-clad ships—the *Gloire*, and the English vessel, the Warrior—would not be able to carry coal enough to bring them across the Atlantic, yet there is in the British navy, and in the French navy, a very large number of wooden screw steamers that can come over and carry coal enough to bring them across the Atlantic, and even to take them into the Pacific. Those are the vessels that will be made use of in case of any conflict with Great Britain in attempting to enter our harbors of New York, Philadelphia, Boston, and so on. What we want, then, is a vessel of greater strength, of greater speed, of greater power, in every way—such a vessel as that which Mr. Stevens now has on the stocks. I believe that vessel alone could prevent the ingress of as many screw frigates as England could send out to

enter the Narrows at New York. I have no doubt about it.

As to its being a failure, I think my friend from Maine, if he was not so very much prejudiced against this battery, if he would only look at it—he was at my house a few minutes, but disdained to cast his eye at it, and so with my friend from Iowa—I am sure those gentlemen would change their minds, and be satisfied that this was the greatest invention ever made in our country for the protection of our ports.

Mr. GRIMES. As the Senator from New Jersey has alluded to Commodore Gregory, it is due to him that I should say that he did not volunteer any expression of opinion on this subject. It so happens that for two or three years I have been in the habit of reading everything that I have seen or come across anywhere on the subject of iron-clad ships; and on my way hither recently, from my residence in the West, I sought all the information I could when in the city of New York and in Brooklyn on this subject. Whilst at the Brooklyn navy-yard, I came across Commodore Gregory. I had understood that he was the last officer of the Navy who had been connected with the superintendency of this ship.

Mr. THOMSON. That is a mistake.

Mr. GRIMES. I certainly so understood; I think from him, but perhaps not. In answer to inquiries that I addressed to him, knowing something about the method in which these ships had been built elsewhere, and the experiments that had been made on the continent of Europe and in England, his conclusion was that it was of very little value to the Government, and he thought would never be able to float. He thought it would never get as far as the Narrows.

Mr. McDOUGALL. As a member of the Committee on Naval Affairs, my attention was called to this matter some time since; and while I probably am not as well advised as the Senator from Iowa and other gentlemen as to naval architecture or the service ships may do at sea, upon bestowing on this particular thing all the attention that my time permitted, with all the knowledge I have of matters of that kind, I was strongly impressed with the idea that this might be a great success.

The Senator from Iowa speaks of the opinions of men connected with the naval service. There are a class of men, both in the Army and Navy, who are opposed to everything in the way of progress, and particularly everything that is more destructive than the implements in use a thousand years ago. I think that has prevented our advancement in the machinery of war. I am satisfied that it has done so for years past; and I think one of the difficulties we labor under now is that we have not yet adopted even the improvements that are recognized in Europe, and well understood among men of science in this country. All that is proposed, at most, although that is not proposed, is that an experiment be tried. The experiment is to be passed upon by a commission of scientific men—I suppose men selected for the highest science. I would rather defer to such a committee for a matter of this kind than to any committee of the Senate or House of Representatives; and there can be no expenditure until they have ascertained whether, upon scientific principles, the expenditure of money in completing this floating battery will secure success.

I think that at this time we ought not to be tender-footed about trying to place ourselves on the best war footing. This ship is not intended to go off cruising in distant seas; but I understand that she can be made serviceable all along the coast of the country anywhere, where she can be within ten days, or five days, or six days, of a port where she can coal. She can be made useful, if required in the harbor of New Orleans, if required in the harbor of Charleston, as well as in the harbor of New York. There is no question but that she can cruise along from one end of the country to the other on the Atlantic side; and as this is simply, at most, to try and see whether the experiment can be made a success, and it is to be placed in the hands of scientific men, I do not see the objection to it at this time, when we require all the strength we can bring into the service.

Mr. BRECKINRIDGE. I regret to observe these disagreements, sir. It seems to me that the chief opposition to this report comes from gentlemen from the Northwest, who, from their interior position, do not happen to take that interest in the Navy which they ought; and from gentlemen from New England who have an idea that nothing can be conceived or perfected outside of that latitude. I ought to except the Senator who reported this amendment; but, however, he lives inland, and therefore is to be excused.

Now, sir, I know nothing of this. I have heard of it ever since I was in the House of Representatives seven or eight years ago. I have never seen the vessel; I have never seen anybody that ever did see it; but, in the present plethoric condition of the Treasury, and prosperous state of the country, I cannot see much objection to experimenting to the tune of $800,000, just to see whether steel-clad or iron-clad steamers can resist solid shot. If it turns out that they can, we shall have demonstrated that which no other nation in the world has been able to demonstrate; and I think we may well throw a little of our surplus in that direction.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The question being taken by yeas and nays, resulted—yeas 18, nays 16; as follows:

YEAS—Messrs. Anthony, Breckinridge, Chandler, Collamer, Dixon, Doolittle, Foot, Hale, Harris, Lane of Indiana, Lane of Kansas, McDougall, Pomeroy, Powell, Saulsbury, Simmons, Ten Eyck, and Thomson—18.

NAYS—Messrs. Bingham, Browning, Carlile, Clark, Fessenden, Foster, Grimes, Harlan, Howe, Morrill, Sherman, Sumner, Trumbull, Wilkinson, Wilmot, and Wilson—16.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. FESSENDEN. I move that the Senate adjourn.

Mr. HOWE. Allow me to make a personal explanation before the Senate adjourns.

Mr. FESSENDEN. You can do it when the Senate is full.

Mr. DIXON. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 17; as follows:

YEAS—Messrs. Bingham, Browning, Carlile, Clark, Fessenden, Foot, Foster, Grimes, Harris, Morrill, Powell, Saulsbury, Sherman, Simmons, Trumbull, and Wilmot—16.

NAYS—Messrs. Anthony, Chandler, Dixon, Doolittle, Hale, Harlan, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Pomeroy, Sumner, Ten Eyck, Thomson, Wilkinson, and Wilson—17.

The PRESIDING OFFICER. The Senate refuses to adjourn; but there is no quorum voting.

Mr. GRIMES. I move that the Senate now proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair can entertain no motion of that description while a quorum is absent.

Mr. POWELL. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 30, 1861.

The House met at twelve o'clock, m. Prayer by Rev. Dr. BUDDINGTON, of Brooklyn, New York.

The Journal of yesterday was read and approved.

BALTIMORE POLICE COMMISSIONERS.

The SPEAKER laid before the House a message from the President of the United States, in response to the resolution of the House of the 24th instant, asking the grounds, reasons, and evidence upon which the police commissioners of Baltimore were arrested and are now detained prisoners at Fort McHenry, stating that it is judged to be incompatible with the public interest to furnish said information; which was laid on the table, and ordered to be printed.

Mr. COLFAX moved to reconsider the vote by which the message was ordered to be printed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ADDITIONAL REVENUE BILL.

Mr. FENTON. I ask the consent of the House to say that if I had been present yesterday I should have voted in the affirmative on the passage of the tax bill. I was unavoidably absent in the city of New York.

PUNISHMENT OF CONSPIRACIES.

Mr. BINGHAM, from the Committee on the Judiciary, reported back House bill No. 45, to define and punish certain conspiracies, with the amendment of the Senate thereto, and with the recommendation that the amendment of the Senate be concurred in.

The amendment provides for striking out, after the word "imprisonment," the words "solitary or social, and."

The amendment was concurred in.

MILITARY ACADEMY.

Mr. OLIN, from the Committee on Military Affairs, reported a bill to increase the number of cadets in the Military Academy at West Point; which was read a first and second time.

Mr. OLIN. I wish that the bill may now be put on its passage. I think there is not a single member of the House who shall listen to the reading of the bill, and who understands the existing condition of things at the Military Academy, but will vote for the bill.

The SPEAKER. It is not in order to discuss the bill until it has been read.

Mr. OLIN. I ask, then, that the bill be read.

The bill was read. It provides that there shall be added to the corps of cadets of the Military Academy at West Point a number equal to the number of Senators and Representatives in Congress, to be selected from the States on the recommendation of the Representatives, as prescribed by former laws; provided, that when districts shall neglect or refuse to send Representatives to Congress, the President shall have power to fill vacancies in the corps of cadets corresponding to the representation in such districts. That all cadets now in the service, or hereafter entering the Military Academy at West Point, shall be called on to take and subscribe to the following oath: "I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the national Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will, at all times, obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States;" and any cadet or candidate for admission who shall refuse to take this oath, shall be dismissed or rejected from the service. That any graduate of the United States Military Academy at West Point who shall at any time hereafter take up arms against the United States, shall be deemed guilty of desertion, and upon conviction shall suffer death. That when cadets are found deficient in their studies or duties, they shall be dismissed, unless otherwise recommended by the academic board.

Mr. OLIN. The provision of this bill, it will be seen, allows each member of Congress to nominate another cadet to the Military Academy at West Point, and further providing that in districts that shall not be represented in the House the President may fill, on his own nomination, the vacancies so created.

It contains another provision which authorizes the administering of an oath to every cadet who may be proposed for admission into the Academy, that they will bear true allegiance to the United States; and further providing that when educated at the Military Academy at West Point, and having taken that oath, whether he be an officer of the Army, or, having resigned his commission in the Army and retired to civil life, if he takes up arms against the Government of the United States, he shall be deemed a deserter, and, upon conviction, suffer death. It further contains a provision authorizing the administration of an oath to every man that enters the service of the United States Army, to bear true allegiance to the United States Government. These are, substantially, the provisions of the bill.

Mr. WRIGHT. I wish, with the consent of the gentleman, to ask a single question.

Mr. OLIN. In a moment. This bill, as I understand it, will have the effect only just about to fill up the Academy to the ordinary number of cadets that usually compose the full number in this school. The House is probably aware that there have already been graduated two classes during the present year, and that it is proposed to graduate another class before the expiration of

the year. This would only leave about one third the usual number in the Academy. Now, as ill prepared as this third class may be for graduation, unquestionably their services would be more valuable to the country at the present time than almost any person taken from the walks of civil life. I now yield to my friend from Pennsylvania, who wishes to make an inquiry of me.

Mr. WRIGHT. I wish to inquire if the terms of this bill are the same as those of the bill which was originally before the Committee on Military Affairs, as to filling vacancies caused by resignation?

Mr. OLIN. Substantially the same as the provision which passed the House in another bill, and which was stricken out by the Senate.

Mr. WRIGHT. How does the bill propose to fill vacancies that have occurred by resignation?

Mr. OLIN. It does not propose to fill vacancies at all; those are provided for by existing law. It only proposes that each member of Congress may nominate one additional cadet; and it further proposes that from those congressional districts where no nomination is made, the President may, if he sees fit, fill up the vacancies thus occurring.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, their Secretary, announcing that the Senate have passed without amendment an act (H. R. No. 81) making appropriations for the purchase of arms for the volunteers and regular troops of the United States.

Also, that the Senate have passed bills of the following titles, in which he was instructed to ask the concurrence of the House:

An act (No. 52) to provide for the purchase of arms, ordnance, and ordnance stores;

An act (No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases; and

An act (No. 54,) requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in civil service of the United States.

MILITARY ACADEMY.

Mr. OLIN. I am willing to answer all questions for information, as it is my desire before taking my seat to move that the bill be put on its passage.

Mr. Speaker, I will add one word further to what I have already said. The capacity of the Academy is such that it will accommodate about four hundred cadets; and with the present working machinery and facilities of the school, its expenses would be but little increased by the proposed addition of cadets, because the additional expense would consist merely of the subsistence and clothing of the number added. The other expenses will be exactly the same as if there were no increase. This will be self-evident to every member.

Mr. WRIGHT. I would like the gentleman to inform the House how vacancies caused by resignations are to be filled?

Mr. OLIN. They are not to be filled at all by this bill. The gentleman might be supposed to know what is known to everybody in the House, that if a vacancy occurs in the senior or junior classes, it would be difficult to find young men so well educated in the military branches of the Academy as to fill that vacancy. When a vacancy occurs, the Representative of the district in which the vacancy happens makes a nomination, but the cadet nominated goes into the lowest class.

Mr. BURNETT. The gentleman from New York has not answered the question of the gentleman from Pennsylvania. The law, as I understand it, provides that whenever there is a vacancy, whether in the senior, the junior, or any other class, the member of Congress representing the district should fill it, and he enter that class. That is the way the vacancies by resignation are filled.

Let me ask the gentleman from New York a question. The bill does not propose from what States the appointments given to the President shall be made. It provides that he shall appoint cadets from the districts which are not represented in Congress. The bill does not confine his appointments to the districts unrepresented; and I would like to have from the gentleman from New York some explanation on this point.

Mr. OLIN. I reply to the gentleman from Kentucky, that the bill leaves those appointments to the discretion of the President. I have no doubt in my own mind that such vacancies will be filled, wherever they can be, from the districts which are not represented. I know that my friend from Kentucky would fill any vacancy which might occur in his district. I trust, too, that there are many loyal districts in the State of Tennessee, and other States which claim to have seceded, in which the President could find those who would take the oath required, and enter the Academy, and do credit to themselves and the country. I move that the bill be put on its passage.

Mr. VALLANDIGHAM. Mr. Speaker, I desire to say a few words on this bill. I am opposed to it in the form in which it is now submitted; and I am especially opposed to the unheard of and execrable oath required by one of its sections. There is no inconsistency, not the slightest, between the allegiance which every man owes to the State in which he lives, and of which he is a citizen, and the allegiance which he bears to the United States. They are perfectly reconcilable; but proceeding upon the assumption of some inherent inconsistency, this bill proposes to require of every cadet an oath of renunciation of the allegiance which he owes by birth or adoption to his State. It is an oath which ought not to be required of any young man of honor or of any citizen of a free country. I denounce the oath, too, as unconstitutional. All that that instrument provides is only for an oath to support it. I am surprised, sir, that a measure could be introduced into this House requiring any such oath from any citizen of the United States.

In the next place, I am opposed to the increase of the appointing power and patronage of the President, which this bill proposes. Whenever a district fails to be represented here, this bill undertakes to give to the President the power of appointing, not from that district, but from any portion of the United States he may select.

Mr. OLIN. I misunderstood the gentleman from Ohio, if he proposes to go into the general merits of this bill. I yielded the floor to him simply for the purpose of making interrogatories for information. It is not my purpose to have the time of the House taken up with a protracted discussion of this bill. I do not surrender the floor for any such purpose.

Mr. VALLANDIGHAM. I beg to know why it is that discussion is not allowed upon a measure of this kind, reported here suddenly, without ever having been printed for the information of the House? That alone is one of the strongest arguments which could be urged against this or any other measure, and I trust that the gentleman will not insist on suppressing all argument.

The SPEAKER. The gentleman from New York is entitled to the floor.

Mr. VALLANDIGHAM. I appeal to the gentleman from New York to permit me to finish the remarks I have already commenced. I do not propose to occupy the floor much longer.

Mr. OLIN. I do not propose to open the general merits of the bill for discussion. If I were to do so for the gentleman from Ohio, common courtesy would demand that I should do so for all others.

Mr. VALLANDIGHAM. Not at all. I think that one member of the House should be allowed to oppose a measure, and one member to support it. That has been the uniform custom of this House where there has been any debate at all.

The SPEAKER. The gentleman is not in order. The gentleman from New York is entitled to the floor.

Mr. VALLANDIGHAM. Then, sir, let it go upon the record that this bill has been forced upon its passage without debate. I propose, sir, to discuss it in that GREAT HEREAFTER to which I have so often had occasion of late to appeal.

Mr. CAMPBELL. Will the gentleman permit me to make an inquiry?

Mr. VALLANDIGHAM. I object. Let there be an equality of rights here.

Mr. CAMPBELL. I only want to make an inquiry.

The SPEAKER. The gentleman from New York cannot yield the floor unless by unanimous consent, or unconditionally.

Mr. STEVENS. I trust that this bill will not be put on its passage without debate.

Mr. OLIN. I did not suppose, at this stage of the session, that a bill of this character would require any protracted discussion. It presents the simple question whether we shall increase the number of cadets now at the West Point Military Academy, because of the present exigency of our affairs, or not. That is substantially the whole of the bill.

Mr. STEVENS. It doubles the number of cadets.

Mr. OLIN. It does not double the number of cadets. If the gentleman had paid attention to the discussion thus far, or was aware of the condition of things at West Point, he would know that this bill will only make the number of cadets what it was in ordinary times.

Mr. STEVENS. Let me make an inquiry.

Mr. VALLANDIGHAM. I object to the gentleman yielding the floor, unless he does so unconditionally.

Mr. OLIN. I cannot do that. It adds one cadet for each district in the United States.

Mr. STEVENS. Is not that doubling it?

Mr. OLIN. No, sir. Two classes have already been graduated, and now it is proposed to graduate another. The actual number of cadets therefore will not be increased materially, in the event contemplated.

One word in reference to the oath which has been referred to. It has been misstated—I will not say intentionally, because that would be discourteous; but I may be permitted to remark that it seems to be in keeping with the gentleman's mode of discussing questions in this House. The bill does not require any man to renounce his allegiance to the State where he was born. It does, however, do what, under the Constitution, every man in his senses must admit to be proper—that the cadet shall bear true allegiance to the United States at all times and under all occasions whatsoever. The oath will not permit that he shall, under the delusive and contemptible humbug of State sovereignty, set aside his allegiance to the General Government whenever a band of traitors and rebels shall choose to set up a defiant authority. If that oath would press heavy upon that gentleman's conscience, I should feel no uneasiness to see its application made to him.

Mr. VALLANDIGHAM. I cannot admire the spirit of the man who will indulge in such remarks.

Mr. CAMPBELL. I object.

Mr. VALLANDIGHAM. Then I call the member from New York to order, and upon the Speaker to prevent this personality, unless I am allowed the privilege to reply; then that member may continue as long as he sees fit.

The SPEAKER. The gentleman from New York will proceed in order.

Mr. VALLANDIGHAM. It is cowardly to make these insinuations and then refuse to yield to a reply.

Mr. OLIN. I object to any gentleman making a reply while I am entitled to the floor upon this bill.

I have explained the provisions of this bill, and perhaps the House understands it as well as they would by a long discussion of this question. I ask that the bill be put upon its passage, and I call the previous question.

Mr. VALLANDIGHAM. I demand the yeas and nays upon the passage of the bill.

Mr. STEVENS. I move to lay the bill upon the table.

Mr. BURNETT. And upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 52, nays 72; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Cobb, Corning, Cox, Cravens, Diven, Dunlap, Edgerton, Fenton, Fouke, Haight, Harrison, Holman, Johnson, Law, Leary, Logan, Lovejoy, McClernand, Justin S. Morrill, Morris, Nixon, Noble, Norton, Nugen, Odell, George H. Pendleton, Pike, Pomeroy, Reid, Robinson, Smith, Spaulding, William G. Steele, Stevens, Stratton, Thayer, Vallandigham, Van Horn, Voorhees, Wadsworth, Charles W. Walton, E. P. Walton, Chilton A. White, Wickliffe, Woodruff, Worcester, and Wright—52.

NAYS—Messrs. Alley, Arnold, Ashley, Babbitt, Baker, Baxter, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Davis, Dawes, Delano, Edwards, Eliot, Fessenden, Franchot, Frank, Gooch, Granger, Grider, Gurley, Hanchett, Harding, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Lehman, Loomis, McKean, McKnight, McPherson, Mallory, Menzies, Mitchell, Moorhead, Anson P. Morrill, Olin, Perry, Porter, Alexander H. Rice, Riddle,

Edward H. Rollins, Sedgwick, Sheffield, Shellabarger, Sherman, Sloan, John B. Steele, Benjamin F. Thomas, Train, Trowbridge, Vandever, Wall, Wallace, Washburne, Webster, Wheeler, Albert S. White, Windom, and Wood —72.

So the House refused to lay the bill on the table.

The previous question was then seconded, and the main question ordered to be put; and under the operation thereof the bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. OLIN demanded the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the bill was passed.

Mr. OLIN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FINAL ADJOURNMENT.

Mr. SPAULDING. A resolution was sent to the Senate some time since, fixing the day for adjournment, now passed. I ask if it is in order to offer a resolution now, fixing a day of adjournment?

Mr. BURNETT. I call for the regular order of business.

The SPEAKER. The Chair thinks the resolution is in order.

Mr. SPAULDING offered the following resolution; which was read, considered, and agreed to:

Resolved by the Senate and House of Representatives, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Friday, the 2d day of August next, at twelve o'clock, m.

Mr. SPAULDING moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER resumed the call of the committees for reports.

INCREASE OF MIDSHIPMEN.

Mr. ENGLISH, from the Committee on Naval Affairs, reported a bill for a temporary increase of midshipmen in the Naval Academy.

The bill was read a first and second time.

Mr. ENGLISH. The act of 1848, establishing the Naval Academy, limited the number of midshipmen to four hundred and sixty-four, allowing two to each member of the then Congress. The act made no provision for an increase of the number of members of this House. By the admission of new States and Territories, there have been taken from the allotment of the old members, sixteen from the present loyal States; hence creating sixteen vacancies among the districts of the loyal States. The division of the four hundred and sixty-four members of the Academy is as follows: the loyal States are entitled, under the act of 1848, to three hundred and thirty-six members; and the disloyal States to one hundred and twenty-eight members. In the one hundred and twenty-eight appointments to which the disloyal States are entitled in the Naval School, there are one hundred and seven vacancies.

There are thirteen members entitled to examination next September, but it is very doubtful whether or not they will appear. Hence it is fair to assume that there will be at least one hundred and twenty vacancies from the disloyal States. And there are now sixteen vacancies in the loyal States, in consequence of that number being taken from the old States to enable new States to participate in the distribution under the act of 1848. It is proposed by the bill to make an increase of one to each member of the present Congress, and the operation of that bill is limited to the present Congress, and it makes the increase temporary. The effect of the bill will be to introduce into the Naval Academy one hundred and eighty-four new midshipmen. There being one hundred and twenty vacancies it will give sixty-four more than there would be if the Academy were filled by all the States under the act of 1848.

As a reason why this increase should take place, I will state that by the report of the Secretary of the Navy, it appears that no less than two hundred and fifty-nine officers of the Navy have resigned or been dismissed since the 4th of March last. Adding to that number the one hundred and twenty midshipmen who have already left the school, there will be some three hundred and seventy-nine vacancies in the Navy and Naval School. And I will state to the House that there is, at present, but one class connected with the school proper at Newport. That class consists of about eighty scholars. All the rest of the midshipmen have been taken from the school and are now at sea. The law of 1848 provided that before a midshipman is entitled to the position of master's mate, he must serve two years at sea; though they are considered, during such service, as members of the Academy.

I believe I have stated the principal reasons which have induced the committee to recommend the passage of this bill.

Mr. BURNETT. It seems extraordinary to me that gentlemen who profess to look forward to a reconstruction or reunion of the States which have formed this Government, should at this session of Congress urge upon the House the passage of these bills—the one which has just passed the House in relation to the Military Academy at West Point, and the one for the increase of the number of pupils at the Naval School.

Mr. VALLANDIGHAM. I would call the attention of the gentleman from Kentucky to the fact, that this is only a temporary increase, and applies to the present Congress alone, and to those districts only which are now represented.

Mr. BURNETT. Grant that, and yet you fill up the school to its capacity. These students enter the school for four years, and you fill up the school to its utmost capacity, by permitting the present loyal States to send there as many as you can educate under the present arrangement made by Congress; and in the event that this Government should be restored, peace restored, and all the States brought back into the same family—which I do not believe, and I say so frankly, and you have acted upon that hypothesis, though by the present bill you present the singular fact that you are going upon the idea that this Government is broken up—I say if this Government is to be reconstructed, how are the States which return into the Union to be provided for in these schools? Now, for instance, you have four hundred students at West Point; and by the bill you have passed, you permit us to appoint each an additional student, and confer upon the President the power to appoint and select other pupils from whatever quarter he chooses, so as to make up for the number of States now in revolution against the Government; which pupils will enter the one school for five years, and the other for four years. Such being the case, when you have brought these States back again, will you tell me what you propose to do to enable them to be represented in those schools? Only by enlarging the school, and increasing the number of professors. You must go into the expense of enlarging the school. Now, I ask if this revolution is to be stopped in a very short time, if peace is soon to be restored and war to cease, had not you better wait a little and let those States appoint their representatives?

Mr. MALLORY. Inasmuch as my colleague seems surprised at our support of the bill, because we go upon the idea of a reconstruction of the Union, I respectfully ask him, who does not believe in that reconstruction, why he votes against the bill?

Mr. BURNETT. For the very simple reason that I am opposed to both the West Point Academy and the Naval School, and always have been. I have never voted for an appropriation for either of them since I have had a seat upon this floor. I desire to make one other remark before I take my seat. This bill is obnoxious to the same charge as the bill which we have just passed.

The SPEAKER. The Chair would remind the gentleman that the bill in reference to the Military Academy is not now before the House.

Mr. BURNETT. I understand that, and I was just going to say that I could not now discuss that bill. I regret very much that I did not have an opportunity of doing so, and I should like very much now to offer some observations in regard to it. But I know that it would be out of order, and I do not intend to violate the rules of the House. Now, I ask gentlemen to reflect that it cannot possibly be more than a few months before we meet here again. Will you do that which will have a tendency to widen the breach that already exists? We are in arms. Had we not better let these things go on as they are?

Mr. McKEAN. The gentleman asks various questions. Will he permit me to answer one of them?

Mr. BURNETT. Certainly.

Mr. McKEAN. He desires to know why these two bills are brought forward to increase the number of students in the two schools. I will answer, that the Government has already ordered into the service one entire class of the cadets at each of these two schools; and I understand these bills to be designed to fill up the vacancies thus created by the Government ordering the pupils into the service before they would otherwise have graduated.

Mr. BURNETT. Five years hence in the one case, and four years hence in the other. Now, sir, at the Naval Academy they cannot present themselves for examination before the 15th or 20th of September. I do not remember the time at the Military Academy when they are to present themselves. But the necessity for the passage of this bill does not now arise. At the next session of Congress we can very easily change the law; and if we find that it is advisable then to increase the number, it can be done just as well then as now. There is no necessity for doing it now. The gentleman from New York does not take one thing into consideration: if all the States are reunited into one family, then the States now in revolution would have a right to send representatives from each one of their congressional districts; and if you fill up these two schools now with the number that they have the capacity to educate and provide for, then, when you bring those States back into the Union, you cut them off from having representatives in these institutions, unless you enlarge the schools. I have said all I desired to say, and I now yield to the gentleman from Connecticut.

Mr. ENGLISH. The object of the bill is simply to fill up the vacancies that now exist in the Naval Academy. There have been two hundred and fifty-nine resignations of officers of the Navy since the 4th of March last, and there are one hundred and twenty vacancies in the Naval Academy; making an aggregate of three hundred and seventy-nine officers taken out of the Navy. Now, I ask, how the Navy can be replenished; where you are to get the officers from, unless we educate them in this establishment? The bill takes nothing from the rights of Kentucky or of any other State in the Union. When the disloyal States come back into the Union, they will have abundant opportunities to fill the vacancies that may then exist. That is all I have to say upon the subject. I move the previous question.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ENGLISH demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. BURNETT demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. ENGLISH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

NAVAL MEDICAL CORPS.

Mr. SEDGWICK, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 31) to increase the medical corps of the Navy, and for other purposes, submitted the following report:

The managers on the part of the Senate, on the disagreeing votes between the two Houses on Senate bill No. 31, to increase the medical corps of the Navy, and for other purposes, have met the managers on the part of the House, and, after full and free conference, have mutually agreed to recommend, and do recommend, to their respective Houses, as follows:

1. To amend the title of the bill, by striking out the words "and for other purposes."
2. To strike out the whole of the second section.

JOHN P. HALE,
JAMES W. GRIMES,
J. A. McDOUGALL,
Managers on the part of the Senate.

C. B. SEDGWICK,
ALEXANDER H. RICE,
J. E. ENGLISH,
Managers on the part of the House.

Mr. SEDGWICK. The second section, which is stricken out, is the provision for appointing scholars to the Naval Academy, which we deemed inappropriate to this bill; and another bill has been passed for that purpose. That is the only alteration in the bill.

The report of the committee of conference was agreed to.

ASSISTANT SECRETARY OF THE NAVY.

Mr. SEDGWICK, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary for the same, and for other purposes, submitted the following report:

The managers on the part of the Senate, on the disagreeing votes between the two Houses on Senate bill No. 20, authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes, have met the managers on the part of the House, and, after full and free conference, have mutually agreed to recommend, and do recommend, to their respective Houses, to strike out the words "equal to the sea pay of a captain in the Navy," from the sixth and seventh lines of section one of the bill of the Senate, and insert, in lieu thereof, the words, "$4,000;" and with this amendment, they recommend that the Senate recede from their disagreement to the amendment of the House to that section of the bill.

Strike out the word "three" in line three of the amendment of the House, and, in lieu thereof, insert "four;" and with this amendment, they recommend that the House recede from its amendment.

JOHN P. HALE,
JAMES W. GRIMES,
J. A. McDOUGALL,
Managers on the part of the Senate.
C. B. SEDGWICK,
ALEXANDER H. RICE,
J. E. ENGLISH,
Managers on the part of the House.

The report of the committee of conference was agreed to.

CONDITION OF THE NAVAL ACADEMY.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported a joint resolution to examine the condition of the Naval Academy, and to inquire as to the reorganization thereof; which was read a first and second time by its title.

The joint resolution was read. It provides for the appointment of a joint committee, to consist of five Representatives and three Senators, to examine the condition of the Naval Academy, and inquire whether any policy should be adopted for the reorganization and improvement thereof, and report to the next session of Congress.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NEW WAR STEAMERS.

Mr. RICE, of Massachusetts, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that it do pass, House bill No. 80, authorizing the construction of twelve side-wheel steamers.

The bill was ordered to be engrossed, and read a third time.

The bill directs the Secretary of the Navy to cause to be constructed, with the least possible delay, twelve small side-wheel steamers of light draught and great speed, and appropriates $1,200,000 for that purpose.

Mr. BURNETT. That bill must go to the Committee of the Whole on the state of the Union, under the rules of the House.

The SPEAKER. The Chair thinks the point of order comes too late. The bill has been ordered to a third reading.

Mr. VALLANDIGHAM. Under the circumstances, the Chair ought not to insist upon that. I have entered a protest once against this mode of doing business.

The SPEAKER. The Chair is in doubt whether the gentleman is not in time with his point of order; and under the circumstances, the Chair will sustain the point of order.

Mr. BURNETT. I made the point of order as soon as I could hear the bill read.

The SPEAKER. That is true. The bill had only been read by its title. The Chair sustains the point of order under the circumstances; and the bill is referred to the Committee of the Whole on the state of the Union.

TREASURY-NOTE BILL.

Mr. WRIGHT. I desire to ask unanimous consent to have a bill, introduced by me in the early part of this session and referred to a committee, ordered to be printed. It is a bill with reference to the issuance of Treasury notes. It was referred, and I was under the impression that it was ordered to be printed; but I find, on examination, that it has not been printed.

The SPEAKER. It is not usual, when bills are referred to committees, to have them printed, unless a special order be made for that purpose.

Mr. WRIGHT. I ask a special order to have this bill printed.

It was so ordered.

ISAAC ANDREWS AND OTHERS.

Mr. ALDRICH, by unanimous consent, introduced a bill for the relief of Isaac Andrews and others; which was read a first and second time, and referred to the Committee on Indian Affairs.

SIDE-WHEEL WAR STEAMERS.

Mr. RICE, of Massachusetts. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BUFFINTON in the chair,) and proceeded to the consideration of the bill (H. R. No. 80) authorizing the construction of twelve small side-wheel steamers.

Mr. BURNETT. I should like to know if that is the first bill on the Calendar?

The CHAIRMAN. It is the only one.

The bill appropriates $1,200,000, for the purpose of having built twelve small side-wheel steamers of light draught and great speed.

Mr. RICE, of Massachusetts. It is well known, Mr. Chairman, that the naval force of the United States, at the present time, is quite inadequate to maintain a perfect blockade, and at the same time to suppress privateers that are preying on our commerce. The Department has, on several occasions, made requisitions on Congress, to which it has liberally responded, for supplying deficiencies that have heretofore existed. I am informed that the Department has also, at the present time, persons employed in ascertaining what vessels are available for the purpose of that Department, and that they have procured nearly all, of sufficient capacity and suitable construction for the purpose. I am also informed that, in addition to all that has been purchased, or that are now owned, or that are ordered to be built, there are required about a dozen small side-wheel steamers of light draught and of great speed, which shall enable us to overtake these privateers, and follow them into small bays, inlets, creeks, and whatever other points they may resort to, to capture them and to recover their prizes. The bill that is now before the committee is drawn with reference to that purpose. It is supposed that these boats will carry one or two guns each, will draw from five to seven feet water, and will be furnished with a rudder before and behind, in order that, if they get into small, narrow places, they will be able to run one way as well as the other.

Mr. VALLANDIGHAM. I desire to know whether these vessels are to be under the command of officers of the Navy?

Mr. RICE, of Massachusetts. Of course they are.

Mr. VALLANDIGHAM. And to be a part of the Navy of the United States?

Mr. RICE, of Massachusetts. By all means.

Mr. WICKLIFFE. I should like to have a more distinct name given to these vessels. Although we understand here that they are to constitute part of the naval arm of the Government, I suggest to the chairman of the Committee on Naval Affairs, whether it would not be better to designate them as war steamers, so that it may not be supposed by the people that we are going to build small steamers, for no other purpose than to float in the water. If they are intended to be part of the Navy, better call them war steamers.

Mr. RICE, of Massachusetts. The vessels are described pretty well in the bill; but I have no objection to having a specific name given to them, if the gentleman from Kentucky has one that he desires to apply to them.

Mr. BURNETT. I am opposed to this bill. I do not believe there is any necessity for passing it, when taken in connection with some of the measures that have already passed this House. I believe that under a bill already passed, and which has become a law, the Secretary of the Navy is authorized and empowered, not only to charter vessels for any length of time he may think proper, but to go into the market and purchase any number of vessels which he may think the public exigencies, or the service of the country, may require.

Mr. RICE, of Massachusetts. I understand that the Department has already availed itself of that right, and has procured all suitable vessels that were to be had. These vessels are required to be constructed because such vessels do not exist, and are wanted.

Mr. BURNETT. One of the evil results growing out of the hasty legislation of this session has been the conferring on the heads of Departments these extraordinary powers. I would not, myself, have dared to breathe a suspicion against the purity and integrity of the heads of Departments; but I must be pardoned if I refer to the authority of gentlemen who are members of the same political party, and are identified with this Administration, in reference to private operations and movements. We hear by wholesale throughout the country, and we hear on the floor of this House, charges of fraud of the gravest character. We are told that agents of the Government go into market and pay double, treble, and quintuple the prices that property is worth, and at which they could be bought, if the law were complied with. And yet, in face of such statements, you confer on the Secretary of the Navy the power to go into the harbor of Boston, New York, or any other sea-port, and with no limitation whatever on him except his discretion and judgment, to permit him to charter or purchase any portion of the mercantile marine that he may think needed for the public service. Whether this was done to enable the constituents of the gentleman who reports this bill, and others from that State and the East, to employ the vessels which are now lying in harbor with their sails furled and their sailors discharged, I cannot pretend to say. There are deep complaints from New England, resulting from the stoppage of trade and commerce. Hence I suppose that in the philanthropy of Congress, and its wisdom too, this power is conferred on the Secretary of the Navy, to go there and charter vessels. We are now told that the supply is exhausted, that no more suitable vessels are left in the market, and hence that we must build twelve small side-wheel steamers, at a cost of $1,200,000. The Committee on Naval Affairs has not even seen proper to inform us where and for what purpose these vessels are to be used, or where they are to be built. But for the inexorable rules of the House the bill would have been forced through under the operation of the previous question, and no member would have been permitted to say anything in regard to it. This is another of the series of measures passed by this Congress without even an investigation, and with but few gentlemen understanding either their scope or objects. We have gone along at railway speed; so that, even, in some instances, the committees that reported such bills have been forced to come back and report supplemental acts to explain and give direction to them.

I should like to hear from the gentleman who reports this bill, for what purpose these steamers are to be used. I cannot vote for it without knowing its necessity. My colleague's inquiry, in reference to what uses these steamers were to be applied to, I thought a very appropriate one; but I heard no response to it from the gentleman from Massachusetts.

Mr. WICKLIFFE. I did not, myself, doubt the object for which the vessels are required; but I only wished that the bill should make the matter plain.

I take this occasion to say, while I am up, that I dissent from the views of my colleague before me, [Mr. BURNETT.] If there is any outrage upon humanity, if there is any method of taking human life and destroying property more detestable than any other, the practice of piracy is one which I most condemn, and against which I will go fur-

thest, wherever it may be and whoever they may be. It is a savage mode of warfare, ought to be discountenanced by Christianity, and ought to be put down by whatever legislation may be necessary for the accomplishment of that purpose. If these vessels are necessary for that purpose, I am for authorizing their construction.

The only feature of the bill which I object to is, that the steamers are not sufficiently well described as to their power and character. It will not do to employ small steamers of light draught to operate in the capture of these piratical vessels, and prevent these depredations on your commerce. They should be powerful armed vessels, such as will enable them to meet in conflict and capture the privateers.

Mr. BURNETT. Will the gentleman from Massachusetts give way for a moment further, to enable me to say a word in reply to my colleague?

Mr. RICE, of Massachusetts. No, sir, I cannot yield further. I desire to say a few words in reply to the gentleman from Kentucky, [Mr. BURNETT.]

I am not aware that any charges have been presented in this House against the integrity or purity of the head of the Navy Department. If there has been, it has not reached my ears, nor has it reached the ears of the Committee on Naval Affairs. We have heard no such suspicions, coming from any quarter whatever, upon the conduct of that Department of the Government.

Now, sir, I desire to say further, in answer to the gentleman from Kentucky, that my motive in introducing this bill was by no means that it should have the effect of leading to the employment of my constituents, or of any portion of them. I say to him, that I believe that not only my constituents, but all the people of my State, have shown themselves ready and able upon all occasions, whether it be upon land or upon sea, to respond to the call of their country, when its safety is periled, whenever and wherever their services may be required.

And I wish further to inform the gentleman from Kentucky, that those men from Massachusetts who respond, on land or on sea, when occasion requires their presence, are not men who are destitute of other employments; not persons who have no other resource in times of peace, or in times of war, to which they could turn their attention.

Now, sir, there is, I believe, only one other point to which the gentleman directed my attention; and that was the one to which these vessels are to be applied. I am unable, of course, to say at what point the Government may find it necessary to use these vessels, at any given time in the prosecution of the war. They may be required, each one of them, at one place to-day and at another to-morrow. I can only say to him, that I am informed that they are necessary, in the present emergency, as an auxilliary of the American Navy, and I have no doubt that the head of the Navy Department will order them to report themselves for duty wherever there is found a piratical craft preying upon the commerce of citizens of the United States, or at any other place where the authority of the United States is assailed.

Now, Mr. Chairman, in answer to the gentleman from Kentucky, who last addressed the committee, [Mr. WICKLIFFE,] I can only say that my information in regard to this bill is simply what is recited by the bill itself, so far as the character and qualities of the steamers are concerned. We have already a very tolerable number of large, strong vessels, those which are suited to general naval purposes. These vessels are to be distinct from any which have heretofore been authorized. They are designed for a special service, to run into shallow waters where these privateers resort with their prizes, for the purpose of recovering such prizes. I now move that the committee rise.

Mr. BURNETT. I move to reduce the number of vessels to be constructed to ten.

Mr. WASHBURNE. I rise to a question of order. The gentleman from Massachusetts moved that the committee rise. No remarks are therefore in order.

The CHAIRMAN. The Chair overrules the question of order.

Mr. WASHBURNE. I appeal from the decision of the Chair.

Mr. BURNETT. The gentleman will get through much sooner by allowing me to go on. I will not occupy five minutes.

The CHAIRMAN. The gentleman from Massachusetts moved that the committee rise and report the bill to the House. The gentleman from Kentucky proposes to offer an amendment, which the Chair thinks takes precedence of the motion of the gentleman from Massachusetts.

Mr. WASHBURNE. The gentleman simply moved that the committee rise.

The CHAIRMAN. Then that motion must be put without debate.

Mr. VALLANDIGHAM. If that motion prevails, the bill will not be reported to the House.

Mr. BURNETT. I trust the gentleman from Massachusetts will not insist on his motion. It will not take two minutes in saying what I have to say.

Mr. RICE, of Massachusetts. I will withdraw the motion, if the gentleman will renew it.

Mr. BURNETT. I will. Mr. Chairman, my venerable colleague who sits behind me [Mr. WICKLIFFE] dissents from what I said. What did I say? I protested against this bill conferring upon the Secretary of the Navy the unlimited power of going into all the ports of the country and chartering vessels for the use of the United States Government, or purchasing them, without any restriction whatever upon his authority and his own discretion. Now, the gentleman dissents from what I said.

Mr. WICKLIFFE. The gentleman said he was opposed to this bill.

Mr. BURNETT. My colleague does me injustice again. I did not say I was opposed to this bill. I said I was opposed to authorizing the construction of these vessels without knowing what is the purpose for which they are designed, and without knowing whether the exigency is such as to require their use at all or not. That is what I said. And what else did I say? I protested against the hasty and immoderate legislation of this body, in hurrying these important measures through under the operation of the gag law. In response to this, my colleague comes here with a dissertation against piracy. Is there any piracy in this bill? Was there anything said about piracy? Had any body referred to piracy? Sir, I am as much opposed to piracy as the gentleman. The laws of the United States declare and define what piracy is; and when any citizen is convicted for piracy before me, either as a judge or juror, I will go for visiting upon him the punishment denounced against him by the law.

This much I deemed it necessary to say because it seemed to me my colleague had sought, by implication, to place me in a position that I did not occupy; and this is not the first time my colleague has sought to place me in such a position. Hence I desire to enter my protest against that course of remark; and now, having said what I designed to say, in obedience to my promise, I move that the committee rise.

Mr. RICE, of Massachusetts. I ask the gentleman to withdraw the motion for a moment, to permit me to offer an amendment.

Mr. BURNETT. I withdraw the motion; and the gentleman may take the bill into his own keeping.

Mr. RICE, of Massachusetts. I move, for the purpose of meeting the point of the gentleman from Kentucky, to insert, after the word "steamers," the words "for the use of the Navy of the United States."

Mr. WASHBURNE. I think that the gentleman had better not make that amendment unless it is extended. If it includes the Navy, it should also include the words "for the use of the revenue service."

Mr. RICE, of Massachusetts. I accept that as a modification of my amendment. I add the words "for the use of the Navy, or the revenue service." The amendment, as modified, was agreed to.

Mr. BURNETT moved that the committee rise, and report the bill.

The question was taken; and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BUFFINTON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 80, authorizing the construction of twelve small side-wheel steamers, and had directed him to report the same back to the House with an amendment.

Mr. RICE, of Massachusetts, demanded the previous question.

The previous question was seconded, and the main question ordered.

The amendment of the Committee of the Whole on the state of the Union was concurred in; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NATIONAL LOAN.

Mr. STEVENS. Mr. Speaker, I move that that the House insist on its amendments to Senate bill No. 41, supplementary to an act entitled "An act to authorize a national loan, and for other purposes," and that it ask for a committee of conference on the disagreeing votes between the two Houses.

The question was taken, and the motion was agreed to.

The SPEAKER appointed Messrs. STEVENS, SPAULDING, and WEBSTER, as managers at said conference on the part of the House.

SALE OF LIQUOR IN WASHINGTON.

Mr. WASHBURNE. I move that the House take from the Speaker's table Senate bill No. 53, prohibiting the sale of spirituous liquors and intoxicating drinks in certain cases, and that it be put on its passage. No member will object who will call to mind the scenes that have been witnessed in this city during the past week. The bill, under all circumstances, ought to be passed.

The bill provides that it shall not be lawful for any person in the District of Columbia to sell, give, or administer to any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, any spirituous liquor or intoxicating drinks; and every person so offending is to be deemed guilty of a misdemeanor, and upon conviction before a magistrate or court having jurisdiction, is to be punished by a fine of twenty-five dollars, or imprisoned for thirty days.

Mr. VALLANDIGHAM. This bill is unquestionably right; but I suggest that it ought to be amended in one part of it. There will be liquor given, and when given it will be given under circumstances perfectly justifiable, and perhaps necessary. It is the sale at tippling shops which causes the misconduct alluded to by the gentleman from Illinois, and not the giving away of liquor. It may be given properly by druggists and physicians, under circumstances which would render the giving of it proper and necessary. I have seen soldiers in a condition when it was an act of humanity, perhaps, to administer some stimulant.

Mr. WASHBURNE. Let the gentleman submit his amendment.

Mr. VALLANDIGHAM. I move to insert, after the word "give," these words: "with the intention to evade the provisions of this act."

Mr. ROSCOE CONKLING. If the gentleman from Ohio will allow me, I will suggest that the words "to be used or drunk as a beverage," will carry out his idea. Let the bill read, "given, sold, or disposed of, to be used or drunk as a beverage."

Mr. VALLANDIGHAM. I doubt whether it will meet the idea which I have. It is as a beverage that the soldiers may desire it. There are times, certainly, when it is a very refreshing beverage.

Mr. ROSCOE CONKLING. The words I have suggested have received judicial construction, and they obviate, I think, the objection made by the gentleman from Ohio.

Mr. VALLANDIGHAM. I must insist on my amendment.

Mr. ROSCOE CONKLING. While I am up, I will suggest for the consideration of the gentleman from Illinois, that perhaps he may improve his bill if he will add to it a section giving some portion of the fine to those who shall inform against persons convicted. Otherwise, I am afraid that it will fall a little short.

Mr. WASHBURNE. I had no knowledge of the bill until I found it upon the Speaker's table. Believing that it was important that it should pass, to do away with the disgraceful scenes we have witnessed for some weeks here, I thought that it was my duty to ask that it be taken up and put on its passage; and I have done so.

Mr. McCLERNAND. Has the bill been referred to any committee for consideration?

Mr. WASHBURNE. It has not; and I do not believe that it is necessary to refer it to any committee.

In regard to the suggestion of the gentleman from New York, I do not know but the provision he suggests might be a good one. Yet, sir, as a general thing, I am opposed to these *qui tam* actions. I move that the bill be put on its passage; and I demand the previous question.

Mr. COVODE. I would like to move to insert after the word "soldier," the words "or members of Congress, or any of the officers or employés of the Government." [Laughter.]

Mr. WASHBURNE. I will yield, if the gentleman will confine it to one member; otherwise, I will not.

Mr. McKNIGHT. This is a Senate bill, and I hope it will pass without amendment. If the amendment of the gentleman from Ohio is adopted, I have an amendment of my own I should like to move.

Mr. CAMPBELL. I would like to know whether the gentleman from Illinois has heard that an order has been issued by Major General McClelland which will obviate the evil against which this bill is intended to provide?

Mr. WASHBURNE. I have not. Even if such an order exists, it does not do away with the necessity for this bill.

The previous question was seconded, and the main question ordered.

The question was taken on Mr. VALLANDIGHAM's amendment, and it was disagreed to.

Mr. VALLANDIGHAM moved that the bill be laid upon the table.

The motion was disagreed to.

The bill was ordered to be read a third time; and it was accordingly read the third time.

Mr. WASHBURNE demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was passed.

Mr. WASHBURNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EIGHTH MASSACHUSETTS REGIMENT.

Mr. LOVEJOY. I wish to ask the unanimous consent of the House for leave to offer the following resolution. I presume their will be no objection to it:

Resolved, That the thanks of this House are hereby presented to the eighth regiment of Massachusetts volunteers for their alacrity in responding to the call of the President, and for the energy and patriotism displayed by them in surmounting obstacles upon sea and land which traitors had interposed to impede their progress to the defense of the national capital.

Mr. McKNIGHT. I object. It is unfair to single out any particular regiment.

Mr. LOVEJOY. This regiment just returns home.

Mr. McKNIGHT. I insist on my objection.

COMMUNICATIONS WITH THE ENEMY.

Mr. ELIOT, by unanimous consent, introduced a bill to define, prohibit, and punish certain unlawful communications with the enemies of the United States; which was read a first and second time, referred to the committee on the Judiciary, and ordered to be printed.

FRAUDULENT CONTRACTS.

Mr. DAWES. I am instructed by the special committee on contracts to report back Senate bill No. 43, to prevent and punish frauds on the part of officers intrusted with making contracts for the Government, with two verbal amendments.

The Clerk read the amendments, as follows:

First amendment:

After the word "me," in the second section, insert "personally."

Second amendment:

After the word "any," in the same section, insert "such benefit or advantage."

The amendments were severally agreed to.

Mr. DAWES. I call the previous question upon the third reading of the bill.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the bill was read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following bills; when the Speaker signed the same:

An act (H. R. No. 45) to define and punish certain conspiracies;

An act (H. R. No. 81) making appropriation for the purchase of arms for the volunteers and regular troops of the United States; and

An act (S. No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, and for other purposes.

OREGON CONTESTED ELECTION.

Mr. DAWES. I now call up a privileged question—the resolutions reported from the Committee of Elections in the case of Sheil *vs.* Thayer.

The resolutions were read, as follows:

Resolved, That Hon. A. J. THAYER is not entitled to hold the seat now occupied by him in this House as a Representative from the State of Oregon.

Resolved, That George K. Sheil has been duly elected as a Representative from the State of Oregon to the Thirty-Seventh Congress, and is entitled to a seat in this House as such.

Mr. McCLERNAND. I would inquire of the gentleman from Massachusetts whether the resolutions are accompanied by a report?

Mr. DAWES. There is a printed report, which I trust members have sent for to the document-room; and not only that, but that they have read it. It is a brief case, and I shall content myself with a brief statement of it. I understand that the sitting member is desirous of submitting some remarks, and perhaps that will be sufficient for a full understanding of the whole matter.

This is a case somewhat different from any that has of late come before the House. It is not a case involving the qualifications of a voter, nor is it a question who has a majority of votes; for, at the time the sitting member claims to have been elected to this House, there was no other candidate—certainly the contestant was not a candidate for election at that time; and at the time when the contestant claims to have been elected to the House the sitting member was not a candidate. The contestant and the sitting member claim to represent the State of Oregon in this House by virtue of different and distinct elections held at different times. The contestant claimed to have been elected in June, 1860, and the sitting member in November of the same year. The question presented by both parties is simply a question of law, and not of fact.

As the election at which the contestant claims to have been elected was earlier in point of time than that of the sitting member, it would follow, if that election was held in pursuance of law, that he would be entitled to hold the seat, notwithstanding the election held in November afterwards, at which the sitting member claims to have been elected. It is the claim of the sitting member, therefore, that the election held at the time the contestant claims to have been elected, was without authority of law, and therefore void. He claims further, that the right of the people of Oregon to be represented upon this floor is a great constitutional right, of which they cannot be deprived by the neglect or refusal of the Legislature of Oregon to provide by law for the election of a member of Congress, and that the people of Oregon, in pursuance and in the exercise of this constitutional right, did assemble on the day of the presidential election in November, and elected him to be their Representative on this floor.

If he is mistaken in the first of his propositions—namely, that there was no law under which the contestant was elected in June previous—it follows that there was no opportunity for the exercise of this constitutional right by the people of Oregon in November following; that the door had been closed by the legal election upon the part of the people of Oregon of a member to this Congress. It is the opinion of the committee, in which we all agree, that the contestant was elected in the June previous, in pursuance of the constitution and the law of the State of Oregon; and that, therefore, he is entitled to represent that State in this House; and consequently, the sitting member was not elected, and is not entitled to a seat.

The people of the Territory of Oregon in November, 1857, adopted a constitution, preparatory to their admission into the Union as one of the States. They were not, however, admitted into the Union until February 14, 1859. They provided in that constitution that, if adopted by the people—as it was on the 9th of November, 1857—there should be held, on the first Monday of June, 1858, a general election, at which should be elected, among other officers, members of the Legislature of Oregon, and a Representative in Congress. That constitution having been adopted in November, there was a general election in the Territory of Oregon under that constitution on the first Monday of June, 1858, at which members of the Legislature were chosen, and a Representative in Congress.

The same constitution also provided that there should be a general election in the State of Oregon on the first Monday of June biennially. The State not having been admitted into the Union until the 14th of February, 1859, the Representative chosen in June, 1858, held his seat in the House of Representatives only from the 14th of February until the 4th of March—the termination of that Congress. The committee were of opinion that the constitutional provision of the State of Oregon, in these words, "general elections shall be held on the first Monday of June biennially," in connection with that other provision of the constitution, which designated the first of these elections on the first Monday of June, 1858, provided that all officers proper to be elected at a general election in the State of Oregon, were to be chosen at the general election once in two years; and that the first of them having been held on the first Monday of June, 1858, the next would of course be on the first Monday of June, 1860.

Immediately after the expiration of the Congress to which Mr. Grover, the first Representative from Oregon, was elected, there was such action of the Legislature of Oregon as contemplated the providing for an election of a member to the last Congress—the Thirty-Sixth Congress—at some other time. The Legislature provided that there should be an election for a member of Congress on the 27th day of June, 1859; reciting in the act, that it was because of a vacancy then existing in the representation to Congress—for the House will understand that if the people of Oregon were to wait until the next general election before they could hold an election for a member of the last Congress, the long session of the Thirty-Sixth Congress would have expired before they had an opportunity to choose a member to that Congress; and it was with that view, it is supposed, that the Legislature of Oregon enacted that special law.

When the biennial election came around in 1860, two years from the election specifically designated in the Constitution, at which a member was to be elected, Mr. Shiel was elected a member of Congress. The Legislature of Oregon met again in September following this election in June. At that meeting the Legislature of Oregon seemed to have conceived the idea that, notwithstanding that provision of the constitution which specifically provides that all general elections shall be held on the first Monday of June biennially, in connection with that other provision of the constitution which specifies when this election should commence, and specifying the officers to be elected at the first of these biennial elections, I say, nevertheless, the Legislature of Oregon conceived the idea that they could provide a different time for the election of a member of Congress. In a bill which passed the House of Representatives of Oregon, it was provided that there should be chosen, at the next presidential election, a member of Congress; that two years from that time the member should be elected at the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. FRIDAY, AUGUST 2, 1861. NEW SERIES.....No. 23.

general election in June; and two years from that time, at the general Presidential election—making the election of a member of Congress every alternative two years simultaneous with the presidential election, and the other alternative two years at the general election in June.

The Senate of the State of Oregon passed a similar bill, with this difference: that it should not apply to this Congress. The two Houses differed upon that point, and there was no election at all.

The committee would have had no difficulty in coming to the conclusion at which they have arrived, that the time of holding an election for Representative in Congress in Oregon was fixed by the constitution of that State at the general election to be held on the first Monday in June, and that same constitution having provided that the first of those elections should be upon the first Monday in June, 1858, that the next election would be upon the first Monday in June, 1860, the time when the contestant was elected, had it not been for this action by the Legislature of Oregon, which, although it never took the form of law, was still such action as left upon the minds of the committee the impression that the Legislature of Oregon, notwithstanding this provision of their constitution, did come to the conclusion that they had control of this matter. However, as each House must judge for itself, and cannot permit any other body to pass judgment for it of the right of any man to a seat, it nevertheless comes back to the House to place a construction upon this provision of the constitution; and with all due respect to the gentlemen who compose the the Legislature of Oregon, although they failed to put their views in the form of law, the committee could come to no other conclusion than that which I have stated to the House, and in which all the committee concurred, namely, that the constitution of Oregon provides for the election of a member of Congress at the time and in the manner in which the contestant was elected; and that therefore he is entitled to the seat.

Mr. McCLERNAND. I would inquire of the gentleman from Massachusetts whether there is any minority report in this case?

Mr. DAWES. There is none. I stated to the House that the committee were unanimous in this report.

Mr. THAYER. Mr. Speaker, I would like to be heard on this question before it is passed upon by this House. I am aware that it is a difficult matter for me to make any kind of headway against the report of the committee who have decided adversely to what I claim to be right in the premises. I only desire that the House should take into consideration certain facts and certain principles connected with this matter, before they pass upon it.

In the first place, the fourth section of the Constitution of the United States provides that

"The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may, at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

The House will bear in mind that this clause of the Constitution provides that the times, places, and manner of holding elections in the several States for Representatives in Congress, shall be prescribed by the *Legislature* of each State. There is no provision in the Constitution, that a constitutional convention has the power or the right to fix the times, places, and manner of holding elections for Senators and Representatives. I hold, Mr. Speaker, that this clause of the Constitution is imperative, and that a convention which frames a constitution for a State has no power to fix the time and place for holding elections for Representatives and Senators, but that they must be prescribed by the Legislature of the State. The Legislative Assembly of the State of Oregon has never provided by law, except in one instance, for the election of a Representative in Congress.

The claim of Mr. Shell to the right to a seat upon this floor is predicated upon the sixth section of the schedule to the constitution of the State of Oregon, which, I claim, was special, and was fulfilled and had its termination when the first election was held under that schedule. The object of that sixth section to the schedule to the constitution of Oregon was to fix the time when the first election should be held under and by virtue of that constitution. I claim that the convention had no power to fix the time for any other election except the first that should be held under that constitution, because the Constitution of the United States expressly provides that the times and places of holding elections for Senators and Representatives in Congress shall be fixed by the Legislature of a State, and not by a constitutional convention. The clause of the Constitution of the United States is specific; and I undertake to say, and firmly believe, that the convention who framed the constitution of Oregon had no other object in view except to fix the time when the first election should be held. The sixth section to the schedule to the constitution of Oregon reads as follows:

"If this constitution shall be ratified, an election shall be held on the first Monday in June, 1858, for the election of members of the Legislative Assembly, a Representative in Congress, and State and county officers; and the Legislative Assembly shall convene at the capital on the first Monday in July, 1858, and proceed to elect two Senators in Congress, and make such further provisions as may be necessary to the complete organization of a State government."

The only object and design of that clause of the schedule was to fix the time when the first election should be held. It was not calculated or designed to reach any other election.

Again, Mr. Speaker, the election of the other officers named in that section, and the time for the meeting of the Legislative Assembly of the State of Oregon, are provided for in other parts of the constitution; but the time of electing a Representative to Congress is nowhere mentioned in the constitution of the State of Oregon, aside from this section of the schedule. If the convention had designed to fix the time for holding the election of members of Congress, they would have done as they have done in the case of the election of these other officers, and the meeting of the Legislative Assembly of the State. But they never contemplated any such thing. In sections three and four of article four of the constitution of Oregon the time of holding the elections of State senators and representatives is pointed out. It is therein provided that senators and representatives shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided by law; and that the senators shall be elected for a term of four years, and representatives for a term of two years, from the day next after the general election. The time for the first general election is fixed by the sixth section of the schedule, and State senators are to be elected four years after that time, and representatives two years after that time. That points out the times and places when they shall be elected. Again, section six of article six of the State constitution provides for the election of the various county officers at the time of holding the general election; and the time of their election is also pointed out in another clause. So in regard to the time for the assembling of the Legislature; that is pointed out by the constitution itself; but nowhere in the constitution of the State is there any provision for the reëlection of a Representative in Congress.

Again, Mr. Speaker, the idea that a Representative in Congress shall be elected eighteen months prior to the time when he is usually called upon to take his seat in the House of Representatives, in my judgment, is unreasonable. We all know how political issues in the States change. We all know the various changes which take place in relation to the political issues which arise in the different States.

It is an old and fixed principle that men shall be elected to represent the people at as recent a date as possible before called upon to perform their duties; but according to the rule laid down by the committee in this case, and according to its determination on the subject, we are bound to elect a man eighteen months prior to the time when he is to enter on the discharge of his duties. I hold that the convention which framed a constitution for Oregon never contemplated any such thing, and never desired to establish any such rule.

Again, Mr. Speaker, it is alleged that because section four of article two of the constitution of Oregon provides that general elections shall be held on the first Monday of June, biennially, Mr. Shiel has a right to a seat on this floor, in consequence of his having been chosen at that general election. If that provision had alleged affirmatively that the Representative in Congress should be elected at a general election, then there would have been force and reason in this conclusion. But it does not do so. It does provide for the election of all other officers; and, in other sections of the constitution the time for the meeting of the Legislative Assembly is provided for.

Again, Mr. Speaker, if the constitution of the State of Oregon does provide for the election of a Representative in Congress at general elections, as alleged on behalf of Mr. Shell, then I claim that the Legislature which convened in May, 1859, and passed a special law on the subject, acted unconstitutionally. The first section of an act approved on the first Monday in June, 1859, provides that there shall be held, at the several places of holding elections in that State, on Monday, the 27th of June, 1859, a special election for one Representative in Congress, and an assessor for each county, and such other officers as are by law authorized to be elected. If the constitution is as alleged on behalf of Mr. Shiel, then the Legislature which passed that act did what was unconstitutional and void. Many of the members of the Legislature had been in the convention which framed the constitution, and must have been supposed to understand the true intent and meaning of the constitution. It is not to be assumed that they would pass a law which is unconstitutional, and in conflict with the spirit and meaning of the constitution. But they did not so understand it. They passed this law in good faith. They did not understand that the constitution of the State of Oregon had provided that the Representative in Congress should be elected at general elections. There is no provision of that character in the constitution.

Again, Mr. Speaker, it is claimed that Mr. Shell has another right to a seat on this floor; and that right is predicated on another clause of the constitution and on a territorial law. Section seven of the schedule to the constitution provides that all laws in force in the Territory of Oregon when the constitution takes effect, and consistent therewith, shall continue in force until altered or repealed. It is claimed that, under this section, the territorial law authorized the election of a Representative in Congress at a general election on the first Monday of June, 1860. By an examination of the territorial law it will be found that a general election was held annually on the first Monday in June. The organic law of the Territory provided that a Delegate in Congress, the only officer bearing any similarity to a Representative in Congress, should be elected at a time to be fixed by the Governor of the Territory. The first election under that law was held in 1849, by virtue of a proclamation of the Governor, and Mr. Thurston was elected Delegate. During the same year, the Territorial Legislature provided by law that a Delegate in Congress should be elected biennially, and that the next election should be held on the first Monday in June, 1851. In pursuance of that law General Lane was elected on the first Monday of June, 1851, 1853, 1855, and 1857, as Delegate to Congress. Now, I claim that the territorial law was not consistent with the constitution of the State of Oregon, because it directed the election to be held in a different year from that in which Mr. Shell was elected. The Legislature which convened in May, 1859, must have looked upon it as inconsistent with the

constitution of the State, or they would not have passed a law requiring a special election to be held on the 27th June, at which time Mr. Stout was elected a Representative from that State. I therefore come to the conclusion that there was no authority in the constitution of the State of Oregon, and no authority by virtue of the territorial law which existed prior to the adoption of the constitution, for an election to be held on the first Monday of June, 1860, the time when Mr. Shiel claims to have been elected.

Again: Mr. Speaker, it is claimed that Mr. Sheil has a certificate of election, entitling him to a seat on this floor. By an examination of the territorial law, it will be found that he has no such certificate as is pointed out by law, and has no right to a seat here by virtue of any certificate that he holds. Section twenty-two of the Oregon laws provides that the clerk of the board of county commissioners shall, immediately after collecting the abstracts of votes, copy each abstract and transmit them by mail to the secretary of the Territory, at the seat of government; and makes it the duty of the secretary of the Territory, with the marshal of the Territory, or his deputy, in presence of the Governor, to proceed, within thirty days after the election, to canvass the votes given for Delegate to Congress; and directs that the Governor shall give a certificate of election to the person having the highest number of votes, and also to issue a proclamation declaring the election of such person.

There has been no such certificate issued to Mr. Sheil. He does not come here armed with such a document. The Governor has never made the proclamation required in the section. He comes here simply with a certified copy of the abstract of the votes cast on that occasion, certified to by the secretary of State, not by the Governor, as is provided by the thirty-second section of the laws of Oregon. But it is claimed that because he was voted for at a general election, and because Mr. Logan was a candidate against him, he has a right to a seat on this floor, in consequence of his having received more votes than Mr. Logan. The only right that Mr. Sheil has to a seat on this floor is predicated on the constitution, and on the territorial law which existed prior to the formation of that constitution. I claim that the constitution of Oregon has not provided, and could not provide, consistently with the Constitution of the United States, for an election of Representative in Congress, after the holding of the first election. It had no power to fix the time for such election, because the Constitution of the United States is imperative that the Legislature, not the State convention, shall do that. When the Legislature passed the special law referred to, they must have understood that there was no territorial law authorizing the election of a Representative in Congress on the first Monday in June. Otherwise they never would have passed a law requiring a special election to be held on the 27th of June, 1859, by virtue of which Mr. Stout was elected a Representative, and served here for the period of two years.

This entire case is predicated upon the constitutionality of an election under which the contestant claims his seat upon this floor. I claim that the constitution and the law are in favor of my right to the seat.

Again: suppose the House adopts this report: it places the people of Oregon in just as much uncertainty in relation to this matter in the future as has existed in the past. Suppose, on the first Monday in June, in 1862, they elect to the next Congress: how are they to determine whether the person so elected is elected in accordance with the decision of this House? How are they to determine? Shall we not have two elections again, and two members coming here to claim seats?

If this House is to carry out the rule adopted by this report, then they are bound to declare elected the man who is elected on the first Monday in November, 1862; but if they are to regard the provisions of the Constitution of the United States, then they are compelled to carry out the action of the Legislature, and declare elected the man who receives the majority of votes at the regular election, on the first Monday in June, 1863. Hence, I repeat, if this report is adopted, the people of Oregon will be placed in equally great uncertainty as they have been in the past.

Mr. Speaker, I have appeared before the House on the present occasion under somewhat peculiar circumstances. I came here having no personal acquaintance with any member of this House save Mr. ELY, of New York. I placed all my papers in his hands, and placed my whole case in his hands, he having very kindly consented to take charge of the matter on my part. Since that time, he has been captured by the rebels who are making war upon the United States, and I have been unable to obtain several papers which I deem important in this case. I therefore desire that this matter may be recommitted to the Committee of Elections, so that there may be a further opportunity to investigate the matter—which, under the circumstances, I think may very properly be done—before coming to a final decision in the case. And, if the matter is permitted to be considered thoroughly, I am confident the committee themselves will come to view the matter in a different light from that in which it is presented in their report to the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed the bill of the House (No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, with amendments, in which he was directed to ask the concurrence of the House.

Mr. STEVENS. I move that the House nonconcur in the amendments of the Senate, and ask for a committee of conference.

The motion was agreed to.

OREGON CONTESTED ELECTION—AGAIN.

Mr. SHEIL, (contestant.) Mr. Speaker, I had not intended to submit any remarks to the House upon the merits of this contest, but leave it to the action of the House upon the case as made up and presented upon the report of the Committee of Elections. But after certain remarks made by the sitting member, I feel it to be my duty to refer, as briefly as possible, to the sections of the constitution of the State of Oregon upon which I base the legality of my election to a seat upon this floor.

The constitution of the State of Oregon, which to-day is in full force in that State, was adopted on the 9th day of November, 1857. Since that time no section, article, or paragraph, of that instrument, has been repealed, modified, amended, or altered in any shape or form. Hence the provisions of this constitution, which I am about to quote, are not provisions which have been adopted since November, 1857. That constitution provides that, in case of its adoption by the people, the first general election should be held on the first Monday in June, 1858, for the purpose of electing members of the Legislative Assembly, a *Representative in Congress*, and State and county officers. Every officer, State and county, that Oregon has had from 1858 until the present, was elected in accordance with the provisions of that constitution. But if the constitutional convention which framed that instrument had no power to prescribe the manner of holding elections, then all these officers were not duly elected, and every act of that Legislature is a nullity, and every act performed by the State or county officers has been without legal authority. But, sir, that question is not raised here. The unanimous consent of the people sanctions and sustains those officers and the laws.

At the general election in June, 1860, every officer that is in office to-day in that State was elected. The Legislature which elected the present Senators from Oregon—Mr. NESMITH and Colonel BAKER—was elected under the same constitutional authority that governed in my election; and to set that election aside, vitiates the election of all these other officers. If I was not duly and legally elected, then the election of the Senators from my State is void, and Oregon has no legal representatives in this House and the Senate of the United States. Here, then, Mr. Speaker, are these two points: the first general election in Oregon was held on the first Monday of June, 1858, and, in pursuance of the same provision of the constitution, the second general election of that State was held in 1860. But there was an intervening election provided for by the Legislature in 1859. It has been very correctly stated, by the chairman of the Committee of Elections, that as our general elections were biennial, if there had not been a special election held in 1859, the State of Oregon would have been unrepresented in the first session of the Thirty-Sixth Congress. To provide for that emergency, a special session of the Legislature was called in 1859. The act providing for the special election I will now read:

An act to provide for a special election.

Be in enacted by the Legislative Assembly of the State of Oregon, That there shall be held, at the several places of holding elections in this State, on Monday, the 27th day of June, 1859, a special election for one Representative in Congress, and an assessor for each county in this State, and such other officers as are by law authorized to be elected.

SEC. 2. The clerks of the several counties shall, upon the receipt of official information of the passage of this act, as hereinafter provided, make out and deliver to the sheriff of his county three written notices thereof for each election precinct in such county, which shall be forthwith posted up in three of the most public places in each of said precincts. And in all other respects, said election shall be conducted, and the returns thereof made, in accordance with the laws regulating general elections.

SEC. 3. This act shall be published by the State printer in the newspaper by him published, immediately after its passage, and a copy of said paper containing the same shall shall be immediately forwarded to the county clerk of each county in this State.

SEC. 4. The county clerk of each county shall immediately make up and forward to the judges of election in the several precincts of their respective counties, or the persons who acted as such at the June election, 1858, the necessary poll-books, as required by law; and in case any of such judges neglect or refuse to act, the vacancies shall be filled in the manner prescribed by law, regulating general elections.

SEC. 5. Inasmuch as there now exists a vacancy in our representation in Congress, which should be immediately filled, this act shall take effect and be in force from and after its passage.

Passed the House of Representatives, May 19, 1859.
W. G. T'VAULT,
Speaker of the House of Representatives.
Passed the Senate, May 24, 1859.
L. ELKINS,
President of the Senate.
Approved, June 1, 1859.
JOHN WHITEAKER.

The language of that act clearly indicates the law which is to govern the holding of that election.

I will read from the constitution, beginning with the section which continues in force the old territorial law, until such time as that law may be altered or repealed by the direct action of the State Legislature. I read the seventh section of article eighteen of the constitution of Oregon. It is as follows:

"All laws in force in the Territory of Oregon when the constitution takes effect, and consistent therewith, shall continue in force until altered or repealed."

That section continues in force the territorial law on the subject of elections, of which the following is section three:

"A general election shall be held in the several election precincts in this territory, on the first Monday of June in each year, at which there shall be chosen so many of the following officers as are by law to be elected in such year; that is to say: A Delegate to Congress, members of the Territorial Council and House of Representatives, judges of probate, district attorneys, county superintendents, county commissioners, sheriffs, county treasurers, coroners, justices of the peace, county assessors, constables, and all other county precinct and district officers not herein enumerated or otherwise provided for."

From 1848 to 1854 voting was done by ballot; but since the latter date the *viva voce* has been used in all general and special elections. The first section of the amendment is as follows:

"*Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the votes given at all general and special elections hereafter held in this Territory shall be given *viva voce*, or by ticket handed to the judges, and shall in both cases be cried in an audible voice, by the officer attending, and noted by the clerks in the presence and hearing of the voters."

Here, then, sir, is the law which was in force in the Territory of Oregon, on the first Monday in June, 1858; and by virtue of the clause of the constitution I have read, continuing in force, all laws consistent with that constitution, we find that that law stands upon the record as a part of the constitution. It is recognized by the constitution, and is perhaps higher than any State law which could be made in obedience to the constitution. That law substitutes the *viva voce* for the the ballot system of voting. I will hereafter speak of the surreptitious manner in which the sitting member received his votes. The law, then, Mr. Speaker, in force to-day, and which was in force in 1858—the law which was established in 1854, is the law under which I received my votes as a member to this Congress.

Mr. THAYER. I would like to inquire what the gentleman means, when he talks of the surreptitious manner in which I got votes.

Mr. SHEIL. I will inform the gentleman on that matter when I come to it. It is not yet in my line of argument.

Again: it is contended by the sitting member, that there is no authority for the election which was held in 1858. I have read that part of the constitution which provides for and regulates such an election, under the seventh section of article eighteen. Still further, I will read the first section of the schedule. It is as follows:

"For the purpose of taking the vote of the electors of the State for the acceptance or rejection of this Constitution, an election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of Delegate in Congress, so far as applicable, except as herein otherwise provided."

Here we have the fact that the constitution, the supreme law of the State of Oregon, was adopted by the citizens of that State in conformity with the provisions of a law in force for five years before, on the subject of congressional elections. My certificate shows the character and result of the election of June, 1860. It shows that I received a majority of the legal votes cast at that election; and the section sixteen, of article two, of this constitution, settles the question of right between the gentleman and myself to a seat on this floor, so far as that instrument is concerned. That constitution declares, that in all elections held by the people of Oregon the person or persons who shall receive the highest number of votes shall be declared to be duly elected. Here, then, at a general election held in conformity with law, and in obedience to the constitution, it is admitted that I received a majority of the votes cast. No fraud was alleged; and, sir, I claim to be the regularly and legally elected member from the State of Oregon.

So much in regard to my constitutional rights to a seat upon this floor. I now approach the consideration of the method by which the sitting member received 4,099 votes out of a poll of 14,500 given at the presidential election in 1860. The law of election in Oregon, as I have already stated, prescribes the *viva voce* mode of voting. The sitting member received 4,099 votes—in conformity with law? no, sir; but in open violation of the constitution and the law. The constitution prescribes that in all elections the vote shall be given openly and *viva voce*. That is the method adopted in all general and special elections. The sitting member received a certain number of votes at the November election, in 1860, and the mode and manner of receiving them I will endeavor to explain and expose. Upon the ballots for presidential electors in the State of Oregon of one party, at the foot of the list the name of A. G. Thayer, as I have once before stated, was surreptitiously inserted as a candidate for Congress. I am particular in qualifying my language.

Mr. THAYER. I would inquire whether or not the votes which were cast for me in November, 1860, were not *viva voce* the same as upon the ballots?

Mr. SHEIL. I must appeal to the gentleman's knowledge of our State law. He knows that no judge can take a ballot that is folded. The law requires the calling out of the names in a bold and distinct voice.

Mr. THAYER. Does the gentleman undertake to say before this House that the voters who voted for me in November, 1860, did not call out their votes? Does he wish to be understood that they did not vote for me in the same way that they did for electors?

Mr. SHEIL. I cannot say anything which does not affect the issue. I cannot say that every individual who voted for Mr. Thayer voted a closed ticket. I am satisfied, however, that many, to my personal knowledge, did so. That mode of voting is in direct conflict with the law of elections in Oregon to-day, and which prevailed there in 1860. Apart from any authority which the sitting member may derive from votes thus obtained, and with all the suspicion that must necessarily attach to them, there is no honor in the world which would tempt me to imitate him.

Mr. Speaker, as it is a part of the *res gestæ* of this contest, I must be permitted to refer to another matter. Mr. Thayer claims to be, or he did in Oregon, a member of the Douglas party. I hold in my hand the action of the Douglas convention, which assembled in Eugene City. That convention was called for the purpose of nominating an electoral ticket for the Douglas party. Among other things, a resolution was introduced authorizing the State central committee of that party to nominate a candidate for Congress, provided the State Legislature would create a vacancy. The State Legislature refused to disturb the election in June previous; and consequently the power conferred upon the State central committee never vested, for the reason that the contingency never happened. Yet, in opposition to the direct and expressed will of that convention, a few individuals met in a certain printing office at Salem, and assumed the right to represent eleven absent members, and to nominate the gentleman as a candidate for Congress.

Worse than that; the committee published an address to the people of Oregon, from which I shall read one sentence. The first sentence of the address announced what was not true:

"That by virtue of the power vested in us by the Democratic State convention, held at Eugene City on the 19th of September, 1860, we have this day nominated A. J. Thayer as a candidate for Representative in the Thirty-Seventh Congress."

That is the first sentence of the address. Now, I will give the substance of a resolution upon the subject passed by the Douglas convention, which was held on the 19th of September, 1850.

"*Resolved*, That the Democratic State central committee is authorized to nominate a candidate for any office which may be made vacant by the present Legislature."

Here this State convention, for the purpose of avoiding a second convention within a month, vested the State central committee of that party with the power to nominate a candidate for Congress, in case the Legislature should declare the election of June, 1860, void. However unwarrantable such an act might have been, such was the case and such was the intention. In opposition to that limited authority, eight members—less than half of that committee—nominated Mr. Thayer for Representative in the Thirty-Seventh Congress. Such an act of not only bad faith, but of flagrant usurpation, must necessarily vitiate any right which the gentleman might claim under such a nomination. There was no authority given to the State central committee to name any man as a candidate for Congress, save in the contingency that the Legislature should annul the election in June. So much for that point.

I will now, very briefly, call the attention of members to the canvass of the votes received by Mr. Thayer and others at that election, certified to by the Governor, and then compare the minutes of the Governor with the certificate which the gentleman holds to-day:

STATE OF OREGON, *ss*:

I, Lucien Heath, secretary of State of the State aforesaid, do hereby certify that at the late presidential election within and for the State aforesaid, held on the 6th day of November, A. D. 1860, A. J. Thayer was a candidate for Representative to the Thirty-Seventh Congress of the United States of America, and received at said election 4,099 votes, it being a majority of all the votes cast. He was therefore elected a member of said Congress.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of the State of Oregon, [L. S.] at Salem, this 22d day of March, A. D. 1861.

LUCIEN HEATH,
Secretary of State.

And that, too, when there was not another individual before the people of Oregon as a candidate for Congress. Out of 14,500 votes he received only 4,099; and yet this gentleman comes here and claims a seat upon this floor, unsupported even by a majority of votes cast at that election. What would those 4,099 votes mean if the citizens of Oregon had the right to come up and intelligently and knowingly express their will for Mr. Thayer?

Mr. THAYER. I rise to a question of order. I desire to call the attention of the Speaker and of the House to the fact that, if we are to be permitted to enter a full review of all the discussions which arose in Oregon in relation to the Douglas party, the Breckinridge party, and the Republican party, I am content; but it seems to me that we ought to be confined to the rule.

The SPEAKER. The gentleman will confine his remarks to the merits of the resolution before the House.

Mr. SHEIL. I took the liberty of replying thus to the remarks of the sitting member, because he called in question the certificate issued to me. I believed it was right to so reply.

I was about closing my remarks by referring to the character of the certificate of the member occupying the seat from Oregon, obtained from the secretary of State. I will simply call the attention of the House to the Governor's count of the vote received by the gentleman. It is as follows:

"At the election held within and for the State of Oregon, on Tuesday, the 6th day of November, A. D. 1860, the following-named persons received the number of votes annexed to their respective names for the office of Representative in Congress, to wit:

"A. J. Thayer, four thousand and ninety-nine (4,099) votes."

Now, here is a certificate based upon the returns to the Governor, in which it is stated that at an election—not a general, nor even a special election—that at an election he received so many votes for the office of Representative in Congress. That this was never intended to be the basis of a certificate, I need but refer to an act passed by the Legislature in 1860, giving power to the Governor to issue a proclamation to fill any vacancy which might occur in the future. The language of the act clearly gives it a retrospective character and cast; for it says:

"*Be it enacted by the Legislative Assembly of the State of Oregon*, That whenever a vacancy may occur in the office of Representative in Congress from this State, from any cause whatever, the Governor shall issue his writ of election to fill such vacancy, in the same manner and under the same regulations as are prescribed by law to fill vacancies in the Legislative Assembly."

This was before the election in November, 1860. The Governor never issued a proclamation; and his refusing to do so must be regarded as his conviction that the occasion or necessity for exercising that power had not yet existed.

I have said all that I desire to say upon the subject, and I leave the matter with the House.

Mr. THAYER. Would it be in accordance with the rules of the House to reply?

The SPEAKER. The gentleman has the right to reply, if he chooses.

Mr. THAYER. As regards my being in favor of Stephen A. Douglas as President of the United States, I plead guilty. I belonged to that party; and I claim that, by virtue of the action of that party, I was fairly and legitimately nominated, in accordance with the action of the convention thereof. How the gentleman can claim to know anything of the action of that party, under the circumstances, surprises me. He was not a friend of Stephen A. Douglas, nor was he a member of the convention. The resolution which the gentleman has read, shows that it provided that the central committee of that State should provide for a nomination, &c. The action of the committee upon that occasion is a sufficient answer to all that the gentleman has said upon that subject.

Again, the gentlemen referred to the 4,000 votes I received in that election as surreptitious and wrong. I defy him, and I defy any man to show but what I received those votes just as legally as any votes that were cast at that election. There is this fact connected with that matter: that one half of the precincts of that State were under the government and control of the Joe Lane party, and wherever they had the control they invariably refused to receive votes of those who desired to cast their suffrages for me. The people believed that a Representative had not been elected to Congress from that State, and they offered their votes in various parts of the State for me; but wherever that Lane party had control of the polls, they refused to receive them. In some instances they broke up the ballot-boxes, rather than have the votes cast for me. In other cases where votes were cast for me, they were not counted. These things account for the fact that I received only a little more than 4,000 votes. The proof to sustain these charges I offered to the Committee of Elections, and I can verify all the charges by evidence. The people of that State did not consider that they had a legal Representative for Congress, for they did not believe that the constitution of that State provided for an election on the first Monday of June, 1860. As I said before, Mr. Speaker, that was the most successful way in which they could operate against my election in November, 1860. It is said that I was not elected at any election provided for by law, as appears by the certificate of the secretary of the State. It is well known to this House that the presidential election was held on the 6th day of November, 1860, and that it was a general election, and at that election I received the votes mentioned.

Permit me to notice briefly some of the arguments presented by the contestant, in relation to the constitutional provision. It is claimed, on his part, that the sixth section of the schedule of the constitution of the State provided for an election on the first Monday in June, 1858. That is not denied. I take the position that the constitutional convention had a right to fix the time when the first election should be held. That does not contravene the clause of the Constitution of the United States which I have read; but the last line of that clause of the schedule clearly points out the object and design of that election—a complete organization of the State government. That was its sole object and design. It was not known at that time whether that constitution could be ratified by the people, or not. It was not known to the people of the State whether they would be admitted into the Union under and by virtue of that constitution, or not. That clause of the schedule was designed simply to place the State organization in operation. But the constitution nowhere says, directly or indirectly, that the people of the State shall have the right to elect a Representative in Congress on the first Monday of June, 1860. The Governor and secretary of State did not so understand it, or they would have given the gentleman a certificate of election. There is no authority in any part of the constitution for an election in June, 1860. The election of all the other officers enumerated in this sixth section of the constitution is provided for in other parts of the constitution; but not so with regard to a Representative in Congress. The constitutional convention never contemplated that a Representative in Congress should be chosen eighteen months before he would be called upon to discharge the duties of his office. They did not think of fixing the time for the election to Congress after the first election. The members of the Legislature which met in 1859, many of whom had helped to frame the constitution, when they passed an act for a special election to Congress, on the 27th of June, did not consider that the constitution provided for the election of a Representative to Congress at the general election. If they did, their act was unconstitutional. They did not regard the territorial law, providing for a general election on the first Monday in June, as being in existence. If they had looked upon it as operative, they never would have passed the law to which I have alluded.

I simply claim that there was no authority of law for the election of June, 1860; and that there is no legal Representative upon this floor by virtue of any constitutional provision of the State of Oregon, or any territorial law that existed prior to the adoption of the constitution. I claim that the contestant has no right to a seat here; and that the action of the House in seating him would place the people of Oregon in an uncertain position in the future. Suppose they shall elect a member in June, 1862, and the Legislature, in the September following, provide for an election in the next June thereafter, and an election shall then be held: who will be entitled to the seat? There is uncertainty connected with this matter; and it strikes me that this report does injustice to the people of Oregon, because it leaves them in that state of uncertainty. I submit the question to the House without further argument upon the subject.

Mr. STEVENS. Mr. Speaker, I am not going to take part with either of these gentlemen, the sitting member or the contestant, for I think that neither of them has any business here, and I shall vote in accordance with that opinion. I offer the following as a substitute for the resolutions reported by the Committee of Elections:

Resolved, That neither A. J. Thayer nor George R. Sheil is entitled to a seat in this Congress as Representative from Oregon, and that the seat be declared vacant.

Now, sir, I will detain the House but a moment. I admit that the constitution of a State, when it is framed, may fix the time for the first election, because there is no other power to fix it, and that has been the practice; but I maintain that the constitution of a State cannot fix the day for any future election of Representative in Congress. I understand one of these gentlemen to claim the seat by virtue of having been elected upon the day which he says was fixed by the constitution of Oregon—not the first election under that constitution. The Legislature had not acted; and upon that ground he claims that the action of the constitution was good. Sir, if the constitutional provision was good, it would prohibit the Legislature from acting in the matter through all time to come. The Legislature would have their hands tied, and would not be able to fix the times and places of holding elections in that State. But the Constitution of the United States comes in and prevents any such action of the convention of that State, for it expressly provides who shall fix the times and places of holding elections for members of Congress. Here is the language of the Constitution:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the *Legislature* thereof."

Now, sir, I hold that no other power in a State has a right to prescribe it; and if the State Legislature fails to fix the times and places, there is another provision of the Constitution by which Congress has the right to fix it, and I wish they would fix it, and fix it uniform throughout the United States. But I deny that the convention to frame the constitution of a State can fix the times and places for electing members of Congress, notwithstanding the provision of the Constitution which I have read.

I have brought the question briefly before the House, and I suppose everybody understands it and is ready to vote. I understand that the gentlemen interested have exhausted their desire to speak, and as the chairman of the committee will be entitled to be heard after the main question shall have been ordered, I now move the previous question.

Mr. McCLERNAND. I hope the gentleman will withdraw the demand for the previous question for a moment, until I can have an opportunity to reply to the position he has taken. I will do it in five minutes.

Mr. STEVENS. I am afraid we shall not dispose of this matter to-day, and as I desire to get to other business, I will insist on the demand for the previous question.

The previous question was seconded, and the main question ordered.

Mr. DAWES. Mr. Speaker, I understand that the ground upon which the amendment is offered is simply this: that, in the absence of legislation in Oregon by its Legislature, the constitution of Oregon having fixed the day upon which this election should take place, the House of Representatives is to say that the people of Oregon, acting through their constitution—the highest and the organic law of the State—cannot fix the time and place for holding an election. If there were a conflict between the action of the Legislature of Oregon and its constitution, there might be some ground for the position which is assumed by the gentleman from Pennsylvania. But the organic law, that which rises above and swallows up all legislative action, having determined that this election should be held on a particular day and in a specific manner, and the Legislature of Oregon having acquiesced in that by passing no law in conflict with it, it is assumed by the gentleman from Pennsylvania that it is proper for this House to say that the people of Oregon shall not, in that way and in that manner, declare how and when and where their Representative shall be elected. It occurs to me, sir, that that provision of the Constitution of the United States which says that the time and place shall be specified by the Legislature of each State, meant simply that they should be fixed by the constituted authority of the State until Congress itself should fix a time for the election in all the States. As Congress has not fixed that time, it has said to every State "you may, by your constituted authorities, through whom you choose to speak in your law, fix the time." Now, the Legislature of the State of Oregon has acquiesced, if nothing more, in the time fixed by the constitution, the organic law of Oregon.

Mr. STEVENS. The organic law of Oregon is not definite. It fixes the first election, but not a word about any subsequent one.

Mr. DAWES. The organic law of the State says that all these general elections shall be held on the first Monday of June, biennially, and specifies what officers shall be elected on that day. Among them is a member of Congress. If, therefore, it is in the power of the State of Oregon, through its constitution, to say when this election shall be held, it has so said, it seems to me, as plainly as it could say it.

Mr. McCLERNAND. I understand that the gentleman from Pennsylvania concedes the proposition that the convention was competent to invest the Legislature, with power to fix the time for holding the first election.

Mr. STEVENS. No, I did not state that. I say I believe it has been done. I doubt the authority altogether.

Mr. McCLERNAND. That is a very different position altogether.

Mr. STEVENS. They had a right to fix the time for their general elections. I admit that.

Mr. McCLERNAND. Then your position is that the convention was not competent to fix the time for an election.

Mr. STEVENS. It was competent to fix the time for general elections, but not for the election of a member of Congress.

Mr. DAWES. I was about to remark that the position of the gentleman from Pennsylvania is in the face of all the precedents of this House—precedents followed when Oregon herself was admitted into the Union; for the House then acknowledged, as a Representative legally elected, a man chosen at a time and place not specified by the Legislature of Oregon, but by the constitutional convention—in the same instrument that specified that his successor should be elected two years from that time.

The House of Representatives, in admitting my friend from the State of Kansas [Mr. CONWAY] as a Representative on this floor, adopted this same construction of the powers of a State—that it could fix the time of election, either by their constitutional convention in their organic law, or by their Legislature. My friend came here, not by virtue of any election held at any time and place fixed by the Legislature of the State of Kansas; and such is the history of all these new States.

It seems to me that there can be no ground for the House adopting the amendment to the report of the committee, offered by the gentleman from Pennsylvania. The sitting member does not claim to have been elected in pursuance of any law, or of any constitutional provision whatever, but on the general right to representation which the people have. The contestant is here by virtue of an election, at a time and place fixed in the constitution of Oregon itself; in compliance with which the Legislature has forborne to this day to fix any other time and place.

Mr. THOMAS, of Massachusetts. Is it competent for the Legislature of Oregon to fix the time and place of an election, in violation of the State constitution?

Mr. DAWES. If it is not competent for the Legislature, in consequence of the constitutional provision, to fix a time, then the constitutional provision overrides the Legislature of Oregon, and therefore it has performed this act itself.

Mr. THOMAS, of Massachusetts. If it overrides the Legislature, does it also override the provision of the Constitution of the United States, by which the Legislature is to fix the time of the election of members?

Mr. DAWES. Both of my colleague's propositions cannot, of course, be true. It cannot be true that the Legislature of Oregon cannot fix the time of election because of the State constitution, and be also true that the constitution of Oregon cannot override the Legislature, by reason of the Constitution of the United States. The two propositions cannot be true. Either the Legislature of Oregon can, notwithstanding the provisions of the State constitution, fix the time of the election of members, because of the Constitution of the United States, or else the people of Oregon can do it through their constitution as well as through their Legislature.

Now, the House may be prepared to depart from all its precedents. There may be other considerations. Of course, the Committee of Elections can have no feeling on the subject. They simply desire that the action of the House touching the grave and serious question of the right of members to their seats in this House shall be adjudicated solely on the law, without reference to any outside considerations. Moved solely by that consideration, the committee have unanimously come to the conclusion that there is a law in Oregon—that which has the highest sanction of law—fixing the time and place for the election of members of Congress, and that the contestant, in pursuance of that law, was elected to this House.

The question being on Mr. STEVENS's amendment,

Mr. McCLERNAND called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 37, nays 77; as follows:

YEAS—Messrs. Ashley, Francis P. Blair, Samuel S. Blair, Campbell, Colfax, Covode, Davis, Delano, Edgerton, Fessenden, Frank, Harding, Hutchins, Jackson, Julian, Kelley, Lansing, Lovejoy, May, McKnight, McPherson, Moorhead, Justin S. Morrill, Olin, Pike, Potter, Riddle, Sheffield, Sloan, Stevens, Benjamin F. Thomas, Train, Vandever, Van Horn, Charles W. Walton, Wickliffe, and Windom—37.

NAYS—Messrs. Aldrich, Allen, Alley, Ancona, Arnold, Joseph Baily, Baxter, Beaman, George H. Browne, Buffinton, Burnett, Calvert, Cobb, Frederick A. Conkling, Corning, Cox, Cravens, Crisfield, Dawes, Dunlap, Dunn, Edwards, Eliot, English, Fouke, Franchot, Gooch, Granger, Gurley, Haight, Hale, Harrison, Holman, Horton, Johnson, Law, Leary, Logan, Loomis, McClernand, McKean, Mallory, Menzies, Mitchell, Anson P. Morrill, Morris, Noble, Norton, George H. Pendleton, Perry, Pomeroy, Porter, Reid, Alexander H. Rice, John H. Rice, Robinson, Sedgwick, Shanks, Shellabarger, Sherman, Smith, John B. Steele, William G. Steele, Trowbridge, Vallandigham, Vibbard, Voorhees, Wadsworth, Wallace, Ward, Washburne, Webster, Albert S. White, Chilton A. White, Wood, Worcester, and Wright—77.

So the amendment was rejected.

During the vote,

Mr. BURNETT said: With deference to the judgment of gentlemen who have investigated the subject more thoroughly than I have done, I change my vote, and vote "no."

The question was taken on the resolutions reported by the Committee of Elections, and they were adopted.

Mr. DAWES moved to reconsider the vote by which the resolutions were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. GEORGE K. SHEIL, member from the State of Oregon, came forward to the Speaker's chair, and took the oath to support the Constitution of the United States.

FLOATING BATTERIES.

Mr. SEDGWICK, from the committee of conference on Senate bill No. 36, to provide for the construction of one or more armored ships or floating batteries, and for other purposes, made the following report:

The managers of the Senate of the committee of conference on the disagreeing votes of the two Houses on Senate bill (No. 36) entitled "An act to provide for the construction of one or more armored ships or floating batteries, and for other purposes," have met the managers on the part of the House, and, after full and free conference, have mutually agreed to recommend, and do recommend, that the Senate recede from its disagreement to the amendments of the House, and concur therein.

The report is signed by the managers on the part of the two Houses.

The report was agreed to.

PUNISHMENT OF CERTAIN CRIMES.

Mr. BINGHAM, by unanimous consent, introduced a bill to punish certain crimes against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS THE POTOMAC.

Mr. CALVERT. I ask the consent of the House to report back from the Committee for the District of Columbia Senate bill (No. 46) to provide for the construction of a bridge across the Potomac river.

There being no objection, the bill was reported and read at length.

Mr. STEVENS. I make the point of order that that bill, containing as it does an appropriation, must be considered, under the rule, first in Committee of the Whole. And I make the second point of order that it is excluded from consideration at all during the present session by the rule which we adopted defining the character of business to be considered.

The SPEAKER. The Chair sustains the first point of order, and refers the bill to the Committee of the Whole on the state of the Union.

METROPOLITAN POLICE.

On motion of Mr. ASHLEY, by unanimous consent, Senate bill No. 49, to create a metropolitan police district of the District of Columbia, and to establish the police force thereof, was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

AMENDMENT OF THE RULES.

Mr. ALLEN. I desire to give notice of my intention to offer a resolution to so amend the rules as to require all reports of committees of conference, except those made the last day of the session, to lie over for one day before consideration.

LOYALTY OF GOVERNMENT EMPLOYÉS.

Mr. POTTER, from the select committee on the loyalty of Government employés, made the following special report:

The committee appointed to investigate, ascertain, and report to the House the number of persons, with the names thereof, now employed in the several Departments of the Government, who are known to entertain sentiments of hostility to the Government of the United States, and who have refused to take the oath to support the Constitution of the United States, beg leave to report in part to the House as follows:

The committee have given to the inquiry all the attention which their limited time and the pressure of other duties would allow, but have as yet scarcely advanced beyond its threshold. They have, however, examined a large number of witnesses, and have no hesitation in saying that the testimony adduced has been of such a character as to fully justify the action of the House in the premises, and to show the imperative necessity of the investigation which has been instituted.

The committee, though prepared to believe that the popular conviction in respect to the general unsoundness of the Departments in the particular referred to was well founded, yet must confess that they have been astonished at the number and aggravation of the well-authenticated cases of disloyalty to the Government which, in the course of their investigation, have been brought to their notice.

That persons should be thus disloyal to a Government, which has confided to them its sacred trusts, in whose employ they have found support for themselves and families, and to which their fidelity is due by every consideration which appeals not only to the honor of the public officer, but to the honesty of the man; and that such persons should be retained in office, and in some instances retained where the facts have been brought to the knowledge of those who have the power of removal, must be the occasion of profound grief and humiliation to every patriotic and loyal heart; and their retention in office, especially in the present critical condition of the Government, can be justified by no assumed necessity or convenience of the public service, and may well excite the honest indignation of the country.

The committee, while prepared to make these general statements, which are concurred in by every member of the committee, find that it will be impossible to complete the work assigned to them, and make a report thereof within the probable limits of the present session. They therefore ask leave to sit during the recess of Congress, and ask the adoption of the accompanying resolutions.

JOHN F. POTTER, *Chairman.*

Resolved, That the select committee of five, appointed by the Speaker under a resolution of this House adopted July 8, 1861, to ascertain and report to the House the number of persons, and the names thereof, now employed in the several Departments of the Government, who are known to entertain sentiments of hostility to the Government of the United States, and those who have refused to take the oath to support the Constitution of the United States, be authorized to sit and take testimony during the recess of Congress.

Resolved, That the Sergeant-at-Arms of the House be directed to attend in person, or by his assistant, the sittings of the committee, and serve all subpenas which the committee may deem necessary, and pay all fees of witnesses.

Resolved, That the Speaker of the House, during the recess of Congress, is hereby authorized and directed to issue subpenas, upon the request of the committee, in the same manner as during the session of Congress.

Mr. POTTER moved the previous question upon the adoption of the resolutions.

Mr. BURNETT. I appeal to the gentleman to withdraw his demand for the previous question. I will not occupy more than five minutes.

Mr. POTTER. I would be much gratified to hear the gentleman, but the hour is late, and I respectfully decline.

The previous question was seconded, and the main question ordered to be put.

Mr. BURNETT demanded the yeas and nays on the adoption of the resolutions.

The yeas and nays were not ordered.

The resolutions were adopted.

Mr. POTTER moved to reconsider the vote by which the resolutions were adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

SECESSION OFFICE-HOLDERS.

Mr. JULIAN asked leave to introduce the following resolution:

Resolved, That the retention in office, or the promotion or appointment to office, civil or military, in this city, or throughout the country, by any of the Departments of the Government, of men of well-known secession sympathies, merits the condemnation of all loyal citizens, and hereby receives the reprobation of this House.

Mr. SHEFFIELD objected.

CLAIM OF B. Y. SHELLEY.

Mr. ANCONA asked leave to introduce, for the purpose of reference, a bill to pay B. Y. Shelley for his claim and improvements taken from him by the Omaha reservation, in Nebraska Territory.

Mr. STEVENS objected.

UNIFORM NATURALIZATION.

Mr. ARNOLD asked leave to introduce, for the purpose of reference, a bill to amend the law providing for a uniform rule of naturalization, so as to facilitate the naturalization of those who have been in the military service of the United States, and have been honorably discharged therefrom.

Mr. STEVENS. I would suggest that that is in violation of our resolution. I move that the House adjourn.

The motion was agreed to; and thereupon (at four o'clock, p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *July* 31, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, in answer to a resolution of the Senate of the 19th instant, requesting information concerning the *quasi* armistice alluded to in his message of the 4th instant, relative to the reinforcement of Fort Pickens; which was ordered to lie on the table, and be printed.

He also laid before the Senate a message of the President of the United States, in answer to a resolution of the Senate of July 25, relative to instructions to the United States ministers abroad in reference to the rebellion in the southern portion of the Union; which, on motion of Mr. SUMNER, was ordered to lie on the table, and be printed.

He also laid before the Senate a message of the President of the United States, in answer to a resolution of the Senate of the 23d instant, requesting information concerning the imprisonment of Lieutenant John I. Worden, of the United States Navy; which was ordered to lie on the table, and be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution, received from the House of Representatives yesterday, were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (No. 83) for the temporary increase of midshipmen in the Naval Academy;

A bill (No. 80) authorizing the construction of twelve small side-wheel steamers; and

A joint resolution (No. 5) to examine the condition of the Naval Academy, and inquire as to the organization thereof.

BRIDGE AT THE AQUEDUCT.

Mr. GRIMES submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, instructed to report to the Senate at its next session, if the pillars of the structure known as the Alexandria aqueduct, near Georgetown, are of sufficient strength to sustain an iron bridge; and if so, whether such a bridge would be important to the United States for military purposes, and what sum it would cost.

GOVERNMENT CONTRACTS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government, which has been passed by the House of Representatives, with amendments.

Mr. WILSON. I should like to have that lie over for a short time, that it may be examined. I desire to read the bill.

The PRESIDENT *pro tempore*. It will lie over for the time being, if there be no objection.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore* laid before the

Senate the following joint resolution from the House of Representatives:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Friday, the 2d day of August next, at twelve o'clock, m.

The PRESIDENT *pro tempore*. The question is on concurring in this resolution.

Mr. GRIMES. I move that it lie on the table for the present.

The motion was agreed to.

COMMANDANTS OF NAVY-YARDS.

Mr. HALE. I move to reconsider the vote of the Senate yesterday, postponing to the next session of Congress the bill from the House of Representatives (No. 78) to amend an act entitled "An act supplemental to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804. I ask that it be reconsidered now.

The motion to reconsider was agreed to.

Mr. DIXON. I had risen to make the same motion which the chairman of the Naval Committee has submitted.

Mr. HALE. I move now that the bill be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. DIXON. I rise to a privileged question. I move to reconsider the vote of the Senate just taken, referring the bill, the vote upon which was reconsidered on the motion of the Senator from New Hampshire, to the Committee on Naval Affairs. I move to reconsider the vote referring the bill again to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to reconsider the vote by which the bill indicated by him was referred to the Committee on Naval Affairs.

Mr. DIXON. I desire to state very briefly my reason for making that motion. I think that the action of the Senate yesterday upon this question was not taken understandingly; certainly I, myself, did not understand the question at the time; and I beg leave now, as briefly as I can, to state the condition of the subject to the Senate.

By the act of 1804, which is now the law of the land, it is provided that the superintendent of the navy-yard in this city shall be a captain in the Navy; and from that time until last April, the superintendent has been a captain in the Navy. It is well known to the Senate that about the middle of April last, the superintendent of that yard, Captain Buchanan, and almost every officer under him, deserted the yard, abandoned their posts, and in effect, so far as they could do, gave it up to the enemy. Commander Dahlgren, now the superintendent of the navy-yard, was almost the only officer who remained faithful to his duty. I will not say he was the only one, but he was the principal officer there; and upon the necessity of the case he took possession of the office of superintendent of that yard, and has performed the duties to this time. Unless this bill which has passed the House of Representatives shall pass the Senate and become a law, he can perform the duties of that office no longer, because the act of 1804 requires that the superintendent of that yard shall be a captain in the Navy, which Mr. Dahlgren is not. He is only a commander.

Now, sir, it is perfectly apparent to everybody who knows the position of that navy-yard and the character of Captain Dahlgren, his position in the Navy, and his qualifications, that the public interest requires most emphatically that he should remain in command of that navy-yard. The object of this bill is to enable the President to appoint him. If the bill is not acted upon at this session, he cannot be appointed. The committee on Naval Affairs, for reasons satisfactory to themselves, and no doubt excellent reasons, reported the bill to the Senate, with a recommendation that it should be postponed until the next session of Congress, which is virtually its defeat. Now, the chairman of that committee rises and moves to reconsider that vote, and moves that it be referred again to that committee; and that is the action of the Senate.

I wish the Senate to act understandingly. If the Senate design that this bill shall not become a law, and that Captain Dahlgren shall be removed from that position, as of necessity he must, then so it must be; but if this bill is to become a law, it must be done at once. If it is referred to the committee, I do not know how soon they will report it. I have no doubt the chairman will act with all propriety on the subject; but I have reason to believe, from his action yesterday, that he is opposed to the bill. I do not know it. I state here to the Senate that if the bill is to become a law, as every Senator knows, it must be acted on soon. If it does not become a law, then Captain Dahlgren—an officer, I say without hesitation, without fear of contradiction, better qualified, or certainly as well qualified as any officer in the Navy for that position—is obliged to be removed. But, sir, aside from his qualifications, it is reason enough for retaining him there that he was placed in that position as he was, that he performed his duty as he did perform it, and that if he is now removed from that position by the action of the present law and the failure to enact this bill, it will be, in effect, a charge upon him which ought not to be made.

Now, sir, what I desire is, that this bill shall be acted on at this time. Whatever that action may be, of course must be submitted to; but if the Senate desire that Captain Dahlgren shall leave that position, that is accomplished by the failure to pass this bill, and at this time.

Mr. HALE. I do not know how the Senator from Connecticut argues, or how he comes to the conclusion, that I am opposed to this bill from the fact that I this moment moved a reconsideration of the vote by which it was postponed, and a reference of it to the Committee on Naval Affairs. I will not take up the time of the Senate further than to say that this bill involves a great deal more than the personal interests of Commander Dahlgren. I have had a very long interview with him this morning in reference to this subject, and it was after that conference that I made the motion that I did. I will not be so unjust to the country or to the Senate as to undertake to make a long speech at this time; but I hope the Senate have not come to the conclusion that the Naval Committee are so dilatory or so unfaithful that they will, at this stage of the business, take the matter out of their hands. I leave the subject with these few remarks.

Mr. DIXON. I said that I had reason to believe the Senator was opposed to the bill. I do not know that it is any reflection on him. If he is opposed to the bill, it is of course for good reasons. I stated my reasons for the belief that the bill ought to be acted on at this time. If the Senate think otherwise, they will vote accordingly.

Mr. GRIMES. It seems to me that this bill ought to be referred to the Committee on Naval Affairs, for the reason that it may be also expedient to change the law in regard to other naval stations, as well as this at Washington.

Mr. DIXON. I ask the Senator if that law does not apply to this yard alone?

Mr. GRIMES. No, sir.

Mr. DIXON. I am informed that it does.

Mr. GRIMES. As I understand the law now, no man can be the commandant of any of our yards unless he is a captain in the Navy; and no man can be placed at the head of one of our naval bureaus unless he is a captain. I have never yet seen the propriety of that rule. I never could conceive why the Secretary of the Navy or the President should not be permitted to avail himself of the best talent there might be in the naval service, no matter in what grade it might be. But let the question go to the Committee on Naval Affairs, and let them pass upon it. It may be expedient to change the law in regard to this navy-yard; I am inclined to think it is; but I would like to have it go still further, and have the rule changed in regard to the other navy-yards.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote referring this bill to the Committee on Naval Affairs.

Mr. DIXON called for the yeas and nays, and they were ordered; and being taken resulted—yeas 23, nays 13; as follows:

YEAS—Messrs. Anthony, Breckinridge, Bright, Browning, Carlile, Chandler, Collamer, Cowan, Dixon, Harris, Johnson of Missouri, Lane of Kansas, Powell, Rice, Saulsbury, Sherman, Sumner, Ten Eyck, Thomson, Wade, Wilkinson, Wilmot, and Wilson—23.

NAYS—Messrs. Bingham, Clark, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Howe, Lane of Indiana, McDougall, Polk, and Trumbull—13.

So the motion to reconsider the reference of the bill to the Committee on Naval Affairs was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 78) to amend an act entitled "An act supplemental to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804. The bill proposes to amend the above entitled act by inserting after the word "captain," where the same first occurs in that act, the words "or commander;" so that the President shall be authorized to select the superintendent of the navy-yard at Washington from the captains or commanders of the Navy of the United States.

Mr. SHERMAN. I desire to submit an amendment applying the bill to all the navy-yards instead of simply to the Washington navy-yard. My purpose is this: the law of 1804 limits the power to appoint commandants of navy-yards to the list of captains. There is no good reason why this limitation should now exist. Since that time, I believe, the grade of commander has been made; and there is no reason why the commandant of a navy-yard should not be an active, young, vigilant officer.

Mr. GRIMES. And heads of bureaus.

Mr. SHERMAN. You suggest the amendment. I simply submit an amendment so as to make the law general, and not confine it to the Washington navy-yard.

The Secretary read the amendment; to strike out the word "superintendent," in line six, and insert the word "superintendents;" and in line seven, to strike out the words "navy-yard at Washington," and insert the words "the several navy-yards;" so that the bill will read:

Be it enacted, &c., That the above entitled act be, and the same is hereby, amended, by inserting, after the word "captain," where the same first occurs in said act, the words "or commander;" so that the President shall be authorized to select the superintendents of the several navy-yards from the captains or commanders of the Navy of the United States.

The amendment was agreed to.

Mr. HALE. Mr. President, I desire to say a word about this bill, so that the Senate may understand it. If I understand it—and I have taken some pains to examine it—there is no law at all upon the subject of navy-yards. In 1804, after the accession of Mr. Jefferson to the Presidency, and the policy that was then inaugurated of abandoning to a great degree the Navy as an arm of the national defense, certain vessels of war which had heretofore been in commission were brought up, and were lying in the Eastern Branch of the Potomac river without any legal supervision over them, as it would appear; and then this act of 1804, which gentlemen seem to think, and which that bill is based upon the supposition of, was passed, not regulating any other yards; but simply providing that for the supervision of the navy-yard at Washington, and for the vessels thus laid up in the Eastern Branch, a captain and some other officers might be detailed. From the first organization of the Navy to the present day there has never been anybody but a captain of the Navy appointed to the superintency of any navy-yard. I want to ask gentlemen to-day, here, now, if the captains of the Navy have shown themselves to be so imbecile, so incompetent, so utterly unworthy of the high position they hold before the country, that you are ready to proclaim that it is necessary, at this time, to institute an entire and total departure from the whole policy of the Government up to this hour? Are Senators ready to proclaim by this bill, that that band of officers, some of whom have sustained the honor of their country, and illustrated their valor with their blood on the decks of the men of war they commanded, are utterly unworthy of the positions which they have held from the time the Navy was instituted to the present day? Sir, by the passage of this bill you say that these captains are unfit to occupy the honorary positions which have heretofore been assigned to them, not by law, but by the common sense of the country, and of the head of this Department; and you proclaim to the world that it is necessary to set them aside, sweep them all away, and go down to their juniors to select officers to occupy the places which they have heretofore held. Sir, I can say to the Senate, and I will say it to the Senator from Connecticut himself, that if he passes this act he puts a reproach upon one of the most gallant officers of the Navy from his own State, who is thus to be stigmatized as unworthy of the position which, from the time we have had a Government, has been assigned to captains of the Navy.

Sir, to my mind there is something peculiarly appropriate in conferring upon these old and war-worn veterans, these heroes of the battle and the seas, this appointment to command navy-yards, when, by their age and infirmity, in many instances brought upon them by wounds and exposure, they are not so competent to go to sea and endure the fatigues of active service. I say there is something peculiarly appropriate in assigning to them the command of navy-yards, and letting them in that sort of honorable retirement render to the country the service they may. Has the service ever suffered, has there ever been any want of competency, or ability, or of any of the traits that should enter into the character of an officer there situated, which these gentlemen have manifested, that it is necessary now to paralyze them, to put this stigma upon them, to proclaim to the country, to the service, to the world, that they are not worthy of holding the places they have held so long? Sir, I protest against enacting such a bill as this from motives of personal regard to Commander Dahlgren or to anybody else. In the name of as gallant men as ever trod the deck of a vessel, I protest against the assertion that there is nobody else that can with propriety be assigned to this place.

Let me say a word in reference to Commander Dahlgren. If I know myself I would resign my life before I would do him injustice. I believe him to be a gallant, honest, faithful, and efficient officer; but, sir, I believe there are a great many other such in the Navy. I believe there are such in the line of captains whom you propose to disgrace and degrade. I protest in their name against the implied assumption that all the valor or all the efficiency in the Navy will die with Commander Dahlgren. I will give him all the credit he deserves. I believe him to be faithful, honest, loyal, true, and brave; but I am not willing, by this act of special legislation, to disgrace and disqualify in public estimation the whole board of Navy captains. Sir, what will they say, how will they feel, when you pass this act and set them aside, and say it is necessary, by special act of legislation, to select juniors for the places which they have filled so long?

You have already adopted an amendment making this selection of junior officers apply not only to the Washington navy-yard, but to all the other navy-yards. I think that is right. I move further to add to this bill "and heads of bureaus;" and I shall move further to amend it by inserting that they may be taken from lieutenants as well as from commanders. If you are going to ignore everything, and start out on this loose voyage of discovery, virtually proclaiming to the world that there is no merit in the higher grades and it must be sought in the lower, I want to go down below commanders, and see if some merit is not to be found even in the grades below them.

I had hoped—especially after I had stated to the Senate that I had had a long interview with Commander Dahlgren, and had submitted the motion to reconsider and refer, after that interview—that the Senate would have left this bill to take its ordinary course, and go to the Committee on Naval Affairs; but the Senate have acted differently. I have no fault to find; but I protest against the passage of the bill under these circumstances. I move to amend the bill by inserting after the word "navy-yards," the words "and heads of bureaus;" so that it will read:

The President shall be authorized to select the superintendents of the several navy-yards and heads of bureaus from the captains or commanders of the Navy of the United States.

Mr. DIXON. Mr. President, I think the Senate will agree with me that I was right in saying that the honorable chairman of the Committee on Naval Affairs, who performs his duty with so much ability, was opposed to this bill. He intimates that the object of those who desire its passage is personal regard to Commander Dahlgren. Now, sir, for myself, I am influenced by no such feeling. I do, it is true, highly respect Commander Dahlgren. I know him as an accomplished gentleman and a most excellent officer. The public interest requires that he should be retained in his present position. I know very well that the object of the bill is to retain him there. There is no doubt about that. It is deemed important by those who introduced the bill into the House of Representatives, and those who are in favor of it here, that he should be thus retained; and I will say further to the Senate, that there is no mode in which Commander Dahlgren can be retained in the position which it is so important to the country he should continue to occupy, except by the passage of this bill.

Now, sir, for my part I should have preferred the bill without the amendment of the Senator from Ohio; and I certainly prefer it without this amendment of the Senator from New Hampshire, which I think I may say, without any disrespect to him, is intended to defeat the bill. I should have preferred the bill if it had only referred to the navy-yard at the city of Washington; but that it now goes further, and includes all the navy-yards of the country, is, to my mind, no objection. The Senator says that the object of the bill, as amended, is to stigmatize the captains of the Navy.

Mr. HALE. Oh, no; I did not.

Mr. DIXON. Not the object; but the effect is to stigmatize them. Now let us look at that a single moment, and see how it stigmatizes the captains of the Navy. In the first place, the Senator says there is no law with regard to their appointment; that it is a mere custom, and the President can do what he pleases. He says there is a custom which has provided, and which has become by long usage almost a law, that captains only shall be appointed to these positions; and that for us now to say, by the enactment of a law, that hereafter commanders may be included, would be a stigma upon captains in the Navy. Well, Mr. President, I should be as far as that Senator from stigmatizing these meritorious officers. I never would consent to it; but I cannot see how, in the slightest degree, it conveys a stigma on captains in the Navy, by saying that the President of the United States may, at his discretion, select the superintendents of the navy-yards from the list of captains and commanders.

The Senator says that, by reason of their age and infirmity, they ought to be permitted to hold these positions. I agree that in time of peace this might be a reason. There have been occasions, there may again be an occasion, when, by reason of their age and infirmity, it will be proper to place captains of the Navy in that position. It is the first time I have ever heard that honorable Senator urge this as a reason for appointing men to office. But, sir, what is the condition of the country now? The navy-yards of the country are the assailable points; they are positions where you need the most efficient men. It is no reflection upon the captains of the Navy, to say that the list of commanders contains the names of men quite as efficient as any of the captains. I think it may be said with truth that the list of commanders is the most efficient. Every Senator here knows perfectly well, that commanders in the Navy are, many of them, men of mature years; they are men who have been long in service; they are men who are efficient in the performance of their duties; and especially is that the case in the particular instance to which I have referred.

I will not take up the time of the Senate on this subject. I should have preferred this bill if it had been confined to its first object, which was to permit the President of the United States to continue Commander Dahlgren in his present position, which he has held without any request or desire on his part. He was forced into it, or rather he volunteered to take it when the necessity of the country required. Now he is there; now he is performing his duties with great efficiency; but unless this bill becomes a law he cannot remain.

I think, therefore, the Senate should vote down the amendment which the honorable Senator from New Hampshire has offered with a view to defeat the bill. It ought to pass with the amendment which I regret is there, which the Senator from Ohio has offered, and which has already been adopted. I hope this amendment will not be adopted by the Senate; though, should it be adopted, I shall still vote for the bill.

Mr. HALE. The Senator is greatly deceived about this motion in regard to the bureaus. That is a matter that has already received the attention of the Committee on Naval Affairs; and if the committee had not voted, as they did a day or two since, to recommend the Senate to postpone this subject to the next session of Congress, I think I am not mistaken in saying that the amendment offered by the Senator from Ohio, and the one that I now offer—not on my own suggestion, but on somebody else's—would have been incorporated into the bill as reported to the Senate. These are the facts of the case: that if the bill had been considered by the committee, and they had not deemed it expedient to postpone general legislation of this sort until December next, they would have incorporated both these amendments into the bill.

I want to say now, that heads of bureaus are of decidedly more importance to the efficient prosecution of the war than the superintendents of navy-yards. The superintendents of navy-yards have comparatively, practically, very little to do. They have detailed under them a commander and several lieutenants, who are the active and efficient officers of the yard, and upon them is practically devolved most of the duty that is to be performed. It is different with the heads of bureaus. The heads of bureaus have the immediate supervision of your ordnance, for instance, which is an immense department; the supply of arms and munitions of war to the Navy; and if there is any place where you want activity and knowledge and brains, it is at the head of the department. So it is with the department of docks and yards, of clothing and provisions, and with the medical department. They are offices that require more talent, more knowledge, more discretion, more zeal, more activity—I venture to say ten times, to-day—than do the superintendents of navy-yards. And if it is necessary to infuse a portion of the commanders into the place of the superintendents of yards, which require but little executive energy, it is vastly more necessary to infuse them into the bureaus; and if this bill could have had the poor chance which most bills of this character have, of being considered by the Committee on Naval Affairs, both these amendments would have been recommended to the Senate; and I hope, if they are going to make this amendment to the law, they will add, "the heads of bureaus."

Mr. DIXON. I desire to ask the Senator if this bill has not already been once considered by the Committee on Naval Affairs, and reported by them? That, I believe, is the case.

Mr. HALE. No, sir; it was not.

Mr. DIXON. Was it not reported yesterday?

Mr. HALE. It was not considered. As the Senator has asked me the question, I will tell him. When this matter was up, both these amendments were suggested to the committee, one by the Senator from Ohio, and the other by the Senator from Iowa; but it was agreed that it would involve a pretty wide departure from what had heretofore been the case, and that we had not time to give that attention to the subject which it required at this session, and that we would not take the bill up except to recommend its postponement to the next session; but if it had been considered, these two amendments would have been proposed.

Mr. DIXON. If there was not time then, there is not time now for the committee to consider it. That is the very reason why I want the Senate to act upon it at this time.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

Mr. DIXON called for the yeas and nays; and they were ordered.

Mr. GRIMES. The proposition now before the Senate, upon which the yeas and nays are called, and for or against which we are to record our names, as I understand it, is to enable the President to appoint at the head of the naval bureaus any officer of the rank of commander. If the Senator from Connecticut will turn to the Naval Register, he will see that the oldest commanders in the service had, on the 1st day of January last, seen forty-one years of service, and that there was not a commander at that time on your list who had not seen thirty-two years and upwards of service. It seems to me that that is a sufficient number of years' service to enable him to perform the duties of any of these bureaus to the acceptance of the country. In the Army the President can avail himself of the talent that may be found in the ranks, in the line, no matter in what grade it is. You have seen recently that a captain of engineers has been taken from that subordinate position, and has been placed at the head of your Quartermaster's department—the most important, I apprehend, of all your bureaus

connected with the Army. And why? Because it was believed that this captain of engineers would perform the duties of that station more efficiently and acceptably to the country than any one else. Now, if the President can find a commander in the line of the Navy who has seen more than thirty-two years of service, who possesses the same qualifications in regard to yards and docks, or the necessary information and knowledge and integrity in regard to ordnance, or in regard to any of the other bureaus, I ask the Senator from Connecticut why he is unwilling that the country shall avail itself of the talent that may be in that rank?

Mr. DIXON. I will reply to that at this time, or wait until the Senator is through, as he chooses.

Mr. GRIMES. You do it in your Army; why not do it in your Navy? If it is necessary for us to pass a special law, for the purpose of giving to a commander the right to control this navy-yard, why not apply the same rule to all the navy-yards and to all the bureaus? That was what I was originally in favor of. I wanted the bill to pass in that shape, including the proposition which has been so much desired by the Senator from Connecticut. I do not believe in the Army or the Navy being controlled, as a close corporation, for the benefit of any particular rank. I say that it is for the interest of my constituents, and the people of the country generally, that the best talent of the country, in each of these grades, should be brought out; that it should be put into service, and that we should avail ourselves of it. It is confessedly the fact that the younger officers in the service are better educated—are more scientific than the older ones. When your Navy was established, there was very little information in regard to the science of gunnery. There are men in your lieutenants' rank now, who possess more information on that subject than your older captains. Why not avail yourselves of the information and scientific skill they possess? Why not go down even to the lieutenants' rank? There are lieutenants to-day in command of some of your largest steamships. Why not avail yourself of their ability, of their integrity, and of their capacity? I hope that this amendment will be adopted; and that, if we are going to pass a law for the benefit of one class of gentlemen, we shall pass it for the benefit of all. If we are going to infuse new vigor and life and strength into the navy-yards, let us do it in the bureaus here in your Navy Department. That is what the country wants; it is what the people of the country demand.

Mr. DIXON. I hope the Senate will indulge me a single moment, while I state the position of this subject as I now understand it. The bill in the first place provided, as it came from the House of Representatives, that the President might appoint to the office of superintendent of the Washington navy-yard, either a captain or a commander. The honorable chairman of the committee (and I understand the Senator from Iowa to agree with him) opposed the passage of the bill. They were opposed to the idea of allowing the President to select any but captains——

Mr. GRIMES. No sir, that is not so.

Mr. DIXON. The honorable chairman was of that opinion, if the Senator from Iowa was not.

Mr. GRIMES. I stated but a moment ago what my position was; that I desired this bill to be referred to the Committee on Naval Affairs, that it might cover the whole ground, and open all the navy-yards and all the bureaus to the whole talent of the service.

Mr. DIXON. Then I will except the Senator from Iowa. The honorable chairman was opposed to the passage of the bill; and he offers this amendment—an amendment intended to include a larger list of officers. He said we ought not to take in commanders; and he opposed the bill strenuously on that ground. Now, for the purpose, of course, of defeating the bill to which he is opposed, he proposes that we should, as he said in his speech, extend it to the heads of bureaus, and then take in lieutenants. I am not prepared to say that it might not be well enough to open the whole country to competition for these offices; but at this time it might be very unwise for us to adopt so sweeping a measure. Here is a bill before us which proposes to allow the President of the United States to appoint either captains or commanders to the position of commandant at the Washington navy-yard; and by the amendment of the Senator from Ohio, that is extended to any navy-yard in the country. Now, Senators who, for reasons satisfactory to themselves, and no doubt excellent reasons, are opposed to the extension at all, who are opposed to permitting commanders to be appointed to that office—ask the Senate to extend the bill further, by admitting another list of officers to this competition. It is perfectly apparent that the object of the amendment is to defeat the bill; and I merely desire to state this, in order that those Senators who wish to defeat the bill may vote for the amendment, and that those who desire the passage of the bill may vote against it. I do not say that it might not be well at some future time to take up this whole subject and examine it; but I agree with the Senator from New Hampshire, that we have not time at this period of the session to go into a sweeping reform on this subject. It is enough for the Senate at this time, if they think it proper to do so, to permit the President of the United States to select from commanders, as well as from captains, for posts of superintendents of the navy-yards of the country.

Mr. HALE. As the Senate have decided that this question can better be discussed here than in the committee-room, I wish to say a single word. I deny the right of the Senator from Connecticut to assign me a position on this bill that I have not assumed. I deny his right to frame an issue for me, or for anybody else, except himself. I deny the right of any man to get up here and say that a Senator who votes so and so is for this bill, and a man who does not so vote is against it. We must vote on this amendment according to our own judgment. I say, without any sinister motive, without any feeling that I am not perfectly willing to exhibit to the Senate and to the world, that I offered this amendment in the conscientious discharge of my duty as a Senator on this floor, and I deny the right of anybody to assign to me any other motive than that.

Mr. DIXON. I disavow having said anything of that sort.

Mr. HALE. I hate to hear a man say a thing and then disavow the natural force of it; but I will not deny his right to that. He has a right to do it. Now, sir, as the thing is up, and the Senator accuses me of being opposed to the bill, I will state candidly—I am obliged to do so, because I am put in a position where I must—that this bill is for the relief of Commander Dahlgren. No doubt about that. It is admitted to have been intended for him. I know very little of Mr. Dahlgren personally. When I came to the Senate at this session, I should not have known him by sight if I had met him on the street, though, I believe, I have been introduced to him once or twice. I must say, in justice to Commander Dahlgren, and to other members of the Navy, and to Senators, that I have no doubt he is a highly meritorious man. I have never denied it, and never will. I believe it. But, sir, the Navy Department have had a set of pets—there is no other word that will describe them—a set of pets, who have been fed a little more extravagantly than the whole corps—and the whole Navy pay list has been extravagant enough, God knows. Ever since I have been a member of the Senate, there have been a set of pets who, some by law and some without law and against law, have been paid extravagant salaries, altogether beyond what belonged to them by the rule by which their fellow-officers were paid, and Commander Dahlgren has been among the men who have been paid these extravagant sums, but I will do him the justice to say that in his case it has not been without law, for they have contrived some way or other to slip in special legislation for his benefit, and he has generally been in the receipt of a larger salary than anybody else of his rank.

I remember that when I first had the honor of a seat on this floor, there was a proposition to give Mr. Dahlgren, then a lieutenant, considerably more salary than the other officers of his grade; and I was addressing myself to the Senate in opposition to it, as I always have been opposed to this special legislation for anybody. While I was endeavoring to impress my views on the Senate in open session by as fair considerations as I could suggest, lobby agents came and looked in my eyes and winked, and took out Senators and lobbied them, and got them to vote for the proposition which I was endeavoring to combat in the Senate. That I have seen; and I have seen it in the case of this very Mr. Dahlgren. I do not accuse him of it; it was not he that did it; but it was an agent that was around to procure the passage of the bill. While I was talking in my poor way, trying to interest the Senate, he buttonholed some of the Senators, took them out, and winked to me when he went out, as much as to say, "I have these anyhow." The result was that it passed. Now, I want to read to you this provision from the last act which we passed for the increase of the pay of the Navy:

"That nothing in this act contained shall be so construed as to increase or modify the present pay of the chiefs of bureaus in the Navy Department, with whom shall be classed the present superintendent of the Naval Observatory: *Provided*, That the officer now charged with experiments in gunnery at the Washington navy-yard shall receive the sea-service pay"—

Not of his own grade, but—

"of the grade next above him, as provided by the act of March 3, 1851."

That has been the history of Mr. Dahlgren. I have no doubt that I may be misunderstood and misrepresented. Be it so; let it go; I do not care; I am willing to be misrepresented; I am used to it. I do not want to impeach that man in the slightest degree. I believe he is a good officer; and I have said it over and over again.

The Navy Department had another pet whom they put in charge of the Naval Observatory up here; and he fed on your pap until he got fat enough to leave your service, and is now in the pay of the confederates. Then there was another pet, a man in charge of the Nautical Almanac. They always give some special service to these pets, which any other officer in the Navy would be glad to get, but cannot. You had an officer here in charge of the Nautical Almanac. The Secretary of the Navy sent in recommendations that his salary should be increased above his grade. Congress voted it down, year after year; voted it down by an overwhelming majority, after discussion. The Secretary of the Navy, however, had asked for it, and estimated for it, and the gross amounts estimated for were appropriated. By and by, things going on in this way, the Secretary of the Navy asking and Congress refusing to increase the pay, he got an opinion from one of the Comptrollers of the Treasury Department, that, if he estimated for a high salary and Congress appropriated all the money that he asked, it authorized him to pay the salary that he had asked and that Congress had refused to give; and upon the strength of that, the Secretary of the Navy paid the officer in charge of the Nautical Almanac an extravagant allowance, about twice what he was authorized to do by law; and not only that, but he went back two or three years to do it, when Congress here repeatedly, year after year, were passing votes that they would not do it.

It seems to me that it is time to stop this special legislation for Commander Dahlgren. I do not want to put myself in an attitude of hostility to any man. If I know myself, I would not do an act of injustice to him or to anybody else; but I think the considerations which address themselves to Congress in behalf of a meritorious officer have been met, and fully met long ago, in the fact that you have paid him what you have never paid anybody else—not the highest sea-service pay of the grade to which he belongs, but the highest sea-service pay of the grade next above him.

If this door is to be opened, why not take in all the talent of the country? I am willing to abandon my position at the head of the Naval Committee at any time; but while I retain it, I am determined to discharge my duty; and I shall move, after we have adopted this amendment to take in commanders for heads of bureaus, if we do adopt it; that the President shall have liberty, also, to take the lieutenants for these positions. Some of the best officers in your Navy are lieutenants; many of them are men over fifty years of age, who have seen long and honorable service. If this thing is to go on, I say, let the doors be wide open, and let us have them all in.

Mr. RICE. Mr. President, when officers in the Army have distinguished themselves, I have noticed that it is customary for the President of the United States to reward them by granting them promotion; and the Senate, so far as my knowledge extends, have sustained the President by confirming those gentlemen. Captains have been taken and made generals; lieutenants have been taken and put far ahead of their lineal grade.

No complaint has been made in regard to this in the Army; and I regret that a naval officer so meritorious as Commander Dahlgren, who has rendered such services to the country as he has, should be singled out here upon an occasion like this. I was in the city of Washington during the dark week. I think there were six officers serving at the navy-yard with Commander Dahlgren; one or two ranking him, the others his juniors. After having sown the seeds of disaffection among the men; after having done everything in their power to turn the men in the navy-yard against the Government, they resigned; and that, too, without giving any previous notice. But, sir, Commander Dahlgren stood by his flag. Mutiny was inaugurated there, and he met it manfully; and for eight or ten days and nights that man never took off his clothes. He labored incessantly; and if to any one man more than another we owe the safety of the city of Washington, it is to Commander Dahlgren.

The "lobbying" about the Senate or the House of Representatives, to which reference has been made, cannot, I think, be correctly attributed to him. He may have friends who are friends of the Government; but you never find him about the halls of Congress; you never find him in the streets; you never find him in the hotels; you find him always at his post; and if there is one officer in the Navy deserving promotion, or deserving a mark of respect from the Congress of the United States, it is this very officer—Commander Dahlgren.

Mr. HALE. I should like to know what the Senator means by saying that a statement which I have made is not correct?

Mr. RICE. I did not understand the Senator to say that he knew that Commander Dahlgren had been lobbying about here, but that his friends had.

Mr. HALE. Some friends of the measure.

Mr. RICE. I know of no friend, except a friend of the country, that has ever spoken in behalf of Commander Dahlgren. He is a man belonging to the country.

Mr. HALE. Let me make a statement, and I will stand by it. What I stated was, that when a proposition for increasing this man's pay was before the Senate, and I was endeavoring to address myself to the Senate against it, a gentleman interested against me went and took a Senator out, and turned around with a look of triumph in his eye to me as he went out, and induced that Senator to vote for it. I do not know what the extent of the remark of the Senator from Minnesota was, but I will say this: the remark that I made was true, and any remark that is made in contravention of it is false.

Mr. GRIMES. I dislike to see this proposition——

Mr. RICE. One moment, Mr. President, if the Senator from Iowa will allow me. I regret that the Senator from New Hampshire should have exhibited so much passion upon this occasion as to apply to me the word "false." I take that word from no man. I did not apply any such epithet to him. I merely stated it was incorrect, in my opinion, to suppose that he had employed any one to "lobby" for him, though there may have been "lobbying" by others who felt an interest in the Government. I used no harsh terms towards any Senator. I have never done so, and I trust I shall never have occasion to do so.

Mr. HALE. I made a statement upon my own knowledge. I understood the Senator from Minnesota to controvert it. I called upon him for some explanation. He did not feel inclined to give it. I applied no epithet to him or anybody else. I said that the statement which I had made was made on my personal knowledge. I saw it, and knew it; and that any statement made in contravention of that was false. That is all I said, sir.

Mr. GRIMES. I am unwilling that we should go off now upon an issue as to the merits of Commander Dahlgren. I apprehend that everybody here knows him as a very meritorious officer; there is hardly any single ship of the American Navy that does not carry a gun upon her deck that bears his name; but I wish to state a case, and I apprehend that the Senator from Connecticut and other Senators will see the force of it. During this session I have been approached by those who were very intimately connected with the Navy, who have expressed the opinion that the public interests would be more promoted by having Commander Dahlgren at the head of the Bureau of Ordnance than in any other position in the Government. This bill does not authorize the President to put him at the head of the Bureau of Ordnance, although that is his peculiar specialty; under the bill he can only be placed at the head of the Washington navy-yard. There are other officers in the grade of commanders, some of them citizens of the State of Connecticut, who are eminent in that particular specialty, that of ordnance, who have served in that capacity year after year, and who are very eminent in it, more so than a large majority of those who are in the grade of captain. If it is for the interest of the Government to take one of these men and put him at the head of the Ordnance bureau, or to take Commander Dahlgren and put him there, why not permit the President to do it? I happen to know that it has been in contemplation to get a provision of law introduced for the purpose of putting Commander Dahlgren there as being the place where his services were best adapted to promote the interests of the country; and yet the bill of the Senator from Connecticut will not permit that, and he is unwilling to allow the President the privilege of placing him there, or any other officer who has become eminent in that particular department. Let us look, I ask Senators, at the question as it stands before us, and not be diverted by any controversy in regard to the merits or demerits of Commander Dahlgren, or of anybody else. The question is, whether we will allow the President, or his chief clerk, the Secretary of the Navy, to call to it the very man of all others, no matter what may be his rank, who is the best capable of performing a given duty for the country in the present exigency. That is the question.

Mr. DIXON. One single word. I fully agree with the Senator from Iowa upon that subject; but that, to my mind, furnishes no reason why Commander Dahlgren should be virtually removed from his present position. If he can be raised to any higher position, I have no objection, but should like to see it. Still, every Senator knows that unless this bill passes, he cannot retain his present position, but is, in a certain sense, ignominiously expelled. That is the effect; not the intention, not the design, but so he feels it; that is his idea in regard to it. As to the amendment which is to be voted upon, I am against it, because all amendments tend to embarrass the bill, though I will not say that is the object. I shall vote for the bill, however, even if the amendment is adopted.

Mr. LANE, of Kansas. I desire to state that I was connected this spring with Commander Dahlgren, that I look upon him as one of the most gallant and plucky officers of the service, and I should consider it a great misfortune to the Government if he was driven from his position at the navy-yard by any act of ours.

The question being taken by yeas and nays on the amendment of Mr. HALE, resulted—yeas 22, nays 13; as follows:

YEAS—Messrs. Bingham, Browning, Chandler, Cowan, Doolittle, Fessenden, Foster, Grimes, Hale, Harlan, Harris, Kennedy, King, Lane of Indiana, McDougall, Morrill, Polk, Pomeroy, Sherman, Trumbull, Wilmot, and Wilson—22.

NAYS—Messrs. Anthony, Breckinridge, Dixon, Foot, Howe, Lane of Kansas, Powell, Rice, Saulsbury, Sumner, Ten Eyck, Wade, and Wilkinson—13.

So the amendment was agreed to.

APPOINTMENT OF AIDS-DE-CAMP.

Mr. WILSON. I ask that the bill now under consideration be laid aside for a brief space for the purpose of introducing a bill that it is very important should be passed to-day, if possible. It was important that it should be passed yesterday; but I could not get a chance then to present it. It will take but a moment.

Mr. DIXON. Let this bill be laid aside informally.

The PRESIDENT *pro tempore*. By common consent, the bill under consideration may be passed over informally, for the purpose of receiving the bill presented by the Senator from Massachusetts. To that the Chair hears no objection.

Mr. WILSON. The Committee on Military Affairs and the Militia have instructed me to report a bill supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861; and I ask for its present consideration.

The bill (S. No. 58) supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861, was read a first and second time, and considered as in Committee of the Whole. It provides that the President may, during the present insurrection, upon the recommendation of the Lieutenant General commanding the Army of the United States, or of any major general of the regular Army commanding forces of the United States in the field, appoint such number of aids-de-camp, in addition to those now authorized by law, as the exigencies of the service may, in the opinion of the President, require; such aids-de-camp to bear, respectively, the rank and authority of captains, majors, lieutenant colonels, or colonels of the regular Army as the President may direct, and receive the same pay and allowances as are provided by existing laws for officers of cavalry of corresponding rank. The President is to cause the aids-de-camp appointed under this act to be discharged whenever they shall cease to be employed in active service; and he may reduce the number so employed whenever he may deem it expedient so to do. Any officers of the regular Army appointed aids-de-camp under this act, and attached, or assigned to duty, for service as such, are, on their discharge, to resume their positions in the regular Army, and be entitled to the same rank and promotion as if they had continued to serve in their own regiments or corps.

Mr. WILSON. I will very briefly state the reasons why the bill is presented. By existing laws, three aids may be appointed for a major general and two for a brigadier general. It is found, with the large force we now have in the field, that the number is inadequate, utterly so. This is a proposition to allow the President to appoint temporarily, to go out of service at the end of this contest, such number of staff officers as the Lieutenant General or the general commanding a department of the Army shall recommend. I am told by some of those officers, and especially by General McClellan, that, instead of three, he must have a much larger number; that he cannot get along without them; and it is important to have them appointed immediately, for the public service is now suffering for the want of these staff officers. I hope, therefore, that the bill will be passed at once. It is well guarded; carefully drawn. These officers all go out at the end of the war.

The bill was reported to the Senate without amendment.

Mr. DOOLITTLE. I ask the chairman of the Committee on Military Affairs if he will not insert in that bill some limitation? It is perfectly unlimited now, as I understand. Let there be some limit.

Mr. WILSON. The only limitation is the limitation of the judgment of the President, and the judgment of the Lieutenant General commanding the Army, or a major general commanding a department. Take, for instance, this military department, where we are to have a hundred or a hundred and fifty thousand men assembled. There may be, perhaps, a dozen or fifteen of these staff officers required in this large division, or they may not need more than half a dozen. The discretion of the President is, I think, ample guarantee; and I think that no more will be appointed than will be needed. I do not deem it necessary to amend the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 82) to increase the number of cadets in the Military Academy at West Point, in which the concurrence of the Senate was requested.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 25th instant, the following bills:

A bill (H. R. No. 53) relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes; and

A bill (H. R. No. 64) to refund duties on arms imported by States.

Also, that the President had approved and signed, on the 27th instant, the following bills:

A bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861;

A bill (H. R. No. 69) to indemnify the States for expenses incurred by them in defense of the United States; and

A bill (H. R. No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore, to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals.

Also, that the President had approved and signed, on the 29th instant, the following bills:

A bill (H. R. No. 73) to authorize the issue of a register to the steamer Estella; and

A bill (H. R. No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes;

A bill (S. No. 31) to increase the medical corps of the Navy, and for other purposes;

A bill (S. No. 48) to provide a commission to examine and report as to the compensation of all officers of the Government, and for other purposes; and

A bill (S. No. 51) in addition to an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July 13, 1861.

SENATOR FROM KANSAS.

Mr. LANE, of Indiana, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to inform the Senate whether Hon. JAMES H. LANE, a Senator in this body from Kansas, has been appointed a brigadier general in the Army of the United States; and if so, whether he has accepted such appointment.

HOUSE BILL REFERRED.

The bill (No. 82) to increase the number of cadets in the Military Academy at West Point was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

BILLS INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 55) authorizing the President to fill vacancies in certain offices during the recess of the Senate; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McDOUGALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 56) for the relief of George W. Wright; which was read twice by its title, and referred to the Committee on Claims.

Mr. POWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 57) repealing all laws allowing bounties on the tonnage of vessels engaged in the bank or other cod fisheries; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 59) in relation to the office of attorney of the United States for the southern district of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 60) relative to appeals in cases of private land claims and surveys in the State of California; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 62) relative to printing extra numbers of messages, reports, and documents; which was read twice by its title, and referred to the Committee on Printing.

PRINTING OF BILLS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution to print two thousand extra copies each of the act approved 22d July, 1861, authorizing the employment of volunteers, &c.; of the act approved 26th July, 1861, in addition thereto; of the act increasing the Army; and of the act for the better organization of the military establishment, reported it with an amendment, which was, in line two, to strike out "two thousand," and insert "four thousand."

The amendment was agreed to.

The resolution, as amended, was adopted, as follows:

Resolved, That there be printed for the use of the Senate four thousand extra copies each of the act approved 22d July, 1861, authorizing the employment of volunteers, &c.; and the act approved 26th of July, 1861, in addition thereto, of the act increasing the Army; and of the act for the better organization of the military establishment.

SALE OF INTOXICATING DRINKS.

Mr. HARRIS. A bill passed the other day relating to the sale of intoxicating drinks to soldiers in this District. It is ascertained on inquiry that the penalty prescribed by that bill for the offense which it makes, is such as to entitle the person charged with the offense to trial by jury, and it is supposed that it will create some embarrassment. I ask leave, therefore, to introduce a bill supplementary to that bill, changing to some extent the penalty for the offense. I ask also that it may be put on its passage at this time.

Leave was granted to introduce the bill (S. No. 61) to amend "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases." The bill was read three times, and passed. It provides, that whenever any person shall be convicted of the offense prescribed in the act entitled "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia," he shall be punished by a fine of twenty dollars, or imprisonment in the jail of Washington county, in the District of Columbia, for the period of thirty days.

ORDER OF BUSINESS.

Mr. CHANDLER. I move that the Senate take up House bill No. 74.

Mr. DIXON. Is there not a matter before the Senate?

The PRESIDENT *pro tempore*. The question before the Senate is upon the bill relating to the superintendents of navy-yards.

Mr. CHANDLER. I ask unanimous consent to take up and pass the bill to which I have referred. It is a bill of some considerable importance, deemed so by the Secretary of State.

The PRESIDENT *pro tempore*. The motion of the Senator from Michigan can only be entertained by unanimous consent.

Mr. SHERMAN. The Senator from New Hampshire has withdrawn his purpose to offer an amendment to the other bill, and I hope that it will be put upon its passage. I object, for the moment, until we dispose of that bill.

The PRESIDENT *pro tempore*. The Senator from Ohio objecting to the motion of the Senator from Michigan, the question is on the bill which was laid aside informally by common consent. If other business——

Mr. TRUMBULL. I desire to inquire what has become of the bill which was postponed until one o'clock to-day?

The PRESIDENT *pro tempore*. It lies on the table, to be taken up when it is reached in order.

Mr. TRUMBULL. Ought it not to have been called up at one o'clock?

The PRESIDENT *pro tempore*. Not pending the consideration of other business.

Mr. TRUMBULL. I supposed, when the vote was taken yesterday, and it was postponed to a particular hour, it would come up at that hour. If that is not so, it requires a motion to take it up.

The PRESIDENT *pro tempore*. That motion postponing it to a particular hour, not making it the special order, only gives it preference to the the general orders upon the Calendar, and it will take priority of all other general orders when the morning business, or other special business before the Senate, shall be disposed of.

Mr. DIXON. I object to any further interruption of the bill before the Senate.

COMMANDANTS OF NAVY-YARDS.

The PRESIDENT *pro tempore*. The pending bill is the bill (H. R. No. 78) to amend an act entitled "An act supplemental to an act entitled 'An act providing for a naval peace establishment and for other purposes,'" passed March 27, 1804; and if no further amendment be offered, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

CONSULAR REPRESENTATION ABROAD.

Mr. CHANDLER. I now move to take up House bill No. 74.

The motion was agreed to; and the bill (H. R. No. 74) to increase the consular representation of the United States during the present insurrection was considered as in Committee of the Whole. It authorizes the President of the United States, by and with the advice and consent of the Senate, to appoint consuls at any foreign ports where he shall deem it advisable, for the purpose of preventing piracy, with such compensation, not exceeding $1,500 per annum, as he shall think proper, to hold their offices, respectively, during the pleasure of the President, and in every case such compensation to cease with the restoration of internal peace within the United States. It also authorizes the President, during the present insurrection, to increase the compensation of any consuls in foreign ports, if he shall deem it necessary, so as not, however, to exceed the sum of $1,500 in any case. But this power is to cease with the reëstablishment of internal peace.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PERSONAL EXPLANATIONS.

Mr. HALE. I rise to ask the indulgence of the Senate a moment on a little matter, which I believe I never did trouble them with before in my life. It is to make a very brief personal explanation. The Senate observed that there was some passage between myself and the Senator from Minnesota, [Mr. RICE.] I wish to say that I understood the Senator at the time, in the heat of debate, to controvert distinctly a statement which I made. I am satisfied I was mistaken in that understanding; the Senator meant no such thing. Smarting under what I believed to be injustice, I applied hypothetically the word "false" to any statement that might controvert my own—not applying it to him; I did not apply it to him; but I regret even that, as I am satisfied the Senator meant me no unkindness and no injustice. I hope this explanation will be satisfactory to him and to all his friends.

Mr. RICE. Mr. President, no one could be more satisfied with the explanation which has just been made by the honorable Senator from New Hampshire than myself. Although a young member here, I have endeavored, on all occasions, to conduct myself in such a manner as would give the least possible occasion for offense to any one; and I regret that the Senator should have misunderstood me; or if I used words which I did not intend, I regret it still more.

Mr. HOWE. Mr. President, if personal explanations are in order, I have a brief statement to make myself. Just before the Senate adjourned last evening, my colleague called my attention to the report of proceedings in the Senate of the day before, from which I learned that serious complaint was made because of the non-attendance of Senators. The Senate found itself without a quorum, and was unable to proceed with the public business; and it so happened that at the time that complaint was made, I was among the absentees. My colleague stated then, very kindly and very truly—for which I thank him—that I was detained from the Senate by ill health. Nevertheless, the record will show that at an earlier hour of the day I was in my place participating in the deliberations of the Senate; and for this purpose of explaining this apparent ambiguity, I desire to say that I came here at the opening of

the Senate on that day, though feeling but very little able to be here. I remained here for something like an hour, when I received a message from a citizen of Wisconsin, saying that he was under arrest here in the city as a rebel. I took a carriage, and went to the hotel, where he said he was, to vouch for his loyalty; and on my return to the Capitol, I found myself utterly unable to the task of coming up to the Senate Chamber, and I returned home and went to bed. That is the occasion of my absence at that time. It is the only time, I think, since I have been intrusted with a seat on this floor, that I have been out of the Capitol building during a sitting of the Senate.

ARMORED SHIPS.

Mr. THOMSON. When the Senate adjourned yesterday, it was in consequence of there being no quorum; and the unfinished business of yesterday undoubtedly was the report of the committee of conference on the disagreement between the House and the Senate in reference to the bill for the construction of iron-clad steamers.

The PRESIDENT *pro tempore*. The Chair was about to present the unfinished business of yesterday, but waited for the disposition of the morning business, the proper morning hour having been occupied in the discussion of another bill. The Senator from New Jersey moves that the Senate proceed to the consideration of the unfinished business of yesterday, which is the report of the committee of conference on Senate bill No. 36, to provide for the construction of one or more armored ships and floating batteries, and for other purposes.

The motion was agreed to; and the Senate resumed the consideration of the report.

Mr. GRIMES. In order to settle this whole subject satisfactorily to all parties, I move to indefinitely postpone the motion to concur in the report, which I understand will carry the bill with it.

Mr. TEN EYCK. I submit that that cannot be done. The yeas and nays have been ordered in this case, and the vote taken, and it failed for want of a quorum. The call of the yeas and nays has been ordered on this report, and was partially proceeded in; and I believe at the time there was a quorum in the Senate, but some gentlemen refused to vote. I take it for granted there can be no motion now made to interfere with the calling of the roll, according to my understanding, although I am not familiar with the rules of the body.

The PRESIDENT *pro tempore*. The question before the Senate was upon concurring in the report of the committee of conference, upon which the yeas and nays were taken; and upon being taken and announced, showed the want of a quorum present and voting. That vote is therefore a nullity; and if no other motion taking precedence of that should be interposed, the Chair will proceed to have the yeas and nays called again; but a motion, if that be the motion of the Senator from Iowa, to indefinitely postpone the bill, or the report of the committee, which carries the bill with it, does take precedence of the motion to concur in the report of the committee of conference; and the question now is upon the indefinite postponement of this report.

Mr. THOMSON. I submit, the yeas and nays having been ordered and the call proceeded with, whether that is in order.

The PRESIDENT *pro tempore*. The Chair has decided it to be in order.

Mr. THOMSON. That it is in order?

The PRESIDENT *pro tempore*. That it is in order. The Chair has no doubt upon that point.

Mr. SHERMAN. I trust I may appeal to the Senator from Iowa to withdraw the motion. If it is the determination of the majority of the Senate to embark in the purchase of this boat at an expense of $800,000 at this time of disaster, the majority of the Senate can do so, and we ought not to stand in the way. We have spent two days on this subject in this short session. The proposition to buy this boat was introduced in the Senate, discussed, considered fairly, and a committee of naval officers was appointed to examine into it. We have not had their report. Since that time, in an indirect way, through the means of a committee of conference, in a way that I believe struck every Senator with surprise, this steamboat project is again brought before the Senate. We all understand it. I trust, therefore, my friend from Iowa will not interpose a dilatory motion, and that the Senate may take the vote. We all understand distinctly that if we concur in the report of the committee of conference, it authorizes the Secretary of the Navy to buy this boat at an expense of $800,000 by the simple report of three officers of the Navy, to be selected by himself. If, on the other hand, we do not concur in this report, we send the bill to another committee of conference with instructions substantially that they shall limit the expenditure of this money.

Mr. TEN EYCK. The Senator from Ohio will excuse me when I say I do not think he states the question fairly. I know of no determination on the part of this Senate to purchase this boat whether or no. I am opposed to any such measure as that myself. The simple measure is to authorize a board of inquiry, upon whose judgment the Secretary of the Navy may act. If I thought that it was to result now absolutely in the purchase of that boat, as the Senator from Ohio seems to indicate, I should vote against the measure. It is simply directing an inquiry to be made; and as that inquiry may turn out, so the action of the Government may be.

Mr. GRIMES. I will give way to the appeal of the Senator from Ohio if it is desired. I think it ought to be indefinitely postponed, and let the whole thing go.

The PRESIDENT *pro tempore*. Does the Senator withdraw that motion?

Mr. GRIMES. Yes, sir.

The PRESIDENT *pro tempore*. The question, then, is on concurring in the report of the committee of conference, upon which the yeas and nays have been ordered.

Mr. GRIMES. I want to state one or two facts in connection with this subject, so that every gentleman can have a full understanding of it. I have taken the trouble since yesterday to go to the Department and read the contract entered into between the Secretary of the Navy, on the part of the United States, in 1843 and again in 1844, and Mr. Robert L. Stevens, of New Jersey, who undertook to build this steamer. Mr. Robert L. Stevens entered into a contract to complete this steamer of certain dimensions, carrying a certain armament, for the average price that was paid by the Federal Government for the steamers Mississippi and Missouri. The act under which the Secretary of the Navy acted was passed on the 14th of April, 1842, and there was an appropriation made at that time of $250,000 for carrying the act into effect. The first contract was made by Mr. Upshur, on the 10th of February, 1843, to build this steamer. It was to be built of a certain capacity, carrying not less than six large guns, and each of those guns were to be of a caliber not less than any of the guns carried on the Mississippi or Missouri; and it was to be encased in half inch iron; and the price which Mr. Stevens was to receive for the performance of his part of the contract was the mean payment—that is, the average price—that was paid for the Mississippi and Missouri by the Federal Government. In the subsequent contract entered into by Mr. Stevens, on the 14th of November, 1844, with Mr. John Y. Mason, Secretary of the Navy, it was agreed that the sum which Mr. Stevens should receive was $580,717 84; and in order to indemnify the Government against loss, Mr. Stevens executed a mortgage to the Government upon his real estate in New Jersey, by which he agreed, if he did not fulfill the contract according to the stipulations, that this property might be sold, and the Government reimbursed.

Now, sir, the Government fulfilled its portion of the contract. In the first place, on the 14th of April, 1842, it appropriated $250,000; on the 3d of March, 1855, it appropriated $250,000; and on the 16th of August, 1856, it appropriated the additional amount which was agreed upon between Mr. Mason, then Secretary of the Navy, and Mr. Robert L. Stevens, to be the full amount he was to receive, $86,717 84; so that the Government has fulfilled its contract entirely; and what have we got? Why, sir, you have not got at your Navy Department a single plan, nor a single specification for this vessel, except such as are spread out in the articles of the contract between the Government and Mr. Stevens. I understand that there is a frame laid, that a vessel is partly completed. I will say, in answer to the allusion made by the Senator from Wisconsin [Mr. DOOLITTLE] and others to armored ships yesterday—the Senator from New Jersey can tell me whether I am correct or not—I understand this is not anything like the armored ships now being made in Europe. I understand the purpose here is to sink this vessel to the bulwarks when she goes into action by allowing water to be introduced in some manner into her hold.

Mr. THOMSON. If necessary.

Mr. GRIMES. I understand from the gentleman who has the thing in charge that that is the proposition; that iron casements are placed only over the bulwarks, and a short distance down—not as low as the water mark; and that they are to open certain port holes or apertures in the vessel to let in water, to reduce her down to a certain level; and then, if she will settle even, and will not go too far down, they are to fight her in that condition, and then to pump the water up out of the hold of the vessel after the action shall be over and they shall be the victors.

That is the kind of vessel this is. It is not built, and is not proposed to be built, as I understand, anything like an armored ship; and I have it pretty direct, not from the Navy Department, not from any official source, for you have not got any official information on the subject; you have not a plan in your Navy Department, in connection with this subject; you have not got any specifications, except what were reduced to writing as long as 1843 and 1844, before all the improvements in naval architecture and naval gunnery were introduced.

Now, it is said by gentlemen we can safely do this, because honorable men will be appointed by the Secretary of the Navy to investigate this subject, and that the money will not be paid until they have made a report. I do not doubt the integrity of the Secretary of the Navy, and I do not doubt the capacity or the integrity of the commissioners whom he may appoint; but there is this to be taken into consideration, that it is the interest of Mr. Stevens to release his real estate, which is now bound up under a mortgage to the Government to the amount of $586,000 and interest for eighteen years. It is his interest, also, to get back upwards of two hundred thousand dollars, which it is reported—I know not with how much truth—he has expended on this vessel, in addition to the amount that has been paid him. I think there is a great deal of Christian philosophy in that injunction, "Lead us not into temptation;" and I do not want this board of naval commissioners placed in that condition, where they will have duty, honesty, and integrity on the one side, and all the inducements of $1,500,000 to compel them on the other. They may resist it; I hope they will; I believe they will; but I do not want either the Secretary of the Navy or your naval officers placed in that condition. Not only that, Mr. President; if this board should report in favor of it, or if they should not, you will see the money influence that is interested in this project denouncing throughout the New York and Philadelphia papers the Secretary of the Navy for his inefficiency. I have seen it already, because the Secretary of the Navy did not upon his own mere *ipse dixit*——

Mr. HALE. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will state his point of order.

Mr. HALE. My point of order is, that debate on this bill is out of order. We were calling the roll on concurring in the report last evening, and the Senate adjourned for want of a quorum; and the point of order I raise is, that nothing is now in order but the calling of the roll.

Mr. GRIMES. I yield, sir.

The PRESIDENT *pro tempore*. In the judgment of the Chair, the roll being but partially called, and that division showing the want of a quorum, the Senate adjourning upon it, the yeas and nays having to be taken anew, the action of the Senate, so far as it was had in the calling of the roll, is treated as a nullity, and debate is in order upon the question of concurring in the report.

Mr. HALE. If debate is in order, I would rather hear the Senator from Iowa than anybody else, and I hope he will go on.

Mr. GRIMES. I do not want to intrude myself on the attention of the Senator from New Hampshire, and therefore leave the subject exactly where it is.

The question being taken by yeas and nays, resulted—yeas 16, nays 23; as follows:

YEAS—Messrs. Anthony, Baker, Breckinridge, Bright, Dixon, Doolittle, Foot, Hale, Harris, Kennedy, King, Latham, Powell, Saulsbury, Ten Eyck, and Thomson—16.

NAYS—Messrs. Browning, Carlile, Chandler, Clark, Cowan, Fessenden, Foster, Grimes, Harlan, Howe, Johnson of Tennessee, Johnson of Missouri, Lane of Indiana, Morrill, Polk, Pomeroy, Sherman, Sumner, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—23.

So the report of the committee of conference was rejected.

The PRESIDENT *pro tempore*. The Chair will inquire what further action shall be taken in reference to this bill? A motion to further insist and ask for another committee of conference will be in order.

Mr. THOMSON. Would it be in order to move the indefinite postponement of the bill, as proposed by the Senator from Iowa, at this stage?

The PRESIDENT *pro tempore*. That motion would be in order.

Mr. THOMSON. I make that motion.

Mr. GRIMES. I trust the bill will not be indefinitely postponed. I hope we shall vote that down.

The motion was not agreed to.

Mr. GRIMES. I move that the Senate further insist on its disagreement to the amendments of the House, and ask for a committee of conference.

Mr. HALE. I desire to ask whether, the Senate having refused to abide by the report of the committee of conference, it is not in order now to agree to all the amendments of the House but one? There is no disagreement about any of the amendments but one, and it is hardly worth while for the Senate to disagree to four or five amendments to which there is really no objection.

Mr. FESSENDEN. It is taken as a whole.

Mr. HALE. No; it is not. I move that the Senate concur in all the amendments but one, and insist on its disagreement to that.

The PRESIDENT *pro tempore*. Will the Senator from New Hampshire designate the one he does not include?

Mr. HALE. The one proposing to insert the words "or completing."

Mr. FESSENDEN. I will ask whether it is possible for the Senate to do anything else than either to accept or reject the report of the committee of conference?

Mr. HALE. That is rejected.

Mr. FESSENDEN. Undoubtedly it is rejected; but can the Senate then proceed to act upon the amendments after they have rejected the report of the committee?

The PRESIDENT *pro tempore*. Most undoubtedly the Senate can act upon its own amendments, or its own disagreement to amendments of the House. The Senate disagreed to certain amendments of the House, and have rejected the report of the committee of conference thereon; but it is competent for the Senate now, if they see fit, to agree to all the amendments of the House, and that will be the end of the bill.

Mr. FESSENDEN. That is not the motion. The motion is, to agree to the amendments of the committee of conference.

Mr. HALE. No, sir; that is not my motion.

The PRESIDENT *pro tempore*. There is no motion of that kind.

Mr. HALE. My motion was, that the Senate agree to all the amendments of the House except one, which I indicated.

The PRESIDENT *pro tempore*. The report of the committee of conference is disposed of; and the bill is now before the Senate; and the motion of the Senator from New Hampshire is in order.

Mr. TRUMBULL. It really seems to me that that would produce the greatest confusion. We have acted on those amendments some days ago. We have refused to agree with the House on those amendments. That is a vote. Now, this is not a motion to reconsider that vote by which we refused to agree. We have already voted and decided that we would not concur with the House in their amendments to the bill, and then——

The PRESIDENT *pro tempore*. The Senator from Illinois will suspend his remarks for a moment. The Chair will state that the more appropriate motion would be, that the Senate recede from its disagreement to those amendments. That would be the proper form of the motion.

Mr. HALE. I put it in that form.

Mr. TRUMBULL. Still, it seems to me, it would involve confusion. The committee of conference make up their report frequently, each House abandoning something which it has agreed to, for the purpose of passing the bill, a sort of compromise that the two Houses act upon. Now when you reject the report of the committee of conference, which is an entirety, it strikes me, then for either House to go back and reconsider its previous action would not be consistent with what we have done. Will it make a law if we recede from these amendments? What has the House of Representatives done?

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Illinois that that is not the proposition. The proposition is, that the Senate recede from its disagreement to the amendments of the House of Representatives, with one exception, and that motion is in order.

Mr. TRUMBULL. I understand that that is the proposition. We could undoubtedly have done that before the committee was raised; but we have refused to recede. We have already said that we would not agree with the House of Representatives. On this disagreement we have got up a committee of conference; and now, when that committee make a report, it is an entirety. The House of Representatives, as I understand, agreed to that report. Now we are opening the bill again, and going back and receding from a disagreement which we put upon the record some days ago. It strikes me that that cannot be done.

The PRESIDENT *pro tempore*. It is a case of very common practice, and the Journals of the Senate are full of precedents of this character. It is one about which the Chair has no doubt; and as no appeal is taken from the decision of the Chair, the question is on the motion of the Senator from New Hampshire, that the Senate recede from their disagreement to all the amendments of the House of Representatives, except the one indicated by him.

The motion was agreed to.

Mr. GRIMES. I now submit my motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate further insist on its disagreement to that amendment, and ask for another committee of conference.

The motion was agreed to.

On motion of Mr. GRIMES, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. GRIMES, Mr. SHERMAN, and Mr. CARLILE, were appointed.

SUPPRESSION OF INSURRECTION.

The PRESIDENT *pro tempore*. The next business in order is the bill (S. No. 33) to suppress insurrection and sedition, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the motion of Mr. CARLILE to amend the amendment of the committee, by striking out the eighth section of their substitute, in the following words:

SEC. 8. *And be it further enacted*, That any military commander aforesaid, in any district declared to be in a state of insurrection and war, may cause any person suspected of disloyalty to the Government of the United States to be brought before him, and may administer, or cause to be administered, to such person an oath of allegiance, as follows: I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith and loyalty to the same, any ordinance or resolution of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination and pledge, without any mental reservation or evasion whatever: so help me God. And on their refusal to take such oath, they shall be detained as prisoners until the restoration of quiet and peace in the locality where such arrests have been made. And any person having taken said oath who shall afterwards be taken in arms against the Government, or found aiding and abetting its enemies and opposers, shall be subject to the same punishment prescribed for those who violate their parol, as provided in the seventh section of this act.

Mr. TRUMBULL. I desire simply to call the attention of the Senate to what that section is, that they may vote understandingly in regard to it. That section provides that persons suspected of disloyalty may be arrested by military officers, and an oath of allegiance administered to them. If they refuse to take the oath, they are to be held as prisoners; and if, after taking the oath, they are subsequently found in arms against the Government, they are to be treated in the same manner as prisoners who violate their parol. That is all there is in the section. If the Senate think proper to strike it out, they can do so.

Mr. HALE. I rise simply to make a suggestion in behalf of the honorable Senator from Delaware, [Mr. BAYARD,] who had the floor on this bill at one o'clock. As the Senate was otherwise occupied, and have now used up the time until it is nearly half past two o'clock, it is not convenient for the Senator to go on, and I think it due to him that it should be postponed until to-morrow, in order that he may then make his remarks upon it. I make the motion to postpone until to-morrow.

Mr. TRUMBULL. I wish to object to this bill going over from day to day, unless there are special reasons given. It was postponed yesterday at the request of the Senator from Delaware, and now it is but an hour and a half past the time to which it was postponed. This session is drawing to a close. The House of Representatives has already sent us a resolution fixing the day of adjournment. The bill was postponed yesterday, on the special request of the Senator from Delaware, until to-day, and I think it is a very poor reason, unless there be some other, that an hour and thirty minutes have gone by, since the hour fixed for its consideration. Why did not the Senator from Delaware call it up?

Mr. BAYARD. I can state to the honorable Senator why I did not call it up. I said yesterday I was at the pleasure of the Senate, and it was not for me to interfere with the order in which they chose to transact business. If they choose to go on now with this bill, I must go on with my remarks of course; but the Senate had other business which it chose to continue up to the present time, an hour and a half after the time fixed for the consideration of the bill, and I supposed, therefore, it might just as well go over until to-morrow. Whatever the Senate may desire, I shall agree to. I should prefer that the bill should go over until to-morrow.

The PRESIDENT *pro tempore*. The question is on postponing the further consideration of the bill until to-morrow.

Mr. TRUMBULL. I hope it will not be postponed.

The question being put, there were, on a division—ayes twelve.

Mr. TRUMBULL. I will ask for the yeas and nays on the motion. We cannot get a quorum in any other way.

The yeas and nays were ordered.

Mr. LANE, of Kansas. I would like to know if the Senator from Delaware himself desires a postponement. If he does, I am willing to grant it.

Mr. BAYARD. The answer I give is this: I would prefer not to speak now; but I will follow the pleasure of the Senate. The bill has been postponed now for an hour and a half beyond the time at which it was to have been called up, not by any act of mine, but by the Senate itself; and I should now prefer its going over until to-morrow, when I can speak at an earlier hour. This is the very hottest part of the day, and besides, I do not feel very well; but I will go on, if it is the pleasure of the Senate. They must determine for themselves whether they will continue the consideration of the bill now or not.

The Secretary proceeded to call the roll.

Mr. FESSENDEN (after first voting in the negative) said: I voted against this motion for the reason that I thought we might go on and occupy the time with the consideration of this bill; but I am satisfied that we have business enough in executive session to take us the residue of the day, and we shall have to do it some time; and as we did not allow the Senator to proceed at one o'clock, the time fixed, and it is excessively hot, and he is out of health, I shall change my vote and vote "yea."

The result was then announced—yeas 22, nays 18; as follows:

YEAS—Messrs. Anthony, Bayard, Breckinridge, Bright, Browning, Carlile, Fessenden, Foot, Hale, Howe, Johnson of Missouri, Kennedy, Lane of Kansas, Latham, Polk, Pomeroy, Powell, Rice, Saulsbury, Sherman, Ten Eyck, and Thomson—22.

NAYS—Messrs. Baker, Chandler, Clark, Cowan, Dixon, Doolittle, Foster, Grimes, Harris, Johnson of Tennessee, King, Lane of Indiana, Morrill, Sumner, Trumbull, Wade, Wilmot, and Wilson—18.

So the motion to postpone the bill was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives,

by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 88) providing for the monthly payment of troops, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the bill of the Senate (No. 16) concerning the Attorney General, and the attorneys and marshals of the several districts.

FINAL ADJOURNMENT—EXECUTIVE SESSION.

Mr. CARLILE. Mr. President, I move to take from the table the resolution of the House fixing a day for the adjournment of Congress, in order that it may be considered. This is the second resolution that has been sent to us from that body. If the day fixed in the resolution be too early a day to suit the convenience of the Senate, I trust some day will be fixed, as early a day as possible, by gentlemen who know at what time the Senate can adjourn. The House, I understand from members, is now through with its business, so far as they are concerned, and they are anxious that some day shall be fixed. I move that the resolution be taken up and considered, and let it be amended, if necessary, and returned to them.

The PRESIDENT *pro tempore*. The Senator from Virginia moves to take up for consideration the following resolution——

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. That takes precedence of the other motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were reopened.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had to-day approved and signed the following bills:

A bill (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes;

A bill (S. No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, and for other purposes;

A bill (S. No. 31) to increase the medical corps of the Navy;

A bill (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are, or hereafter may be, in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion;

A bill (S. No. 48) providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes; and

A bill (S. No. 51) in addition to an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July 13, 1861.

DAY OF FASTING AND PRAYER.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 15,) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer; which was read a first and second time.

Mr. HARLAN. I ask for the present consideration of the resolution.

The Secretary read the resolution, as follows:

It being a duty peculiarly incumbent in a time of public calamity and rebellion, humbly and devoutly to acknowledge our dependence on Almighty God, and to implore his aid and protection: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait upon the President of the United States, and request that he recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity and the offering of fervent supplications to Almighty God, for the safety and welfare of these States, his blessings on their arms, and speedy restoration of peace.

Mr. TEN EYCK. I move to amend by striking out the word "humiliation;" so as to make it simply a day of fasting and prayer.

Mr. HARLAN. I hope that will not be done. I have followed nearly the exact words of a joint resolution passed during the war of 1812.

Mr. FESSENDEN. My friend will excuse me. I think that in the present state of the Senate it would be as well to let this matter lie over until to-morrow.

Mr. TEN EYCK. I withdraw my amendment if it leads to any difficulty.

Mr. KING. I hope that will go over.

The PRESIDING OFFICER. If there be objection to its third reading, the joint resolution must go over.

DELAWARE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, copies of all papers, evidence, vouchers, and a statement of the character and origin of the claim of the Delaware Indians for depredations upon timber and loss of property by whites; which was referred to the Committee on Indian Affairs.

HOUSE BILL REFERRED.

The bill (No. 88) providing for the monthly payment of troops, was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

DISTRIBUTION OF DOCUMENTS.

Mr. RICE. Yesterday I submitted a resolution in regard to undistributed public documents, but the resolution, as I offered it, did not fully cover the object I had in view. I have consulted with the Senators who made the objection; and now I offer another resolution, which I wish to have considered. It merely relates to the Senators from the State of Virginia.

The PRESIDENT *pro tempore*. By common consent, the former resolution referred to by the Senator from Minnesota will be withdrawn by him; and the substitute now sent to the Chair will be read.

The Secretary read it, as follows:

Resolved, That all books and documents printed by order of the Senate, and allotted to the several States, and which now remain in the Capitol undistributed, shall be delivered, by the superintendent of the folding room, to the present Senator or Senators from those States respectively, for distribution.

The resolution was considered by unanimous consent, and agreed to.

On motion of Mr. POWELL, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 31, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of their clerks, notifying the House that the Senate insist on their amendments to the bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes; agree to a conference on the disagreeing votes between the two Houses on the said bill; and have appointed Mr. SIMMONS, Mr. COLLAMER, and Mr. BRIGHT, as the managers on the part of the Senate at said conference.

JAMES E. HARVEY.

Mr. VALLANDIGHAM asked the unanimous consent of the House to offer the following:

Whereas James E. Harvey, minister to Portugal, did, in the months of March and April last, convey confidential and important information from time to time to the "rebel" authorities of South Carolina, in regard to movements of the Government of the United States for the suppression of the "rebellion" in said State; and whereas the said James E. Harvey has subsequently declared, in a public communication, that all of the dispatches by him sent to "rebels" in South Carolina were first shown to members of the Administration: Therefore,

Resolved, That the President of the United States be requested to ascertain what members of the Administration were thus concerned in aiding and abetting treasonable communication with "rebels;" and, if not incompatible with the public interests, to forthwith remove said persons from authority under him, and to recall the said James E. Harvey.

Mr. WASHBURNE objected.

PAY OF VOLUNTEERS.

Mr. PENDLETON, of Ohio, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law that officers of volunteers shall be entitled to receive their pay according to the same rules and times of payment as officers of like rank in the regular service.

NAVAL ENLISTMENTS.

Mr. FENTON, by unanimous consent, introduced a bill authorizing additional enlistments in the Navy of the United States; which was read a first and second time, and referred to the Committee on Naval Affairs.

PAY OF DEPUTY MARSHALS.

Mr. BURNETT asked the consent of the House to offer the following resolution:

Resolved, That the Secretary of the Interior inform this House why it is that the deputy marshals in the several States engaged in taking the census of 1860 have not been paid, the money having been appropriated by Congress for that purpose.

Mr. OLIN. I object.

Mr. BURNETT. I ask, then, that the resolution may be referred to the Committee on Expenditures in the Interior Department.

Mr. OLIN. I have no objection to that.

The resolution was accordingly received, and referred.

Mr. ASHLEY. I ask the unanimous consent of the House for leave to present the petition of citizens of the Territory of New Mexico, in reference to a Delegate from that Territory.

The SPEAKER. Nothing is now in order except reports from committees.

Mr. ASHLEY. I ask the unanimous consent of the House to present the petition I refer to.

Objection was made.

ATTORNEY GENERAL'S DEPARTMENT.

Mr. BINGHAM, from the Committee on the Judiciary, reported back Senate bill No. 16, concerning the Attorney General and the attorneys and marshals of the several districts, with the recommendation that it do pass; and on the passage of the bill he demanded the previous question.

The bill, which was read, charges the Attorney General of the United States with the general superintendence and direction of the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and they are required to report to the Attorney General an account of their official proceedings, and the state and condition of their respective offices, in such time and manner as the Attorney General may direct. The Attorney General is empowered, whenever, in his opinion, the public interest may require it, to employ and retain (in the name of the United States) such attorneys and counselors-at-law as he may think necessary, to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant counsel the amount of compensation; and the Attorney General shall have power to increase the clerical force of his office to discharge the increased duties of the office occasioned by this act, by appointing additional clerks, not exceeding two, at an annual salary not exceeding $1,400.

Mr. McCLERNAND. I hope the chairman will withdraw the demand for the previous question, in order that I may have an opportunity to ask a few questions.

Mr. BINGHAM. I withdraw the demand for the previous question, for the purpose of an inquiry.

Mr. McCLERNAND. It occurs to me, Mr. Speaker, that this bill accomplishes what has been sought to be accomplished for a long time in this Congress—that is, the erection of the Attorney General's office into a separate department of the Government, and giving that officer the entire control of the Solicitor of the Treasury. Is that the object?

Mr. BINGHAM. Yes, sir. The object of the bill is well enough suggested by the gentleman from Illinois. I will make this additional remark: it divests the Secretary of the Interior of all control over the judicial proceedings of the United States. Under existing laws he has control of them, and difficulties do frequently arise on that very account.

Mr. McCLERNAND. I had some conversation with an intelligent gentleman in one of the

Departments, connected with the law affairs of this Government, in which the opinion was expressed, that the enactment of this law would deprive the Solicitor of the Treasury of all ability to discharge his duties. He has now, to a certain extent, control over the marshals in regard to matters coming before him for investigation.

Mr. BINGHAM. I will say to the gentleman from Illinois, that the committee acted upon the brief made up by the Attorney General himself; and I feel clear in stating that this bill interferes with none of the legitimate functions of any of the Departments of the Government, because it divests the Secretary of the Interior of all power which he now exercises over the judicial operations of the United States.

Mr. McCLERNAND. It divests the Solicitor of the Treasury of all control over the subjects which he now has under his charge, and presents this question to the House: whether it will put the Attorney General upon an equal footing with the other Departments of the Government, or whether it will let it remain as it is? Congress has hitherto uniformly refused to erect it into a separate department.

Mr. BINGHAM. I did not understand that the gentleman had any objection to the principle of the bill. I infer that he objects to investing the Attorney General with authority to control and direct the judicial proceedings of the United States. I submit to the House that this is a bill sent to the Senate by the Attorney General himself. It is supported by very good reasons assigned by him in a written brief. The chief object of the bill, as I said before, is to transfer to the Attorney General of the United States all control over the district courts and their assistants, which is now vested by existing laws in the Secretary of the Interior.

Mr. McCLERNAND. One word more, and I have done. If I mistake not, a similar request was made by Attorney General Cushing, and Congress refused to grant it. I think that similar requests have been made from time to time by Attorneys General, and that Congress has hitherto refused to concede to the Attorney General this power. In other words, Congress has uniformly declined to erect the Attorney General into a separate department, giving that officer control over all of the district attorneys and marshals of the United States.

Mr. BINGHAM. I do not think myself that the bill erects him into a separate department of the Government. I think it only enlarges the sphere of his duties to the extent named in the bill. The idea that it erects the Attorney General into a separate department of the Government is not warranted by the terms of the bill. It merely enlarges his judicial functions. To that extent it goes, and no further. But it does seem to me, in view of past legislation touching that matter, that it is important for us that this change should be made. I will say this, as an illustration of the necessity of this law: under the existing laws of the United States, your district attorney, no matter what the public exigency may be, cannot strictly employ any assistant whatever to maintain the rights of the Government, until he makes his special arrangement with the proposed assistant, and procures the approval of the Secretary of the Interior. That matter is transferred from the Secretary of the Interior to the Attorney General, who is authorized, by the terms of this bill, to employ the assistants himself, or to direct their employment, in cases of public necessity. The circumstances which surround the House this day make it absolutely necessary for somebody to be vested with this power, other than the Secretary of the Interior. As it is now, the district attorney cannot, of his own motion, do anything. There must be a sending backwards and forwards before the assistant can do anything.

Mr. McCLERNAND. I do not think that that has been the practice. I know that local district attorneys have frequently employed assistants without first appealing to the Attorney General or to the Secretary of the Interior for that purpose.

Mr. BINGHAM. I respect the district attorney's intention, so far as he did so where the public exigency required it; but I will remind my friend that here, since I had the pleasure first to meet the gentleman from Illinois, a claim for services rendered in the conspiracy case of the steamboat Washington was objected to time and again because the law was not complied with. The services were rendered, but without the approval of the Secretary of the Interior, and the defect had to be remedied by a special bill.

Mr. McCLERNAND. I recollect when I was employed by a local attorney to assist him. I did so, but never was paid for it.

Mr. BINGHAM. I think that the district attorney showed himself wiser than the law. I demand the previous question.

Mr. WADSWORTH. Is not this bill excluded by the terms of the Holman resolution?

The SPEAKER. It is not, as it is a bill of a judicial character.

The previous question was seconded, and the main question ordered. The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MONTHLY PAYMENT OF TROOPS.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported a bill providing for the monthly payment of troops; which was read a first and second time by its title, and ordered to be engrossed; and being engrossed, it was accordingly read the third time, and passed.

NAVAL APPROPRIATIONS.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported a bill making further appropriations for the support of the naval service for the year ending June 30, 1862, and for other purposes, and asked that it be put on its passage.

Mr. WOOD objected.

The bill was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

EIGHTH MASSACHUSETTS REGIMENT.

Mr. LOVEJOY. I offer the following resolution:

Resolved, That the thanks of this House are hereby presented to the eighth regiment of Massachusetts volunteers for their alacrity in responding to the call of the President, and for the energy and patriotism displayed by them in surmounting obstacles upon sea and land which traitors had interposed to impede their progress to the defense of the national capital.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the resolution was adopted.

NATURALIZATION LAWS.

Mr. ARNOLD introduced a bill to amend the law providing for a uniform rule of naturalization, and to facilitate the naturalization of such as shall, after service in the Army of the United States, receive an honorable discharge therefrom; which was read a first and second time, and referred to the Committee on Military Affairs.

SECESSION OFFICE-HOLDERS.

Mr. JULIAN offered the following resolution; upon which he demanded the previous question:

Resolved, That the retention in office, or the promotion or appointment to office, civil or military, in this city, or throughout the country, by any of the Departments of the Government, of men of well-known secession sympathies, merits the condemnation of all loyal citizens, and hereby receives the reprobation of this House.

Mr. VALLANDIGHAM. Does that include Harvey?

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was adopted.

Mr. JULIAN moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STEAMBOAT PASSENGERS.

Mr. CRAVENS introduced a bill to amend an act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" approved August 30, 1860; which was read a first and second time, and referred to the Committee on Commerce.

BOUNTY LAND TO SOLDIERS.

Mr. HOLMAN introduced a bill granting bounty land to certain officers and soldiers who have been, or who may be, engaged in the military service of the United States; which was read a first and second time.

Mr. HOLMAN. I move to refer it to a select committee of seven.

Mr. VALLANDIGHAM. There are already several bills of a similar character, which have been referred to the Committee on Public Lands. I move that this bill take the same direction.

Mr. HOLMAN. I trust it will be referred to a select committee.

The question was put, and the bill was referred to the Committee on Public Lands.

Mr. HOLMAN offered the following resolution; upon which he called the previous question:

Resolved, That a committee of seven be appointed to consider the propriety of granting bounty land to the officers and soldiers who have been engaged in the military service of the United States since the 12th day of April, 1861, or who may be engaged in such service during the present effort of the Government to maintain its authority; and that such committee report by bill or otherwise.

The previous question was not seconded.

The SPEAKER. The previous question not having been seconded, and the resolution giving rise to debate, it goes over.

Mr. HOLMAN. No gentleman proposes to debate it.

Mr. BURNETT. I desire to debate it. I do not believe that any such select committee is necessary.

REPORTS OF CONFERENCE COMMITTEES.

Mr. ALLEN offered the following resolution:

Resolved, That all reports hereafter made from committees of conference, except those made on the last day of any session of Congress, be, and they are hereby, required to lie upon the table one day before their consideration by the House.

Mr. BINGHAM. I rise to a point of order. It is, that the resolution is not admissible under the rule adopted by the House at the commencement of the session.

The SPEAKER. The Chair thinks that unless the House can adopt rules for its proceedings, it cannot do anything; and therefore he rules the resolution in order.

The question was taken on the resolution; and it was not agreed to.

THE FRANKING PRIVILEGE.

Mr. VALLANDIGHAM. I desire to offer a bill of which previous notice has been given; and inasmuch as it was maturely considered by a select committee at the last session, I move that it be referred to the Committee of the Whole on the state of the Union.

The bill was read by its title, as follows:

A bill to amend the franking privilege.

Mr. BINGHAM. I rise to a point of order. It is that the bill is not admissible under the standing rule adopted this session.

The SPEAKER. Under the rule anything can be referred, and therefore the Chair overrules the point of order.

The bill was referred to the Committee of the Whole on the state of the Union.

RESIGNATION OF CADETS.

Mr. HARRISON introduced a bill prescribing the condition upon which resignations of cadets of the Military Academy at West Point may be accepted; which was read a first and second time, and referred to the Committee on Military Affairs.

NATIONAL ARMORY.

Mr. RIDDLE introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the special committee to establish a national armory west of the Alleghany mountains be instructed to inquire into the expediency of establishing the armory at the city of Cleveland, Ohio.

EQUALITY OF THE STATES.

Mr. PENDLETON, of Ohio, offered the following resolution:

Resolved, That, under the Constitution, the rights, powers, and duties of all the States of the Union are equal; that the Union is founded in this equality; that in order to maintain the Constitution and the Union, this equality must be preserved; that every honest effort to perpetuate the Union must be made in accordance with the Constitution, and with a purpose to maintain this equality; that an attempt on the part of the Federal Government to subjugate any of the States, and hold them as territories or provinces, or in any position inferior to that of every other State, or to interfere with their State governments, or with their domestic institutions, or to abolish or interfere with slavery

within their limits, would be an attempt to destroy this equality, and would, if successful, subvert the Constitution and the Union.

Resolved, therefore, by the Senate and House of Representatives, That Congress does hereby solemnly declare that hostilities against the so-called confederate States shall be so prosecuted as to enforce obedience to the obligations of the Constitution, and the laws passed in accordance therewith; and that they shall not be so prosecuted as to reduce to a position of inferiority any of the States, or to interfere with their State governments, or to abolish slavery within their limits.

Mr. BINGHAM. I raise the point of order that that resolution is not admissible, under the standing rule adopted this session.

The SPEAKER. The Chair sustains the point of order, and will have the rule read.

The Clerk read the rule, as follows:

"That the House, during the present extraordinary session, will consider only bills and resolutions concerning the military and naval operations of the Government, the financial affairs therewith connected, and general questions of a judicial character."

The SPEAKER. The point of order raised is that the resolution is in violation of the rule. The Chair sustains the point of order.

Mr. PENDLETON, of Ohio. I submit to the Speaker that he has already decided that anything concerning the prosecution of the war is admissible under the rule.

The SPEAKER. The Chair does not recollect any such decision.

Mr. PENDLETON, of Ohio. That resolution was drawn up directly after the decision was made, and it was intended to fall within the decision of the Speaker.

The SPEAKER. The Chair has had the rule read, and he sustains the point of order.

Mr. PENDLETON, of Ohio. I submit, of course.

POLICE COMMISSIONERS OF BALTIMORE.

Mr. MAY offered the following resolution:

Whereas the Constitution of the United States declares that no warrant shall issue but upon probable cause, supported by oath or affirmation; that no citizen shall be deprived of his liberty without due process of law; and that the accused shall enjoy the right of a speedy trial by a jury of the district where the offense was committed: and whereas Charles Howard, William H. Gatchell, and John W. Davis, citizens of Baltimore, in the State of Maryland, were, on the 1st day of July, 1861, seized without warrant, and without any process of law whatever, by a body of soldiers of the Army of the United States, by order of Major General Banks, alleged to have been made in pursuance of orders issued from the headquarters of the Army at Washington, and were removed by force and against their will from their homes to Fort McHenry, where they have ever since been, and now are, confined as prisoners; and whereas the said military officer, without warrant or authority of law, superseded and suspended the official functions of the said Charles Howard and others, members of the board of police of Baltimore; and whereas, since their said arrest, a grand jury attending the United States district court in Baltimore, and selected and summoned by a marshal appointed by the present Executive of the United States, having jurisdiction in the premises, and having fully investigated all cases of alleged violation of law, has finally adjourned its session without finding any presentment or indictment or other proceeding against them, or either of them; and the President of the United States, being requested by a resolution of the House of Representatives to communicate the grounds, reasons, and evidence for their arrest and imprisonment, has declined so to do, because he is advised that it is incompatible with the public interests; and whereas, since these proceedings, the said citizens, with others, have been, by force and against their wills, transferred by the authority of the Government of the United States beyond the State of Maryland and the jurisdiction of that court which it is their constitutional right to claim, and are to be subjected to an indefinite, a hopeless, and cruel imprisonment in some fort or military place, unfit for the confinement of the citizen, at a remote distance from their families and friends, and this without any accusation, investigation, or trial whatever; and whereas the constitutional privilege of the writ of *habeas corpus* has been treated with contempt, and a military officer (the predecessor of General Banks) has taken upon himself the responsibility of willful disobedience to the writ, and the privilege of the same now continues suspended, thereby subordinating the civil to the military power, thus violating and overthrowing the Constitution of the United States, and setting up in its stead a military despotism; and whereas the Congress of the United States regards the acts aforesaid as clear and palpable violations of the Constitution of the United States, and destructive to the liberties of a free people: Therefore,

Resolved, That the arrest and imprisonment of Charles Howard, William H. Gatchell, and John W. Davis, and others, without warrant and process of law, is flagrantly unconstitutional and illegal; and they should, without delay, be released, or their case remitted to the proper judicial tribunals, to be lawfully heard and determined.

Mr. HUTCHINS. I move to lay the resolution on the table.

Mr. BINGHAM. I raise the question of order that the resolution is not admissible under the standing order of the House.

The SPEAKER. The gentleman from Ohio raises the question of order, that under the standing order by which the House is confined to the consideration of bills and resolutions relating to military and naval operations and financial questions relating thereto, and judicial questions of a general character, the resolution is not in order.

Mr. MAY. Does not that resolution relate to the military operations of the Army of the United States? Is it not an allegation of the tyranny practiced under color of military authority?

The SPEAKER. The Chair does not think that such declarations on the part of the House have anything to do with the military operations of the Government.

Mr. MAY. Is it the decision of the Chair that the point of order is well taken?

The SPEAKER. The Chair so decides.

Mr. MAY. Well, I appeal from that decision.

Mr. BINGHAM. I move to lay the appeal upon the table.

Mr. STEVENS. There is another ground on which that paper is not in order. It is not in order to make a speech at this time; and that is nothing but a speech.

Mr. MAY. I withdraw the appeal.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles; when the Speaker signed the same:

An act in addition to an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July 13, 1861; and

An act providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes.

OPINION OF ATTORNEY GENERAL.

Mr. KELLEY submitted the following resolution; which was read, and referred to the Committee on Public Printing:

Resolved, That ten thousand copies of the opinion of the Attorney General, on the power of the President to suspend the writ of *habeas corpus*, be printed for the use of the House of Representatives.

OFFICERS' ACCOUNTS.

Mr. LEHMAN introduced a bill to facilitate the settlement of the accounts of officers; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

NATIONAL ARMORY.

Mr. BABBITT submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the committee to which the subject of the establishment of a national armory has been referred be, and is hereby, instructed to inquire into the expediency of establishing such armory at the city of Erie, in the State of Pennsylvania.

JAMES E. HARVEY.

Mr. STEVENS. I offer the following resolution:

Resolved, That the Secretary of War be requested to communicate to this House any communication which he has received from James E. Harvey, minister to Portugal, since his arrival at Lisbon, relative to the charges made against him of improper communication with the rebels, or any of them.

Mr. VALLANDIGHAM. Does that come within the standing order?

The SPEAKER. Does the gentleman raise the question of order?

Mr. VALLANDIGHAM. I do.

The SPEAKER. The Chair sustains the point of order.

Mr. STEVENS. I hope the gentleman from Ohio will withdraw the point of order. I think it due to Mr. Harvey, if he has any vindication, that it should go before the country.

The point of order was not withdrawn.

COLONELS VOSBURG AND KENNEDY.

Mr. WARD. I offer the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report a bill granting a pension to the widow of the late Colonel A. Vosburg; and also a bill granting a pension to the widow of the late Colonel William D. Kennedy.

Mr. McCLERNAND. That resolution is imperative, is it not?

The SPEAKER. It instructs the committee to report bills.

Mr. McCLERNAND. I suggest to the gentleman that he modify his resolution, so as to instruct the committee to inquire into the expediency of granting these pensions.

Mr. WARD. I accept that modification.

Mr. FENTON. This is not an appropriate subject of inquiry for the Military Committee. I suggest to the gentleman that he modify his resolution so as to direct the Committee on Invalid Pensions to make this inquiry.

Mr. WARD. I accept that modification also.

The resolution, as modified, was read, and agreed to; as follows:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of reporting a bill granting a pension to the widow of the late Colonel A. Vosburg; and also a bill granting a pension to the widow of the late Colonel William D. Kennedy.

HEALTH OF THE ARMY.

Mr. WARD. I offer the following preamble and resolutions:

Whereas there is reason to believe that our Army is now suffering in health and deteriorating in general condition, in consequence of obvious and remediable causes, which it behooves this House to inquire into and remove, to the extent of its power:

Be it therefore resolved, That a committee of five be appointed to inquire into the condition of our troops as regards their state of health, and to investigate the causes which are acting unfavorably upon it, with a view of removing them, and placing our Army in a more wholesome and efficient condition.

Resolved, That such committee confer with the Sanitary Commission, which has made the health of our troops the special subject of inquiry, or such scientific and experienced medical men and others as may be competent to give information upon the influences unfavorable to health to which our Army is exposed, or suggest means for their removal.

Resolved, That said committee have leave to sit, if necessary, during the recess of Congress, and have power to send for such persons as may be able to communicate general and scientific information pertaining to the inquiry; and that the sum of $5,000 be paid, out of any money in the Treasury unappropriated, or so much thereof as may be required, to defray the expenses of said investigation.

Mr. CAMPBELL. There is a medical staff perfectly competent to look after the health of the Army, and I therefore move to lay these resolutions upon the table.

The motion was agreed to.

So the preamble and resolutions were laid upon the table.

REFERENCE OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That the papers relating to the application of Jesse Smith Woodward, for a pension, be taken from the files of the House, and referred to the Committee on Invalid Pensions.

MAIL ROUTE.

Mr. DUELL submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new mail route from Norwich, in the county of Chenango, to Cincinnatus, in the county of Cortland.

TRADE AND COMMERCE OF THE UNITED STATES.

Mr. ELIOT submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to report to the next session of Congress, if any, and if any what legislation is necessary for the increase and extension of the trade and commerce of the United States with foreign countries.

CARE OF THE WOUNDED.

Mr. SHEFFIELD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be, and hereby are, instructed to inquire what legislation, if any, is necessary to provide for the care and maintenance and attendance upon soldiers wounded in the service of the United States, who have been or may be discharged from said service and returned to the several States; with leave to report by bill or otherwise.

PROTECTION AGAINST PRIVATEERS.

Mr. ELIOT introduced a bill to protect our coast from privateers, and to prevent frauds upon the revenue; which was read a first and second time by its title, and referred to the Committee on Commerce.

The SPEAKER having concluded the call of the States for bills and resolutions, announced that there was no business before the House.

Mr. VALLANDIGHAM (at thirteen minutes after one o'clock, p. m.) moved that the House do now adjourn.

The question was taken; and on a division there were—ayes 53, noes 42.

Mr. WRIGHT demanded the yeas and nays.

The yeas and nays were ordered.

Mr. VALLANDIGHAM. If there is any business to come before the House—anything within the rules, of course I will not insist on my motion. The Speaker announced that there was no business before the House, and therefore I moved an adjournment. I will withdraw the motion, and see what will come next.

BRIDGE OVER THE POTOMAC.

Mr. MOORHEAD. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up Senate bill No. 46, for constructing a bridge at the Long Bridge, over the Potomac.

Mr. VALLANDIGHAM. I rise to a question of order. Does that bill come within the rule restricting the business of the House?

The SPEAKER. If it were in the House, the Chair would be inclined to think it does not.

Mr. BURNETT. Then the proper place to raise the point is in the Committee of the Whole on the state of the Union. I will raise it there.

The question was taken; and the motion was not agreed to.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to increase the medical corps of the Navy; and an act authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes.

CONFERENCE REPORT.

Mr. COLFAX. I desire to ask the chairman of the Committee on Military Affairs whether the second conference committee on the Army bill has agreed to a report, and whether there is any probability of the report coming in this afternoon?

Mr. BLAIR, of Missouri. The committee of conference on Senate bill No. 3 has agreed on a report, and the report is already drawn up, but is not yet signed by all the members of the committee.

Mr. BURNETT. I ask the gentleman from Missouri whether there is any necessity for our remaining longer in session to-day; whether this report cannot be acted on just as well to-morrow as to-day?

Mr. BLAIR, of Missouri. That is for the House itself to judge.

PURCHASE OF ARMS.

Mr. STEVENS. I move that the House proceed to the business on the Speaker's table.

The motion was agreed to.

Senate bill No. 52, to provide for the purchase of arms, ordnance, and ordnance stores, was taken from the Speaker's table, and read a first and second time.

The bill appropriates $10,000,000 for the purchase and manufacture of arms, ordnance, and ordnance stores.

The question being on the third reading,

Mr. BURNETT. Is not that bill to be referred to a committee?

Mr. STEVENS. Yes; I move to have it referred to the Committee of Ways and Means.

The motion was agreed to.

OATH OF ALLEGIANCE.

Senate bill No. 54, requiring an oath of allegiance and to support the Constitution of the United States to be administered to certain persons in the civil service of the United States, was taken from the Speaker's table, and read a first and second time.

Mr. BURNETT. I move to refer that bill to the Committee on the Judiciary.

The motion was agreed to.

EMPLOYMENT OF VOLUNTEERS.

Mr. JOHNSON, by unanimous consent, introduced a joint resolution construing an act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property;" which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. JOHNSON. I desire to make a short statement in reference to the objects and purposes of this bill.

The SPEAKER. The Chair thinks that when the gentleman asked and obtained consent to introduce the bill for reference, it is not in order to debate it.

Mr. JOHNSON. I ask unanimous consent to make a statement.

Mr. COLFAX. I object.

DELEGATE FROM NEW MEXICO.

Mr. ASHLEY presented a memorial from citizens of New Mexico; which was read. The petitioners, persons holding office in New Mexico, and others of the citizens of the Territory, represent that, by the law of the Territory, no election for Delegate can be held before the first Monday in September next, and that no power is given to the Governor of the Territory to appoint a Delegate; that under these circumstances, the Territory of New Mexico must remain unrepresented at the extra session of Congress, unless Congress provide some other mode by which the interest of the people can be looked after; that, at a public meeting of the people of the Territory, a resolution was passed requesting Judge John S. Watts to repair to Washington as a representative of the Territory; and they ask the House to recognize him as a legally elected Delegate.

Mr. ASHLEY. I desire simply to make a statement to the House in connection with this memorial, which I ask to have referred to the Committee of Elections. It is well known to the country that on the part of the Territory of New Mexico there has been a convention held, and an effort made to carry the Territory out of the Union, as it is called. As the law of the Territory provides for the election of a Delegate next September, the people can have no representation here, unless the request of these petitioners be acceded to: I desire to have the memorial referred to the Committee of Elections, and in the mean time I ask that Judge Watts be allowed the privileges of the floor, without the right to draw mileage or pay. I ask this as a mere acceding to the request of the petition, signed as it is by the Governor of the Territory, and by all the territorial officers.

Mr. VALLANDIGHAM. I object. This is intended as a foundation on which to build a sort of equitable claim for five or six thousand dollars in the way of mileage and per diem.

Mr. ASHLEY. No, sir; the gentleman is mistaken.

Mr. VALLANDIGHAM. We are about to adjourn in two or three days, and this thing is very unnecessary. California is not represented here either. I object.

Mr. DUNN. I ask the gentleman to withdraw his objection for a moment to permit me to make an explanation.

Mr. BURNETT. This thing is certainly not in order; and I object to it. No explanation can remove my objection.

Mr. DUNN. I ask unanimous consent to make one word of explanation.

Mr. BURNETT. I have no objection to the gentleman making as many remarks as he pleases; but I object to the reception of the memorial.

The SPEAKER. The memorial is not received.

Mr. DUNN. The gentleman from Ohio [Mr. VALLANDIGHAM] remarked that it would be very improper for Judge Watts to receive his mileage and per diem. That remark might indicate that Judge Watts desired to receive compensation as Delegate from the Territory of New Mexico. As he is a friend of mine whom I have known for many years, I feel it due to him to say that, in permitting the memorial to come before the House, he neither desired nor expected any compensation whatever.

Mr. VALLANDIGHAM. I did not mean to say that he did; but that at some future time some of his representatives might make his recognition here as a basis for an equitable claim against the Government. Such things have been done before, and may well be done again.

COSTON'S NIGHT SIGNALS.

Mr. SEDGWICK, by unanimous consent of the House, from the Committee on Naval Affairs, reported a bill authorizing the purchase for the use of the Navy of Coston's night signals; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

ADDITIONAL NAVAL APPROPRIATIONS.

Mr. SEDGWICK also, by unanimous consent, reported, from the same committee, a bill making further appropriations for the support of the naval service for the year ending 30th June, 1862; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. KELLOGG, of Michigan. I move that the House do now adjourn.

The motion was agreed to.

The House thereupon (at half past one o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, *August* 1, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS.

Mr. HALE presented the petition of Charles T. James, of Providence, Rhode Island, praying that he may be authorized to rifle one of the large ordinary navy guns made for throwing round shot, and that it may be tested under the direction of a board of officers, to be appointed by the Secretary of the Navy; which was referred to the Committee on Naval Affairs.

Mr. CHANDLER presented a petition of citizens of Michigan, praying that the copyright of works and publications compiled by M. F. Maury, late of the United States Navy, while in the service of the Government, may be annulled; which was referred to the Committee on Printing.

NOTICE OF A BILL.

Mr. GRIMES. I give notice that to-morrow I shall ask leave to introduce a bill declaring the unconstitutionality and invalidity of that act by which it was attempted to retrocede a portion of the District of Columbia to the State of Virginia.

BILL INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 16) authorizing an examination, by a board of naval officers, of James's projectiles for rifled cannon; which was read twice by its title, and referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 9) to provide for the introduction of a code of marine signals adapted to secret service, and for other purposes, reported it without amendment, and moved that the further consideration of the subject be postponed to the 4th day of December next; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 57) repealing all laws allowing bounties on the tonnage of vessels engaged in the bank and other cod fisheries, asked to be discharged from its further consideration; which was agreed to.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia to report back the bill (S. No. 5) for the organization of a volunteer militia force, to be called the National Guard of the United States, and to move its postponement to the first Monday of December next, as we have not time now to consider a bill of so much importance as some of us think this bill is, I report back the bill, and move to postpone it to the first Monday of December next.

The motion was agreed to.

JOHN C. M'CONNELL.

Mr. WILSON. I am also directed by the same committee to report back House bill No. 59, for the relief of John C. McConnell, with an amendment, and ask for its present consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment is to strike out all after the enacting clause, and insert the following in lieu thereof:

That the Secretary of War be, and he hereby is, authorized and directed to credit and settle upon terms of equity and justice, the accounts of John C. McConnell against the United States, for expenses necessarily incurred by him in raising a regiment of volunteers in the State of Maryland, in May, June, and July, 1861, and now in the United States service: *Provided*, That the amount so to be allowed shall not exceed the sum of $8,500, and that it be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. FRIDAY, AUGUST 2, 1861. NEW SERIES.....No. 24.

and the amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

ARMS SENT TO DELAWARE.

Mr. SAULSBURY. I ask the Senate to take up a resolution which I submitted a few days ago, calling for information from the Secretary of War.

The question was put; and the President *pro tempore* declaring that the noes appeared to have it, a division was called for.

Mr. SAULSBURY. I assure the Senate that in calling for that information, it is not from any objection I have that the Department of War should send arms or ammunition into the State of Delaware. I have no objection to this Government sending arms to every man in the State of Delaware. My object, however, in offering the resolution, is to inquire to whom the arms have been sent. I want to know whether they have been sent to the Executive of the State, or whether any particular portion of the people of the State of Delaware have been selected out to be furnished with arms, and whether citizens of the State equally patriotic, equally loyal, equally loving to the Union, have been denied the possession of arms.

There is nothing in this resolution having any reference at all to secession or disunion——

Mr. COLLAMER. Will the gentleman indulge me one moment? Is there not something in the resolution besides that part calling for arms? I desire to have the resolution read in full now, that we may see what it does contain.

Mr. SAULSBURY. Very well.

The PRESIDENT *pro tempore*. The resolution will be read at length.

The Secretary read it, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any arms or ammunition of any description have been sent, or ordered to be sent, by the War Department, into the State of Delaware since the 1st day of July, instant; and if so, for what purpose, of what kind and description, in what number and quantity, upon whose application sent or ordered to be sent, and to whom sent or ordered to be sent.

The PRESIDENT *pro tempore*. The motion is to take up the resolution for consideration. That motion does not open the door to general discussion on the merits of the resolution. The question is on taking it up for consideration.

Mr. SAULSBURY. I was stating the reasons why I thought the Senate ought to take it up. If the Senate will indulge me, I have only a remark or two further to submit.

I know the fact, and I presume there are other Senators on this floor who know the fact, that there are men in every community who, for the sake of ingratiating themselves with "the powers that be," and making it appear to "the powers that be" that they are more patriotic than their neighbors, undertake to give private information in reference to the disloyalty of their neighbors. I know that while Delaware is as loyal and patriotic as Vermont, or Maine, or any other State, or even Kansas, if my friend before me will allow me so to say, attempts have been made by a few persons to create the impression that there are men in that State who are not loyal to the Government; that there are friends of disunion and friends of secession in that State. I deny the charge, and I wish to know upon whose application it is that the arms that have been ordered into my State have been sent there. That is one object, in order that if any persons have given wrong information in reference to the character of the State or the citizens of the State, the people of that State may know who they are.

The question being put on the motion to take up the resolution, the ayes were ten.

Mr. COLLAMER. That is not a majority of a quorum.

The PRESIDENT *pro tempore*. If no further division is insisted on, the Chair will declare the vote in the negative. The Senate refuses to take up the resolution for consideration.

FORTIFICATIONS AND ARMY REGULATIONS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia to report a bill (S. No. 63) making appropriations for fortifications, and for other purposes; and I ask that it be considered at this time.

The bill was read the first time.

The PRESIDENT *pro tempore*. If no objection be made, this bill will have its second reading at length. The Chair hears no objection.

The bill was read the second time. It proposes to appropriate the sum of $100,000 for contingencies for fortifications, to be used and applied under the direction of the Secretary of War. It further provides that any commissioned officer of the Army, Navy, or Marine Corps, who, having tendered his resignation, shall, prior to due notice of its acceptance by proper authority, and without leave, quit his post or proper duties, with the intent to remain permanently absent, shall be registered as a deserter, and punished as such.

The bill also proposes to abolish flogging as a punishment for desertion; and appropriates $5,000 for removing stables and other obstructions from the grounds around the Washington Infirmary used as an Army hospital, and grading those grounds to secure proper drainage; the money to be expended under the direction of the Surgeon General of the Army.

Mr. HALE. I move to strike out of that bill the words "for desertion," after the clause abolishing flogging as a punishment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EFFICIENCY OF THE VOLUNTEERS.

Mr. WILSON. The same committee, to whom was referred the bill (S. No. 44) to promote the efficiency of the volunteer forces of the United States, have instructed me to report it back with an amendment, to strike out all after the enacting clause, and insert the following:

That the President be, and he is hereby, authorized to discharge from the service of the United States any commissioned officer or officers of the volunteers, who has been or shall be accepted in or appointed to that service, for incapacity or inefficiency, or for misconduct or neglect of official duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CONSULAR FEES.

Mr. CHANDLER. The Committee on Commerce, who were instructed by a resolution of the Senate to inquire into the propriety of making some change in the consular fees, have directed me to report a bill to reduce consular fees for vessels running to or between foreign ports, and I ask for its immediate consideration.

The bill (S. No. 64) to reduce consular fees for vessels running to or between foreign ports was read twice, and considered as in Committee of the Whole. It provides that American vessels running regularly, by weekly or monthly trips or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year, anything in the laws or regulations respecting consular fees to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT CONTRACTS.

The PRESIDENT *pro tempore*, laid before the Senate the bill (S. No. 43) to prevent and punish fraud on the part of the officers intrusted with the making of contracts for the Government, which had been returned from the House of Representatives with amendments.

The first amendment of the House was in section two, line seven, after the word "me," to insert "personally;" so that it would read:

I do solemnly swear (or affirm) that the copy of the contract hereto annexed is an exact copy of a contract made by me personally with, &c.

The amendment was agreed to.

The next amendment of the House was, in section two, line nine, after the word "any," to insert "such;" so as to read "any such benefit or advantage."

The amendment was agreed to.

Mr. WILSON. I was temporarily absent when this bill was brought up. I do not know that I am opposed to the amendments of the House of Representatives; but I am constrained to say that I am opposed to the bill itself. I believe this bill has passed the Senate, and has since passed the House of Representatives with amendments, and comes here now simply for us to concur in the amendments.

The PRESIDENT *pro tempore*. That was the only question,

Mr. WILSON. Can we not lay the bill on the table, or defeat it in any way now?

The PRESIDENT *pro tempore*. The bill is now out of the reach of the Senate, unless there is a motion to reconsider the vote agreeing to the House amendments.

Mr. WILSON. I will make that motion; and I will state briefly the reason why I make it. The bill, when it was before us, passed without any notice on my part. When it came back from the other House, I glanced at the bill, and asked that it be laid over. I have since examined the bill, and I am satisfied that if it passes it will cripple this Government beyond calculation. If the Administration undertakes to adhere to the bill, it cannot carry on this Government, cannot administer the War office; and that is the opinion of the men who have the Government to administer. I think that the laws which we now have on the statute-book are ample and sufficient to protect the country.

I know, sir, it is an ungracious task to say anything against a bill intended to correct abuses, or to correct corruptions in the Government; and any Senator or Representative who takes this position, may be misunderstood in the country. But, sir, I am satisfied, I entertain not the shadow of a doubt, that the passage of the bill will work incalculable evil to the country.

Mr. COLLAMER. Wherein?

Mr. WILSON. I am asked to say wherein. Suppose the Commander-in-Chief orders the Army of the United States to move to a certain position, a position where he wishes and where it is necessary to consume supplies to the extent of tens, and perhaps hundreds of thousands of dollars, and the supplies must be obtained instantaneously by a telegraphic dispatch: does not this bill stand in the way of that operation? Does not the bill clog the operations of the Quartermaster's department? General Meigs, who is carrying on that department of the Government with unsurpassed ability, infusing vigor and energy into it, bringing the resources of this nation to bear in a manner that excites the admiration of all who have examined the subject, has left it in writing on the bill after examining it, that the bill is utterly impracticable, and that it will work great evil, and that he cannot carry on the Government under it. I have no question of his integrity. I have nothing but admiration for the ability with which he has administered his department of the Government. I sent the bill to him, wishing his opinion upon the subject, and he has given his opinion, and it is that the bill is impracticable; and he says further, that under existing laws which he follows, he thinks that the department is well guarded.

Mr. FESSENDEN. I should like to hear the bill read. I have never read it, and I believe this is the first time I have heard of it.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Secretary read the bill.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote concurring in the House amendments.

Mr. WILSON. Mr. President, the tenth section of chapter eighty-four of the Statutes at Large, (containing the laws passed in 1860,) provides—

"That all purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured, by open purchase or contract, at the places, and in the manner, in which such articles are usually bought and sold, or such services engaged, between individuals. No contract or purchase shall hereafter be made, unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year."

By the provisions of this section the Senate will perceive that all contracts for the Government, excepting in the Army and Navy Departments, for subsistence, clothing, forage, fuel, quarters, and transportation—and they only for the current year—must be made by advertising. Those things may be purchased, according to the wants of the Army and Navy, by contract. This bill interferes with that.

Mr. TRUMBULL How?

Mr. WILSON. I think it is a check upon them. It is so understood and regarded.

Mr. SHERMAN. Under the present law, which the Senator has read to us, the Department have authorized the purchase of horses to the amount, I think, of eighty thousand. There is no check, limitation, restraint, or qualification, in the purchasing of those horses. The officers are not even bound to make a return to any Department of the Government. Contracts for them may be made at any time, and without competition, and I am told they are being purchased without competition upon open orders. It seems to me, we ought to have at least the check of a return of these contracts or purchases, with whom made, by whom, and the terms upon which they were made. We ought to have some knowledge about them. The bill now before us provides that. It provides that copies of these contracts shall be sent to the Department of the Interior, and requires that every officer who makes these contracts shall take an oath that neither for himself nor for any one else does he stipulate for any personal gain. I do not believe there will be any practical difficulty in carrying the provisions of the bill into execution, except that it will restrain, and it ought to restrain, these officers in the execution of their very important duties.

Mr. FESSENDEN. I did not know, until I heard the bill read, whether it applied to all contracts, or made it necessary that contracts should be in writing in all cases. On looking at the bill more particularly, I think it does. It says all contracts shall be made in writing, whether made by the War or Navy Department; and that supersedes all the laws to the contrary with reference to bids, with exceptions, certainly. I think the proper construction of the bill is, that the Quartermaster General must make all contracts in writing. I would thank the Secretary to read the first part of the bill.

The Secretary read the first section of the bill, as follows:

Be it enacted, &c., That it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to cause and require every contract made by them, severally, on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the said contract in the "Returns office" of the Department of the Interior, (hereinafter established for that purpose,) as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, as also a copy of any advertisement he may have published inviting bids, offers, or proposals for the same; all the said copies and papers in relation to each contract to be attached together by a ribbon and seal, and numbered in regular order numerically, according to the number of papers composing the whole return.

Mr. FESSENDEN. I do not know, sir, upon hearing more particularly the bill read, that it does require that all contracts shall be by bids. It simply requires that every contract shall be in writing; and that, perhaps, will relieve the bill of a great part of this difficulty. But, sir, I believe that that matter ought not to be left in doubt at all. I am perfectly willing, and have been anxious, and have tried in the Senate several times to bring attention to the subject, so that a contract should not only be in writing, but should be made after the reception of bids in the ordinary course, in order to afford all the security possible to the Government in relation to these matters. It is perfectly well understood, however—that matter has been considered over and over again—that in many cases that cannot be done; there is no time for it.

Mr. COLLAMER. This bill does not require it.

Mr. FESSENDEN. I say there ought not to be any sort of doubt on that point; because that would be impossible in many cases. I wish, therefore, to inquire of the Senator from Massachusetts, whether or not the construction the Department put on it is that it requires public bids in all cases? Is not their objection based on that idea?

Mr. WILSON. They have that idea.

Mr. COLLAMER. Before the gentleman from Maine sits down, I wish to make this a plain, straight case, and see what we think of it. During the last war with England, being then quite a young man, happening to be employed at one time in making out some large accounts for the Government in the commissary department on the northern frontier, I worked in the same room where the quartermaster's department kept their office. I frequently saw the clerk, the quartermaster's sergeant, buy a cord of wood from a man, pay him two dollars, say, for it, draw a receipt for it, and reduce it to writing, stating that he had purchased a cord of wood at such a price, and then take the man's receipt in duplicate. Now, a large part of those were taken for a great many more dollars than the man ever got. He did not care anything about that; he got his pay, and was satisfied; but the voucher was another thing to the Government altogether. Now, here are quartermasters all over this country buying horses. This bill does not require any bidding; it does not require any advertising; but it does require that those quartermasters shall file their bills of sale, if you please, or contract—"purchased of A B, one black horse, $150." "Received pay in full," signed by the other party. It is required that they shall file those, and shall swear that they made the purchase honestly. That is all that the bill requires. What I desired certainly in voting for the bill was, that in due time the officers should file all these contracts, and we should have their oaths that there was no secret understanding giving an advantage to the other party, or themselves, different from what the contract purported on its face to be. That is the way I understand the bill, and the object desired to be effected. It is all for which I voted, and all, I think, that the bill requires.

Mr. WILSON. One single word further. If the Senator from Vermont, and other Senators, will give it as their opinion that this bill does not prevent the Secretary of War or Secretary of the Navy from purchasing clothing, subsistence, forage, fuel, quarters, and transportation——

Mr. COLLAMER. I have not the least doubt in the world of it. They can buy them just as they please, only the bill compels them to file their vouchers, or the contracts which they make, and append their oath to them.

Mr. WILSON. Well, Mr. President, I am very glad to have this explanation. I had doubts about it. I thought that at this time, in spite of all the hue and cry in the country about corruption, it was the duty of Congress to do nothing to prevent the carrying on of the Government with the utmost efficiency. I think our duty is to keep our own hands clean, to watch the Government carefully, but at the same time not to check or tie them up. We must trust the men who administer the Government and have some confidence in them. For myself, that is the course I intended to-day. When this bill came in I took it to General Meigs, a gentleman, and in whom I have great confidence for his integrity and ability. He wrote upon the bill "it is necessary sometimes to order by telegraph large operations or large purchases. This law would be impracticable."

Then he refers to the act which I have read, and says it is the result of experience and wisdom; that we should hold the officers to the strictest accountability, but we must have as little red tape as possible in administering and carrying on the Government. It was for that reason that I proposed to reconsider the vote concurring in the House amendments. I had doubts about the passage of the bill. If, however, Senators understand that this bill does not prevent the proper officers from making these necessary purchases as they please, to administer the Government in those departments, but only requires that the record shall finally be made up for the inspection of the country; I am in favor of it. I am in favor of everything that can check in any degree the least corruption in the Government of the country; but I do not wish to do anything to check the efficiency of the Government during this war.

Mr. COWAN. I think the apprehensions of the Quartermaster General, in regard to the operation of this bill, are entirely unfounded. As has been said by the honorable Senator from Vermont, the bill merely requires all contracts to be made by the officers of the Departments to be put in writing. Apprehensions may have arisen, however, from this provision. It frequently happens that the contracting officer has bids and proposals made to him, that is, where there is no formal letting or bidding, and which he refuses to consider from an improper purpose. It is well known that such cases are occurring every day. Gentlemen are offering the quartermaster: "I will furnish you a horse for $100;" and, instead of allowing them to do so, they go ahead and buy them for one hundred and ten or one hundred and fifteen dollars, from somebody else, some friend perhaps, sharing the difference between themselves. Therefore the bill requires that where there had been proposals made to a contracting officer in writing—of course it does not require him to return a parol bid—but when a proposition is made in writing, that he must return that along with the contract he has made; and he must also swear, in his affidavit, that all these bids and proposals have been honestly made and acted on; that is the whole of it. It can embarrass the operations of the department in no degree that I can see. If, for instance, a contract is to be made by telegraph, the contract is not consummated until the delivery of the article, and at that time it can be put in writing; and from that time the period of thirty days will run, and within that they can file these returns. These contracts are all simple. They will not require any writing hardly, if the proper form be made out which the bill requires to be made out.

I think it is to the interest of the department that a bill of this kind should be passed, in order to stop the mouths of disappointed contractors who go about and tell all these terrible stories of frauds that we hear. If this bill should pass, and a man charges an officer with behaving improperly, the first question will be: "Have you a copy of the contract; have you the bids and proposals made to him?" If such a person has not that copy, it stops his mouth, and he is told: "You had better not say anything about it until you get a copy." The bill will really operate as a protection to the officers, if they are honest and deserve protection. If they are not honest, here are the means by which they may be caught in their delinquencies and punished. The contractor will return that he has bought a horse, or a ton of hay, for a larger price than need really be given for it. Then the man from whom he bought it can be brought forward to testify whether he did pay that sum or not, and we shall have it before the country, so that everybody can see it.

Mr. FESSENDEN. I wish to inquire whether there is any time fixed when the act shall go into effect? It strikes me there will be a good deal of machinery necessary. There must be forms prepared, and blanks, which must be sent to the various officers throughout the country. If the act is intended to go into effect as soon as it is approved by the President, the operation of it must be stopped until the forms and blanks are prepared.

The PRESIDENT *pro tempore*. The first line of the bill settles that question.

Mr. FESSENDEN. What is it?

The PRESIDENT *pro tempore*. It will be read by the Secretary.

The Secretary read it, as follows:

"That it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act," &c.

Mr. BROWNING. If this bill is to have the

effect attributed to it by the Senator from Massachusetts, I think I shall hardly feel justified in voting for it; but I am not inclined to think that it is subject to the objections which he takes to it. If I comprehend the bill, it makes no change whatever in existing laws on the subject of contracts further than to require that all contracts, when made—and they may be made under existing laws, after the passage of this bill as well as now—shall be verified by affidavit and filed in the appropriate Department, where they will be open to inspection and examination at any time hereafter. Nor does it, according to my apprehension of it, at all interfere with purchases by telegraph instantaneously when the emergencies require them, to any extent whatever, that may be deemed necessary by those charged with the performance of the duty. Its whole scope is to require that at a reasonable time after the contract is made, the contract shall be reduced to writing, verified by affidavit, and filed in the appropriate office.

Nor, sir, do I think it subject to the objection that was suggested by the Senator from Maine. Although it goes into immediate effect, I do not suppose it would suspend the making of contracts and the providing of all arms, ammunition, provisions, subsistence, clothing—everything that is necessary for the efficient and energetic action of the Army. I do not suppose it would suspend the power of the officers to go on and contract just as they have contracted heretofore; but as soon as they can conveniently, they will furnish a form of contract which will be as nearly uniform as possible. In the mean time, I apprehend they can go on and contract as they have done, reducing these contracts to writing within the time prescribed by the bill, verify them by affidavit, and file them. I think that is the whole scope of the bill; and it does not, in any sense or to any extent whatever, interfere with existing laws. There is no provision in this bill repealing any preëxisting law; nor is there any incompatibility between it and the existing laws which would, by implication, repeal any of them.

Mr. WILSON. With the construction Senators of great legal ability put upon this bill, I certainly have no objection to it; and I withdraw the motion made for reconsideration.

The PRESIDENT *pro tempore*. The motion to reconsider the vote concurring in the House amendments being withdrawn, the bill will be returned to the House of Representatives, with notice of our concurrence.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804.

The message further announced that the House had receded from its first amendment to the bill of the Senate (No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, disagreed to by the Senate.

The message further announced that the House had passed the bill of the Senate (No. 52) to provide for the purchase of arms, ordnance, and ordnance stores.

The message further announced that the House had agreed to the report of the committee of conference of the two Houses on the bill (S. No. 41) supplementary to "An act to authorize a national loan, and for other purposes."

The message further announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 87) authorizing additional enlistments in the Navy of the United States;

A bill (No. 98) making an appropriation for field fortifications for the defenses of the city of Washington and elsewhere; and

A bill (No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate, appointed the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government.

ORGANIZATION OF THE ARMY.

Mr. WILSON, from the second committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendments to the Senate bill, and agree to the bill, with the following amendments:

Page 1, section two, line seven, after the word "cavalry," strike out as follows: "eight assistant adjutants general, six commissaries of subsistence, four quartermasters, and twenty assistant quartermasters."

Page 1, section two, line thirteen, after the word "establishment," strike out as follows: "and to hold their offices for three years, unless sooner discharged;" and in lieu thereof, add all after the enacting clause of the second section of the amendments of the House to the Senate bill.

Page 1, section three, line three, after the word "engineers," strike out as follows: "and to the Ordnance department."

Page 2, section three, at the end of the section, add all after the enacting clauses of sections three and four of the amendments of the House to the Senate bill.

Page 4, section eight, at the end of the section, add the second proviso of section eleven of the amendments of the House to the Senate bill.

Page 7, section seventeen, line eight, after the word "pay," insert "and emoluments."

Page 10, section twenty, line five, after the word "Register," insert the words "or Navy Register, as the case may be."

Mr. WILSON. This report is very long, and was read through the other day. It has been slightly modified now, and unless it is requested it need not be read again. It will take considerable time to read it through. I can state the modifications.

Mr. KING. Let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary continued the reading of the report, as follows:

Sections eleven, sixteen, twenty-two, twenty-four, and twenty-five, strike out all of sections eleven, sixteen, twenty-two, twenty-four, and twenty-five, of the Senate bill.

Section fourteen, at the end of the section, add, as follows: "*Provided*, That after the present insurrection shall cease, the ration shall be as provided by law and regulations on the 1st day of July, 1861."

Mr. GRIMES. I should like to inquire of the chairman of the Committee on Military Affairs whether the ration, as we now have it fixed by this report, will increase the cost to the Government, and how much? I understand it does. I do not object to the variation and extension of the ration; I think that is right; but what I want to get at is whether, where the ration is commuted, it is to be commuted at the old rate, (which I want to have done,) or whether it will be commuted at the increased expense of the ration as we are about to establish it, which I understand will be some twenty-four cents. It makes, in some cases, a very material difference. Where it goes to the soldier he uses the ration; I am perfectly content that he should have the twenty-four-cent ration; but where it is to be commuted for the benefit of the officer, who already gets a large salary and large emoluments, we ought to have some limitation on it. I do not know how that is.

Mr. WILSON. I understand——

The PRESIDENT *pro tempore*. The Chair must state that it is not practicable or in order to enter on a discussion while the report is being read.

Mr. GRIMES. I beg pardon of the Chair. I supposed it was in order to speak on each amendment as it came up.

The PRESIDENT *pro tempore*. The discussion of the report is not in order until it is read through, its reading being required by a member.

The Secretary continued and concluded the reading of the report, as follows:

Section eighteen, line ten, after the word "pay," insert "and emoluments;" and in the same line, after the word "namely," add as follows: "the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, and allowance; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That should the Brevet Lieutenant General be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided further*, That there shall not be on the retired list, at any one time, more than seven per centum of the whole number of officers of the Army, as fixed by law."

Section nineteen, strike out section nineteen of the Senate bill, and in lieu thereof insert all of section twenty of the amendments of the House to said bill, with the following amendment to said amendment: in line three of said amendment, after the word "War," insert "or Secretary of the Navy, as the case may be:" and in line five of said amendment of the House, after the word "board," strike out "of the medical staff," and in lieu thereof insert "of not more than nine nor less than five commissioned officers, two fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank."

In section twenty-six, line 8, after the word "pay," insert "and emoluments."

In section twenty-seven, line nine, after the word "pay," insert "and emoluments."

In line thirty-four, (same section,) after the word "dollars," insert, "and with four rations per day to each of the above-named officers of the Navy, to be commuted at thirty cents each ration, and."

In line forty-seven, (same section,) strike out all after the word "officer" to the end of the section.

In section twenty-eight, line fourteen, after the word "officers," insert as follows: "two fifths of whom shall be members of the Medical bureau of the Navy; the board, except those taken from the Medical bureau."

That the Senate do concur in the foregoing amendments to the bill.

HENRY WILSON,
J. A. McDOUGALL,

I agree to this report, except as to the proposed increase of the staff of the Army.

JOHN SHERMAN,
Managers on the part of the Senate.
FRANCIS P. BLAIR, Jr.,
J. S. JACKSON,
WILLIAM D. KELLEY,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is, "Will the Senate concur in the report of the committee of conference?"

Mr. COLLAMER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COLLAMER. The idea of understanding what the committee have agreed upon by reading to us some half a dozen pages of what is to be put in, like a new patch into an old garment, without it being explained how and where it comes in, is to me a little extraordinary; and if other men are astute enough to understand the report, I must acknowledge that I am not. I do not understand what it means. It has not been printed; we have not seen it in a shape in which we can examine it. I do understand this, however, that the Senate came very distinctly to the conclusion, that if there was a retired list, the officers should be retired on half pay, which is the usual practice of other nations, and which has worked well. That certainly was my idea, and I think it was the view of the Senate. It was said, however, that there was a difficulty of getting at a man's half pay, the pay of our officers being graded by periods of service, and they having various allowances in a variety of respects. I was willing then to say, that they might have the pay proper, as it is called, to which they were entitled at the time of being retired, thinking that that would amount to about one half of the actual pay, commutation and all; and I therefore was willing to agree, and did for one agree, to the conclusion to which the Senate came, that these officers might be retired with their pay proper. Now, I understand that, by the arrangement contained in this report, each retired officer is to have, in addition to that, four rations a day. I am opposed to it. I voted against it heretofore, and I desire to vote against it again.

Mr. SHERMAN. I agree entirely with the Senator from Vermont as to the question of paying retired officers; but we had either to leave these officers on full pay in the Army and Navy during this war—or in other words, to defeat this proposition for a retired list—or else accept it as it is. It simply adds to the rates fixed by the Senate, a dollar and twenty cents a day. I should have much preferred it if they had said a dollar and twenty cents a day, and said nothing about rations; but the legal effect is the same.

Mr. COLLAMER. I ask the gentleman if he thinks it is the same. We have been raising the ration to-day, I believe, in this very bill. The commutation keeps growing with the ration.

Mr. SHERMAN. I beg pardon of the Senator; he is mistaken. The commutation of the ration stands precisely as it did before; but where the ration is dealt out in kind, a few more articles are given. The commutation of the ration is the same fixed by law—thirty cents a day.

Mr. COLLAMER. Is that expressed in the bill?

Mr. SHERMAN. It is very clear. The ration stands the same as before; but when it is taken in kind, there are a few more articles added.

Mr. GRIMES. Does the bill say so?

Mr. SHERMAN. That is the effect, there is no doubt. I will further state that this is an addition of $1 20 a day to the retired pay of all the officers. I think the Senate gave them enough; indeed, I think the Senate gave them a little too much; but the committee of conference had to decide whether they would defeat the bill entirely, and let these old superannuated officers remain, receiving the full pay of the highest grades in the Army or Navy, or whether we should retire them with their pay proper, and give this additional $1 20 a day. As a matter of economy and wisdom, I thought it better to compromise and make the best terms we could with the House of Representatives, with the distinct understanding, however, on my part, at least, that hereafter I shall do all I can to strike out this $1 20 a day; and I hope to see it accomplished before long.

Mr. COLLAMER. It seems to me that would be hardly fair. The inducement to retire a man is the provision made for him. Everybody that has anything to do with this retired list, in deciding who shall go on the list, stops to consider what the retired officers are to have. The President can dismiss all these superannuated men to-day; he has a right to dismiss them; to strike them off the roll. I mean he has the power to do it. The reason he will not do it—it has never been done, and probably never will be—is because there is no provision for them; but the moment there is reasonable provision for them, the President will act. I would give them what is right; and if they would not take that, I would dismiss them at once.

Mr. SHERMAN. It comes to this: the House and Senate disagree as to what is right; the Senate have their ideas, and the House have theirs. This was a kind of half-way house between, and the only terms on which we could agree.

Mr. BAKER. Allow me to ask a question of the chairman of the committee, as I was not at the meeting. As I understand it, it is proposed to increase the ration according to my proposition —merely until the close of the war?

Mr. WILSON. Yes, sir.

Mr. KING. I disapprove of the allowance of commutation pay to officers on the retired list; but, as I have to vote on the report as a whole, I shall vote in the affirmative.

The question being taken by yeas and nays, resulted—yeas 27, nays 9; as follows:

YEAS—Messrs. Anthony, Baker, Chandler, Clark, Dixon, Fessenden, Foot, Foster, Grimes, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Pomeroy, Rice, Sherman, Sumner, Ten Eyck, Thomson, Wade, Wilkinson, and Wilson—27.

NAYS—Messrs. Bright, Browning, Collamer, Cowan, Doolittle, Johnson of Missouri, Polk, Saulsbury, and Trumbull—9.

So the report was concurred in.

SUPPRESSION OF INSURRECTION.

Mr. TRUMBULL. I ask that the Senate take up for consideration the bill which was yesterday postponed until to-day.

The PRESIDENT *pro tempore*. The bill (S. No. 33) to suppress insurrection and sedition, and for other purposes, is now before the Senate as in Committee of the Whole; the question being on the amendment of the Senator from Virginia [Mr. CARLILE] to the amendment of the Committee on the Judiciary.

The Secretary read the amendment of Mr. CARLILE, which was to strike out the eighth section, in the following words:

"SEC. 8. *And be it further enacted*, That any military commander aforesaid, in any district declared to be in a state of insurrection and war, may cause any person suspected of disloyalty to the Government of the United States, to be brought before him, and may administer or cause to be administered to such person, an oath of allegiance, as follows: I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith and loyalty to the same, any ordinance or resolution of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination and pledge, without any mental reservation or evasion whatever: so help me God. And on their refusal to take such oath, they shall be detained as prisoners until the restoration of quiet and peace in the locality where such arrests may have been made. And any person having taken said oath who shall afterwards be taken in arms against the Government, or found aiding and abetting its enemies and opposers, shall be subject to the same punishment prescribed for those who violate their parol, as provided in the seventh section of this act."

Mr. COWAN. I move to postpone the consideration of the bill now before the Senate until the second Monday in December next.

Mr. BAYARD. If that motion shall prevail, I do not desire to discuss the merits of this bill now. I think it involves very grave constitutional questions, and I confess I am unable to see its necessity. If we are at war, there is no doubt that the rights and usages of war belong to and apply to the war, without any bill passed on our part. That arises under the laws of nations, and not under special legislation. I believe myself that we are at war. But if it is the determination of the Senate to go on with the consideration of the bill, I shall feel myself, though oppressed by the weather, compelled to discuss its provisions, and show in what respects I consider it in violation of the Constitution of the United States, and also explain the danger that arises from such a bill. I do not see its necessity, and I think it would be much wiser to postpone it. It is certainly a bill of the first impression in this country. Nothing like it has ever been attempted before. I think that the motion of the Senator from Pennsylvania had much better be entertained. The bill can go over to the next session, and if then Congress determines that such a bill is necessary, we can all be heard on it. It requires, I think, full discussion before it can be passed. I will wait until the decision of the Senate on the pending motion. If the Senate determines that they will not postpone the bill, of course I must go on with the discussion.

Mr. HARRIS. I shall vote for this motion to postpone, although in committee I was in favor of reporting this bill. I regard the bill as one of great importance—too great importance, perhaps, and too novel in its features and character, to be sufficiently matured at the present session. The temper of the Senate and the temperature of the weather are against it.

I said that the features of this bill were novel. It contemplates a state of things which was never before contemplated in this country. Our Constitution was framed with no reference to such a state of things. We have a state of civil war. Here is a belt of country lying along the Virginia side of the Potomac in a perfect state of anarchy. Civil authority has disappeared; civil government no longer exists; crime is committed with impunity. What shall be done? I am credibly informed that, without process, arrests for high crimes have been made, and that now the jail at Alexandria is nearly filled with prisoners who have been committed on military authority, without civil process—one for murder, several for assaults upon females with the vilest purposes, others for minor offenses. What is to be done with these men? My own impression is, after giving it some consideration, that the military power has authority to try and dispose of these cases, and I have come to that conclusion with a good deal of hesitation. I find that Judge Woodbury, in giving his dissenting opinion in the Rhode Island rebellion case, where martial law had been declared by the Legislature of the State, suggested the idea that in certain extreme cases it might be done. I incline to think that in a state of war, whether it be foreign war—as when General Scott assumed this authority in Mexico—or domestic war, it may be done. I will quote the language of Judge Woodbury:

"The necessities of foreign war, it is conceded, sometimes impart great powers as to both things and persons. But they are modified by those necessities, and subjected to numerous regulations of national law and justice and humanity." * * * * "So may it be in some extreme stages of civil war. Among these, my impression is that a state of war, whether foreign or domestic, may exist, in the great perils of which it is competent, under its rights, and on principles of national law, for a commanding officer of troops under the controlling Government to extend certain rights of war, not only over his camp, but its environs and the near field of his military operations."—*Howard's Reports, vol. 7, p. 83, Luther* vs. *Borden et al.*

I regard that as sound; and yet, as I have said, I have some hesitation in coming to that conclusion. However that may be, I am satisfied that the question is so novel, the principles are so important, (though I cannot see that the bill is fraught with those serious difficulties which were alluded to the other day by the Senator from Kentucky,) that we cannot properly mature it at this session; and I am therefore—without discussing the merits of the bill further, regarding it as a bill of much greater importance than it seems to have been considered by most of the Senators who have spoken on the question—in favor of postponing it until December; and I have no doubt that it will become necessary for Congress then to mature a bill on the subject. If our Army shall progress southward, as I trust in God it will, before that time, there will be not only a belt of country along the borders of the Potomac, but we shall have the whole State of Virginia, and I hope still more territory, which will be embraced within the considerations which the bill involves. I am in favor, therefore, under the circumstances, of postponing the bill until December.

Mr. BROWNING. I hope the bill will not be postponed until December. It is not as perfect, I know, as it ought to be, or as perfect as we can probably make it; but in my judgment, it is one of the most important measures that has been introduced into this body, for our consideration, during the present session, or that can be introduced at any subsequent session of the Congress of the United States; and we ought now to adopt some legislation upon the subject that will be a guide for our conduct in the very difficult condition of things—the very distressing emergencies that exist in the district of country alluded to by the Senator from New York; and I think we ought not to adjourn until we have done something that will be a guide to those who have the management and control of these matters, and that will enable them to bring something of order out of the confusion and anarchy that prevail, and will prevail, wherever the armies march. If we cannot prescribe a rule, how can we expect the officers in the active service of the country to do it? It is our duty to do it, and to inform them what is their duty, and what course of conduct they ought to pursue under existing emergencies. I trust that we shall do the best we can to perfect the bill, and make it just as perfect as we can at this session, leaving to time and practice under it to point out its defects; and we shall then, certainly, be better enabled to legislate on the subject at the next session, than we shall if we postpone it entirely now.

Mr. BRECKINRIDGE. I am quite aware that it is not in order, on a motion to postpone a bill, to enter into discussion on its merits, and I shall not violate what I regard as the parliamentary rule. I desire, therefore, now to make but one or two observations.

I shall vote to postpone this bill. We have had, in my judgment, a great many measures of extraordinary and unconstitutional legislation. I am glad to see the Senate at last pause and stagger before one, and that is Senate bill No. 33. I shall vote for the motion, not that I am indisposed to have the bill aired before the country. I would be perfectly willing to see this bill discussed. I wish it were published in every newspaper in the United States. I believe that if that were done, it would meet the almost universal condemnation (not to employ a stronger term) of the people. I regard several bills which we have passed as bills for the absolute confiscation of all property in the seceded States, and the endangering of all property in most of the adhering States; and after we have by previous bills made preparation and arrangements for the confiscation of property, this bill, by the most elaborate arrangements, provides for the destruction of political and personal rights everywhere. It is a bill, sir, which abolishes, in the discretion of the Executive and of his military subordinates, not only the right to the writ of *habeas corpus* and the right of trial by jury before civil tribunals for crimes committed by citizens, but it absolutely abolishes, at his discretion, all State governments, all the judicial, executive, and legislative functions of State governments, and authorizes subordinate military commanders to substitute rules and regulations at their will for the laws of the different Commonwealths of this Union, and practically would operate as hardly upon the non-seceded as upon the seceded States. I consider it, therefore, a bill practically to abolish the State governments, and every vestige we have remaining of political and personal liberty. I shall vote for the postponement; and if it is not postponed, but we enter upon the discussion of it,

shall take some occasion before it passes to enlarge upon these ideas.

Mr. TRUMBULL. Mr. President, I do not wish to detain the Senate, or to press pertinaciously upon its consideration a bill which there seems to be an indisposition to consider. I regret that my friend, the Senator from New York, should have thought it advisable to recommend a postponement of the bill until December. If a bill of this character is needed at all, its necessity grows out of the emergencies of our condition, the anomalous state of things in the country. Now, sir, what do we find? The Senator from Kentucky thinks that this bill allows the military authorities great power to arrest men. Are they not arrested now? Are not men arrested in the city of Baltimore and already in confinement, and sent from Baltimore to other places to be confined? Are they not arrested in Missouri? Are they not arrested in my State? Before I left home, the military authorities in Illinois had arrested persons charged with treason. One of the very men captured in Camp Jackson, in the State of Missouri, with arms in his hands, was discharged in the State of Illinois on a writ of *habeas corpus*, by the judge of our court. That is an instance where one was discharged. In other instances the military commanders have refused to make any return of the prisoners. I think the prisoner taken at Camp Jackson ought not to have been discharged; but the judge of the United States court for the district of Illinois thought differently, and did discharge him.

Now, in my judgment, there is resting upon us as heavy and as high a responsibility as was ever devolved upon men at any time in the history of the world. The existence of constitutional government is at stake. A Constitution, devised perhaps by the wisest men who ever undertook to frame a Government, is threatened seriously with overthrow. An attempt is now made to overturn a Constitution designed to be perpetual, to contain within itself the means of alteration and change as the changing exigencies of society, as the changes in times might require; calculated peaceably to incorporate into itself all the reforms which future circumstances might require. An attempt is now made to disrupt the Government. We are engaged in a civil war; and I believe we have voted to raise $500,000,000, to raise five hundred thousand volunteers, to fight to maintain this Constitution. And now, can it be possible that Senators of the United States, paid by the year, salaried officers, in their hurry to get home for their personal convenience, when our brothers and our children are sleeping upon the ground, when we are taxing the people to their utmost capacity, and when the blood of our citizens is being poured out to sustain this Government, can justify it to themselves to go away without maturing the bill, if it be of the importance suggested by the Senator from New York?

There was an excuse for the President of the United States and the Administration in assuming the authority which it did. I know, sir, that the officers of the United States, under the authority of the President, have entered houses, have searched them, have imprisoned citizens, are holding them in prison, and have done various acts, for a strict authority to do which you will search in vain; but they did them under the necessity of the case to preserve the Republic. But when Congress convenes clothed with the war-making power; when Congress convenes whose duty it is to provide for suppressing this rebellion, upon whom is devolved authority to make war, not merely foreign war, but civil war, if necessary, to preserve the Government, or rather to accept the civil war that is forced upon the country; when Congress convenes upon whom is devolved the duty of providing for calling forth the militia to suppress and put down rebellion; I ask if it is consistent with our duty to go away leaving these powers to be exercised by military authority without any of the restraints of law? I know it is difficult to get your attention; I know there is a disposition to give the bill under consideration the go-by; but, Senators, let me ask you, how you can reconcile it to your duty, when you appeal to the patriotism of this country to come to the rescue of the Constitution and the Government, to go away, and allow that Constitution to be violated every day, because you yourselves refused to clothe your military officers with the warrant of law?

Mr. LANE, of Kansas. With the permission of the Senator from Illinois, I desire to state that I voted yesterday to postpone the consideration of this bill until to-day, as a matter of courtesy to the Senator from Delaware. I had no idea then of subjecting myself to the charge that it was for the purpose of giving it the go-by. I look upon this bill as one of the most important to be passed at this session; and will now vote against all postponements of the bill until it is passed, if we have the numbers to pass it.

Mr. TRUMBULL. I said I did not wish to take up the time of the Senate, or pertinaciously to urge this bill upon their consideration; and having stated what I believe to be my duty to the country, and called the attention of Senators, so far as I am able to get it, to the importance of our clothing the executive authority and the military commanders with all the power that is necessary to crush the rebellion, and of doing it before we adjourn, I am willing that the vote shall be taken as to the postponement of the bill until December. If it is the opinion of the Senate that it is better to let the military authorities, without any of the restraints of law, or without any regulation by law, go on and take such power as they may deem necessary—if we, the representatives of the States, and the Representatives of the the people in the other branch of Congress, are ready to place half a million men and $500,000,000 in the hands of any Executive, or any Administration, without limit or restraint, without any provision whatever, leaving the commanders to go wherever they please, and arrest whom they please—of course this bill, or anything like it, will be postponed. That it is perfect, I do not pretend; its details may be defective; but that some bill should be provided by which every act that it is necessary for the military officers to do, may be done in pursuance of law, derived from that branch of the Government which has authority to declare war, to suppress rebellion, and to raise armies, and is necessarily clothed with all the power to make the war effective, to put the rebellion down, and restore peace to the country, is to my mind too clear for argument.

Mr. SAULSBURY. Mr. President, I shall vote for this motion to postpone, because I believe every section in this bill but one is violative of the Constitution of the United States. I believe it is, in fact, making a dictator of the President of the United States; and that, if it passes, there will not be, in fact, a free citizen in any State of the United States. Why, sir, if this bill passes, the President of the United States can declare my State in rebellion to-morrow; he can declare the State of New York, or any other State, in rebellion to-morrow; all that has to be done is for the military commander to make proclamation thereof, and he can then arraign before a court-martial any citizen of the United States, and subject him to trial by court-martial, instead of allowing him to be tried according to the law of the land. Sir, I have regarded this, from its first introduction, as the most dangerous bill that was ever introduced, not only into this body, but into any legislative body of which I have had any knowledge that has ever existed on the face of the earth. I think it clothes the President of the United States, if possible, with greater power than any dictator was ever clothed with in any period of Roman history.

For these reasons, because the bill, in every section of it except one, is violative of the Constitution of the United States; because it is a total destruction of the freedom of the citizen; because it is a total change of the very form of Government under which we live, I shall vote most cheerfully for its postponement now, and I would vote for its indefinite postponement forever.

The PRESIDENT *pro tempore*. It is moved that the further consideration of the bill be postponed until the second Monday of December next.

Mr. TRUMBULL. I think we had better have the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. BAKER. I was absent during the most of this discussion, and I should like to ask a question, which I hope may be answered by the Senator from Illinois or the Senator from Delaware. Nobody in the world would be more unwilling than I to unjustly subordinate the civil to the military authority; and if the facts are as they are stated on the other side, I shall certainly vote against this bill. The Senator from Illinois, however, says that the bill, in all its provisions, merely aims at guarding the exercise of arbitrary power by military commanders, to prevent a state of things which he alleges to be inevitable in a government of military occupation by armed troops. Now, if that be what it really is—to limit and regulate power—I will cheerfully vote for it; if it is beyond that, I will not.

Mr. TRUMBULL. I have stated what my object in introducing the bill was, and the Senator from Delaware chooses to give it a different purport and intent entirely. My object in introducing this bill is to place the military authority, so far as is practicable, under the law. It is general in its terms, I admit. For instance, it provides that, when the President of the United States declares a district of country to be in a state of rebellion, the commanding general in that district may issue his proclamation reiterating that fact, and that the condition of things is such that the civil authorities are impotent; and he may thereupon publish such rules and regulations for putting down insurrection and maintaining peace and order as he deems proper, conforming, as nearly as practicable, to the previously existing laws of the locality; and then that the civil authorities in that district of country shall carry them out; if they refuse to do so, then he shall carry them out by the military power, and peace shall be maintained at all hazards, if there is power to do it. I think that that is better than to send the military commander there without defining at all his mode of action. He may go there, and by the strong arm, as is done in some localities, without any regulation of law, without providing that he shall make publication of his rules and regulations, and call upon the civil authorities to call them out and preserve the peace—and I suppose that is what the Senator from Delaware would have; he would have him go there with his army, and on his own mere motion establish just such a system as he pleases: that will be the condition of things if you have no law on the subject, for we all admit that the public peace must be preserved somehow.

Mr. FESSENDEN. If the Senate will indulge me a moment, I should like to make a report from a committee of conference.

Mr. TRUMBULL. Let us take the yeas and nays, and dispose of the bill.

Mr. FESSENDEN. I want to have the report disposed of, so that the bill can be sent to the President to-day, if possible.

The PRESIDENT *pro tempore*. By the unanimous consent of the Senate, the bill can be laid aside informally, so as to receive the report.

Mr. TRUMBULL. We are now ready to take the yeas and nays upon it.

Mr. FESSENDEN. I happen to know that the Senator from Vermont wishes to be heard upon it.

Mr. BRECKINRIDGE. If that requires unanimous consent, I must object. I do not like to see one business overlaid by another.

Mr. FESSENDEN. It is merely a report of a committee of conference.

Mr. BRECKINRIDGE. I understood the Chair to say it required unanimous consent.

The PRESIDENT *pro tempore*. The report of a committee of conference is usually treated as a privileged question.

Mr. BRECKINRIDGE. I withdraw my objection.

The PRESIDENT *pro tempore*. If no objection be interposed, the bill now before the Senate will be passed over informally to receive the report of the committee of conference. The Chair hears no objection.

THE NATIONAL LOAN.

Mr. FESSENDEN, from the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national

loan, and for other purposes," having met, after full and free conference thereon have agreed to recommend to their respective Houses, as follows:

That the House recede from their disagreement to the Senate's amendment, and agree to the same with the following amendment; add the following:

"SEC. 6. *And be it further enacted*, That the provisions of the act entitled 'An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue,' passed August 6, 1846, be, and the same are hereby, suspended, so far as to allow the Secretary of the Treasury to deposit any of the moneys obtained on any of the loans now authorized by law, to the credit of the Treasurer of the United States, in such solvent specie-paying banks as he may select; and the said moneys so deposited may be withdrawn from such deposit for deposit with the regular authorized depositaries, or for the payment of public dues, or paid in redemption of the notes authorized to be issued under this act, or the act to which this is supplementary, payable on demand, as may seem expedient to, or be directed by, the Secretary of the Treasury.

"SEC. 7. *And be it further enacted*, That the Secretary of the Treasury may sell or negotiate for any portion of the loan provided for in the act to which this is supplementary, bonds payable not more than twenty years from date, and bearing interest not exceeding six per centum per annum, payable semi-annually, at any rate not less than the equivalent of par for the bonds bearing seven per cent. interest, authorized by said act."

W. P. FESSENDEN,
DANIEL CLARK,
JAMES A. McDOUGALL,
Managers on the part of the Senate.
THADDEUS STEVENS,
E. G. SPAULDING,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills of the Senate:

A bill (No. 58) supplementary to the act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861; and

A bill (No. 61) to amend an act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases.

The message further announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 96) making further appropriations for the support of the naval service for the year ending June 30, 1862, and for other purposes; and

A bill (No. 100) to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers."

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (S. No. 5) to pay the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment.

The message further announced that the House had passed the bill of the Senate (No. 64) to reduce consular fees for vessels running to or between foreign ports.

SUPPRESSION OF INSURRECTION.

The PRESIDENT *pro tempore*. The bill (S. No. 33) to suppress insurrection and sedition, and for other purposes, having been passed over informally, is again before the Senate as in Committee of the Whole, the pending question being on the motion of the Senator from Pennsylvania [Mr. COWAN] to postpone the further consideration of the bill to the second Monday of December next, on which the yeas and nays have been ordered.

Mr. COLLAMER. Mr. President, it appears to me, although I am not much astonished at it, that the Senate, like the country, seems to be coming up slowly, rather too slowly, to the position which we occupy. The truth is, (and it is in vain to disguise it,) we are at war; we are in a state of war, and of the worst kind—a domestic war. Now, the question arises how, by what power, and in what way, is that war to be carried on? How is it to be maintained? By what power in this Government? The first question on which my mind differs from that of some gentlemen who have spoken on the subject is this: when are we in a state of war? We know that, in fact, war has been waged and actually declared by what are called the seceding States, against us. They have issued letters of marque even. We have had a regular declaration of war from them.

Mr. President, it is quite useless for men to talk about Congress having the war-making power. All there is in that argument is this: among the powers enumerated in the Constitution is, that Congress shall have power to declare war; that is to say, that that department of the Government which can initiate a war in this country is Congress; but that has nothing to do with a war made upon us. If a war be waged and declared by another nation upon this nation, I take it, it needs no declaration of Congress about it; it is a state of war. The difficulty that arose in my mind was this: war has been declared by those whom we do not recognize as a sovereign Power. We do not regard it as a regularly declared war. Therefore, in order to avoid all doubt about the fact that an insurrection existed, in order to give to that insurrection in this country, by whatever name called, a local and legal existence, recognized by us, we passed a law in the early part of this session by which we authorized the President, wherever the insurrection existed in a State, and especially if it claimed to do so by State authority, and the State authority did not disclaim it, to declare the people of that State, or any section of it, where the insurrection existed, in a state of war. This is what we have done, in order to give it all formal sanction.

Now, Mr. President, the war, I take it, exists. It has been suggested by some gentlemen here that that war cannot be legally prosecuted after Congress meets; that though it might be, from the necessity of the case, prosecuted by the President, in the exercise of the powers that ordinarily belong to the prosecution of war, until Congress met, yet when Congress did meet he could do nothing but what Congress authorized. I utterly disclaim any such principle in our Government. Why, sir, since we have met and during the three or four weeks we have been sitting here, the President, or those acting under him, have sent down twenty, thirty, or forty thousand of our own citizens into Virginia, and have killed hundreds of people. Is this murder? Where is your law to authorize it? Look through your acts and through all your statutes, and where do you find any authority of that kind? Has it been done by any action of Congress? Not at all. Sir, we may as well come to it first as last: the power to prosecute war and the manner of carrying on that war is entirely executive—it is so in every country everywhere—and the laws that govern those who thus prosecute that war are the laws of war, not the laws of municipalities. They are not the laws of Congress, or of Parliament, or of the National Assembly of France: they are the laws of war; and no war can be prosecuted in any other way.

Now, sir, with these general preliminaries, I come to speak of this bill. As near as I can recollect it, the bill in substance provides that the commanding general of a military department which has been declared by the President in a state of insurrection or rebellion, may promulgate that fact to the people there, publish it, and thereupon he may make arrangements for the government of the civil affairs of that part of the country of which he takes possession, and over which civil authority is temporarily superseded. What of that? Is there anything new in that power in the prosecution of war? Nothing at all. Our Supreme Court decided that our armies in Mexico might levy and collect duties there; and they did do it, and were sustained by our authorities and by the law of war. They established in California, before the peace, a civil government, and caused the alcaldes to go on and execute the laws. In New Mexico, they made a code of laws called the Kearny code, which is the law there to this day; which has been actually ratified by their Territorial Legislature since that time. These cases—the case of levying and collecting duties in California, and the other case of setting up a temporary civil government in a Territory within our military possession—are part and parcel of the rights of war, even to the levying of contributions, as were levied in the city of New Mexico, and as the British levied on the city of Alexandria in the last war. These are all incidental powers.

If we repudiate and throw aside the notion that the Executive, in the prosecution of that war, is clothed with the power to regulate the war, and undertake to legislate upon this subject, then we must do infinitely more than this bill mentions; and there is my first great objection to it. If we undertake to clothe the commanders, &c., in this war with certain powers, it is as much as to say they have no others; that it requires this legislation to give them, and there are not any more. Now, take that bill: and I ask you how on earth anybody could prosecute war under it? Does it authorize the President, or the generals, to entertain a cartel for the exchange of prisoners? Nothing of the kind. Does it authorize them to enter into a capitulation for the surrender or seizure of a fort, city, or arsenal? Nothing of the kind. Does it authorize them to execute a spy? Nothing of the kind. The truth is, you have hardly undertaken in that bill to recognize and to establish by law the powers of prosecuting war. You stop infinitely short of them. By the laws of war, when an army takes possession of an enemy's country, or any part of it, and thereby supersedes, if you please, the existing civil authority, *pro tanto*, they go on and make such regulations and civil officers as are necessary to execute the laws for the security of the non-combatants who are there residing.

Mr. President, the right to do the very thing mentioned in the first section of this bill, is a right of war without that statute. I have just been describing what it is. It has always existed in every army. You cannot decently, humanely, and with any respect to civil propriety, ever get along in subduing a country in any other way. Do gentlemen really suppose that these that we call rebel provinces of the United States—they say they are a separate and independent people of right; we say they are not; we say they are in a state of rebellion—can any man believe that that state of rebellion, with an organized government of their own, is ever going to be subdued, or, if you do not like that word, reduced to obedience to our laws, and again make up a State government, revolving in its proper orbit in this Union—can this great transition ever take place without going through a condition of force and arms and war? Not at all, sir. There are but two modes: one is, that these people lay down their arms, and, if you please, proceed to reëstablish their relationship to this country, and revolve in their proper sphere, in their orbit, of their own accord; or they must be constrained to do so. Can they be constrained to do it without passing through this transition state of constraint? Never; the thing is not imaginable.

If you go into Virginia now with an army, I think the general officers of the Army, so far as they take possession of any part of it in a state of rebellion, should apply to the government of Virginia that we recognize (represented on this floor here now by two Senators) to appoint proper officers within that district which he has thus conquered, and they should carry into effect their laws there, and he should aid them in doing it. But, if they go into a country where there is no such authority recognized by us to apply to, then you must establish temporary governments as all people do when you go on conquering a country. They never can be subdued in any other way, until you bring those people whom you have thus reduced to act in their civil capacity, to reinstate themselves as part of this Government. I have no other way of looking at this subject, and I cannot conceive of the state of the case in any other way.

Now, sir, that has not been done by legislation. The President, or the General of our armies, in the prosecution of this war, is to conduct it just the same as any other. I desire no resentments or irritations about it; but they do not derive their authority from Congress. Not only do they not derive their authority from that source, but they cannot. The laws of war are laws between the belligerents. When you capture a spy, you can execute him, according to the laws of war. Those laws are recognized, and do not come out of legislation by anybody.

Again, Mr. President, the mere powers which are absolutely necessary to the prosecution of a

war are, many of them, powers which Congress, in the express words of the Constitution, is forbidden to adopt. Now, take one feature of the bill before us which recognizes the trying of people, and punishing them capitally, executing them, by a court-martial. The Constitution provides expressly that all crimes shall be tried by a jury, unless they are offenses committed by those who are members either of the Army or Navy. That is the provision of the Constitution. Now, it is not with that clause as it may be with the *habeas corpus*. That clause may be suspended; but the provision in regard to trial by jury, Congress has no power to suspend anywhere.

I mention that as one illustration. I can find a number of others similar to it, wherein the prohibitions of the Constitution—prohibitions upon the action of Congress—are of that character that shows it is not possible to give, by any action of Congress, those powers which everybody recognizes as the rights of war, under the laws of war. Therefore, without occupying any further time about it, the war now being in legal existence, and if any more particular locality should be given to it, it is by presidential proclamation, under the statute we have already passed; my idea is, that the rights of war, the power of prosecuting it, and the mode of carrying it on, with all its limitations, are to be derived from what are known in the world as the laws of war. They are entirely in the executive administration, not derived from Congress, and, I think, ought not to be undertaken to be legislated about in Congress; because, as I before said, the very attempt to legislate upon them is to negative the idea that they have any other power; and we should want more time and more forethought and foresight to provide for the various exigencies which may present themselves in war, than we should ever be able to give to the subject. Therefore, I think it better to leave it to the laws of war, where it properly belongs.

Mr. TEN EYCK. As one of the committee that reported this bill, I desire simply to say a few words. I do not mean to say anything about the general merits of the bill, or what has fallen from the Senator from Vermont, because I think his positions are sound, and he has expressed them satisfactorily and fully. I am opposed to the postponement of this bill, although I do not agree with all its provisions. I agree in some of them. I think that some of the sections of the bill should become a law, and it was with that view I agreed that the bill might be reported, so far as I was concerned; that the Senate might consider it, reject such provisions as they thought unfit, and adopt the others. It is simply to these points that I wish to call the attention of the Senate. I think several sections of this bill are called for at the present time, and are clear entirely of the objections raised to the whole bill by the Senator from Vermont.

I have great doubts with respect to our enacting the first, second, and third sections of this bill. I think the provisions of public law will apply to the cases intended to be remedied by those sections. If they do not, I think we had better leave the matter as it is than to undertake to patch up a remedy which may be insufficient, and perhaps do more harm than good. We here undertake to authorize a commanding officer, a brigadier general, to establish police rules and regulations as nearly in accordance with the law of the State or district as possible. He is to establish police rules and regulations—it may be said that I am hypercritical—but he is not to establish the general principles and doctrines of the common or civil law as they may be in existence in different States of this Union; and my fear is that, in endeavoring to prescribe in this limited way, we shall exclude all that is not included; and hence we may get into difficulty and create great trouble. I should like to have that portion of the bill postponed.

In relation to the writ of *habeas corpus*—the fourth section of the bill—I should not be disposed to interfere with that matter. I believe that this writ of *habeas corpus* is confided to the proper authority in this country; and I am myself unwilling to confide it to the hands of a commanding officer, in any district he may see fit to declare in a state of insurrection or rebellion. I think it is clothing him with entirely too high powers. I shall not add a single word to what has been said by the Senator from Vermont in relation to this trial by court-martial. I think his answer is full and complete on that subject. It occurred to me, however, that the provisions of the seventh section were right; and with the permission of the Senate, I will call their attention to it:

SEC. 7. *And be it further enacted*, That all prisoners dismissed on parol, if retaken in arms, or found aiding and abetting the enemies and opposers of the Government, shall be placed before a court-martial, and if identified and convicted by competent testimony, shall suffer death, or such other punishment as said court may direct; the said sentence to be submitted to the said Commanding General or commander of the department, as aforesaid.

Mr. COWAN. If the Senator from New Jersey will allow me, I wish to ask him if that cannot be done without any enactment whatever; whether it is not done every day with hostile armies?

Mr. TEN EYCK. I suppose, if it can be done, the general expressions of this section will not interfere with the exercise of the power, and will make it merely a statutory right. I do not know but that that power may be exercised now; but I suppose it could do no harm to declare by statute what should be done with persons who are taken with arms in their hands, dismissed on parol, and are found the next day, or the next week, contending and struggling against the constituted authorities in the same way they were at the time of their arrest.

Mr. CLARK. Will the Senator from New Jersey allow me to inquire of him where he finds in the Constitution the warrant to Congress to do that?

Mr. TEN EYCK. My attention has not been particularly drawn to that point, nor do I intend to insist upon it. I am making an explanation at this time of the reasons which induced me to consent to the reporting of this bill, and to desire that it should not be postponed indefinitely. I think good may come out of the bill if we undertake to sift it, and to enact such portions as we think proper, and reject such as we do not think proper. The object I had in consenting to the reporting of the bill, was that it might come before the Senate, and we might have the benefit of the intelligence and the light that might be thrown upon it by Senators during the progress of its consideration. If this section be not necessary, I will not insist upon it.

I pass over the eighth section. I am not prepared to vote for that at present; but it seems to me the ninth section should be enacted and become a law. That applies to the confiscation of arms, accouterments, horses, and movable effects taken in actual warfare, used by persons in rebellion at the very time they are taken. Is there anything wrong about that? Is there anything wrong in our declaring by act of Congress that such shall be the case with respect to this particular rebellion and insurrection? I know, in a state of war between two belligerent Powers, two distinct and independent nations, that that question is settled by public law; there can be no doubt about it; but in order to avoid any difficulty upon that subject, and to manifest what is the distinct understanding of the Congress of the United States, I do not see any objection to the incorporation of this section into a bill of this kind.

If the first, second, and third sections do not become a law, there is no necessity for the tenth section, because that simply authorizes the officer who binds to let loose.

The eleventh section I consider all important; and if no other section becomes a law, I should like this section to become one at the present time. It provides for the punishment of felonies and other crimes committed by persons in the Army upon persons in the Army outside of the jurisdiction of the courts of the United States, or where there may be no courts of the United States or State courts in existence to punish that sort of crime. It is recommended by General Scott, the Commanding General, who knows perfectly well that offenses of this description are committed, and are likely to be committed, and there should be some provision for the punishment of such offenses as those, as there are no means of reaching them now. The act of 1795, establishing the rules and articles of war, expressly excepts the punishment of these offenses in the way in which this bill provides; but this act is not to be employed or to operate except where these matters cannot be reached by the criminal jurisprudence of any of the courts of the United States.

I apologize to the Senate for taking up so much time; but it seemed to me there were important provisions in this bill which we ought to enact, and certain other provisions that we ought to reject.

Mr. TRUMBULL. I did not intend to say another word about this bill, and should not but for what fell from the Senator from Vermont; but I am unwilling to be placed in a false position myself, or to have the bill under consideration treated as a thing which it is not. The Senator from Vermont, for whose opinions I have very great respect, has settled this whole matter at once. He asserts that this is war; that you cannot regulate a war by Congress; it is the law of nations that regulates war; and he wants to know, if this is a bill providing for war, why you do not provide for spies, and why you do not make other provisions? He goes on to say that it is directly against the Constitution of the United States to try a man by court-martial, because a man is entitled to a jury trial. Why, sir, did the learned Senator from Vermont never read the acts of Congress? It is provided by the act of 1806, in force to-day, that—

"Whoever shall be convicted of holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial."

Our fathers had no doubt that in time of war Congress could authorize the punishment by court-martial of a person, whether in the Army or out of it, who gave intelligence to the enemy. The Senator says we cannot regulate the proceedings during a time of war; that Congress has no power over them. The statute is full of regulations of the Army in time of war; and this very act, the very case he puts, provides the punishment for a spy. Here is the clause:

"That in time of war all persons not citizens of, or owing allegiance to, the United States of America, who shall be found lurking as spies in or about the fortifications or encampments of the Army of the United States, or any of them, shall suffer death, according to the law and usages of nations, by sentence of a general court-martial."

The statute is full of provisions controlling and governing the Army in time of war. Express authority is given to Congress by the very words of the Constitution to make the rules and regulations for the government of the Army; and yet, forsooth, we are told by the Senator from Vermont, Congress cannot make any laws at all; war is declared, and the President can carry on the war just as he pleases. Now, sir, I deny his very premises. I deny that this is a war in the sense in which he speaks. There is a rebellion. We have treated it as a rebellion. The Executive has treated it as a rebellion. The Senator wants to know if it was murder when our Army went over to Virginia a few days ago, and killed several hundred persons? Certainly not. It was not necessary to write down in the statute-book that our Army should have authority to go into Virginia, and shoot men; but what has Congress done? Congress has recognized this existing state of things. It has voted hundreds of millions of money and hundreds of thousands of men to put down the rebellion. It has authorized the calling out of the militia for the purpose of enforcing the laws; and the courts have decided that when the militia are called out for that purpose, they may use all the means necessary to accomplish the object; and the provision of the Constitution which provides for trial by jury has no application. When the military authority is called out to enforce the laws and suppress rebellion, they have all the authority necessary to accomplish the end for which that power is given; and if it be necessary to level houses, to ravage the country, and to shoot men, they have the authority. The military power is not called out as a display. Nor is this a war in the sense the Senator from Vermont would intimate. His doctrine would recognize these southern rebels as a government. He wants to provide for an exchange of prisoners, and he asks why that is not in the bill.

Mr. COLLAMER. I desire not to be intentionally misrepresented, certainly.

Mr. TRUMBULL. Certainly not. The Senator spoke of an exchange of prisoners.

Mr. COLLAMER. But I disclaimed that they were a government. I said the reason we passed a law to authorize the President to issue his proclamation was because we did not recognize such a Power on earth.

Mr. TRUMBULL. Then, if he does not rec-

ognize this as a war in that sense, why undertake to apply to it the rules of war? Is a war existing in my State? By virtue of the military authority, men in the State of Illinois have been arrested. Is war existing in Baltimore? By what authority are you arresting men in the city of Baltimore and holding them in custody? Is the Senator from Vermont, or is anybody in this country, for leaving the power in the hands of the President, or rather in the hands of your Commanding General, just when he pleases, without proclamation, to march to any locality, arrest men, put them in prison, and do what he pleases with them? Shall we be told that Congress has no power, although the express authority to make rules and regulations for the government of every officer is vested here in Congress and nowhere else? Our power is omnipotent over this Army; and they ought to have rules and regulations by which to be governed. And let me tell Senators, it is no new feature for courts-martial in time of rebellion, insurrection, and civil war, to bring men before them, and try them, sentence them, and shoot them, without the intervention of any grand or petit jurors.

Mr. BRECKINRIDGE. I do not know how the Senate may vote upon this question; and I have heard some remarks which have dropped from certain Senators which have struck me with so much surprise, that I desire to say a few words in reply to them now.

This drama, sir, is beginning to open before us, and we begin to catch some idea of its magnitude. Appalled by the extent of it, and embarrassed by what they see before them and around them, the Senators who are themselves the most vehement in urging on this course of events, are beginning to quarrel among themselves as to the precise way in which to regulate it.

The Senator from Vermont objects to this bill because it puts a limitation on what he considers already existing powers on the part of the President. I wish to say a few words presently in regard to some provisions of this bill, and then the Senate and the country may judge of the extent of those powers of which this bill is a limitation.

I endeavored, Mr. President, to demonstrate a short time ago, that the whole tendency of our proceedings was to trample the Constitution under our feet, and to conduct this contest without the slightest regard to its provisions. Everything that has occurred since, demonstrates that the view I took of the conduct and tendency of public affairs was correct. Already both Houses of Congress have passed a bill virtually to confiscate all the property in the States that have withdrawn, declaring in the bill to which I refer that all property of every description employed in any way to promote or aid in the insurrection, as it is denominated, shall be forfeited and confiscated. I need not say to you, sir, that all property of every kind is employed in those States, directly or indirectly, in aid of the contest they are waging, and consequently that bill is a general confiscation of all property there.

As if afraid, however, that this general term might not apply to slave property, it adds an additional section. Although they were covered by the first section of the bill, to make sure of that, however, it adds another section, declaring that all persons held to service or labor, who shall be employed in any way to aid or promote the contest now waging, shall be discharged from such service and become free. Nothing can be more apparent than that that is a general act of emancipation; because all the slaves in that country are employed in furnishing the means of subsistence and life to those who are prosecuting the contest; and it is an indirect, but perfectly certain mode of carrying out the purposes contained in the bill introduced by the Senator from Kansas, [Mr. POMEROY.] It is doing under cover and by indirection, but certainly, what he proposes shall be done by direct proclamation of the President.

Again, sir: to show that all these proceedings are characterized by an utter disregard of the Federal Constitution, what is happening around us every day? In the State of New York, some young man has been imprisoned by executive authority upon no distinct charge, and the military officer having him in charge refused to obey the writ of *habeas corpus* issued by a judge. What is the color of excuse for that action in the State of New York? As a Senator said, is New York in resistance to the Government? Is there any danger to the stability of the Government there? Then, sir, what reason will any Senator rise and give on this floor for the refusal to give to the civil authorities the body of a man taken by a military commander in the State of New York?

Again: the police commissioners of Baltimore were arrested by military authority without any charges whatever. In vain they have asked for a specification. In vain they have sent a respectful protest to the Congress of the United States. In vain the House of Representatives, by resolution, requested the President to furnish the Representatives of the people with the grounds of their arrest. He answers the House of Representatives that, in his judgment, the public interest does not permit him to say why they were arrested, on what charges, or what he has done with them—and you call this liberty and law and proceedings for the preservation of the Constitution! They have been spirited off from one fortress to another, their locality unknown, and the President of the United States refuses, upon the application of the most numerous branch of the national Legislature, to furnish them with the grounds of their arrest, or to inform them what he has done with them.

Sir, it was said the other day by the Senator from Illinois [Mr. BROWNING] that I had assailed the conduct of the Executive with vehemence, if not with malignity. I am not aware that I have done so. I criticised, with the freedom that belongs to the representative of a sovereign State and the people, the conduct of the Executive. I shall continue to do so as long I hold a seat upon this floor, when, in my opinion, that conduct deserves criticism. Sir, I need not say that, in the midst of such events as surround us, I could not cherish personal animosity towards any human being. Towards that distinguished officer, I never did cherish it. Upon the contrary, I think more highly of him, as a man and an officer, than I do of many who are around him and who, perhaps, guide his counsels. I deem him to be personally an honest man, and I believe that he is trampling upon the Constitution of his country every day, with probable good motives, under the counsels of those who influence him. But, sir, I have nothing now to say about the President. The proceedings of Congress have eclipsed the actions of the Executive; and if this bill shall become a law, the proceedings of the President will sink into absolute nothingness in the presence of the outrages upon personal and public liberty which have been perpetrated by the Congress of the United States.

The Senator from Vermont objects to the bill because it puts a limitation upon already existing powers. Sir, let us look for a moment at the provisions of this bill. I shall speak presently of the Senator's notions of the laws of war. The first section of the bill authorizes the President of the United States to declare any of the military districts in a state of insurrection or actual rebellion against the United States. Those military districts are composed of States and of parts of States. When the President shall so declare, and he is authorized to do it in his discretion—there may, or there may not, be insurrection or rebellion: the President may say there is, and no man shall challenge his assertion—when that is done, the military commanders in those respective States or military districts shall give notice therof, and what then follows? It provides in the second section that any military commander in one of those States or districts shall make and publish such police rules and regulations, conforming as nearly as may be to previously existing laws and regulations—not mere police rules and regulations, but just such rules and regulations as he may desire, conforming as nearly as he may choose, in his discretion, to the existing laws of the several States or military districts, "and all the civil authorities within said districts shall be bound to carry said rules and regulations into effect." They are subordinated, at the discretion of the President, to the dictation of any of his subordinate military commanders.

The third section provides:

"That if, from any cause whatever, the said civil authorities fail to execute the said rules and regulations"—

So made by this subordinate military commander—

"the said military commander shall cause them to be executed and enforced by the military force under his command."

The fourth section authorizes, not the President, but any military commander in any of these districts, generals, colonels, majors, captains—if one of them should be the commander of a military district, in his discretion to suspend the writ of *habeas corpus*, and make return that he will not obey, to any judge that may issue it.

Then, sir, if any person—not a camp follower, not any one subject to the rules and articles of war—but if any person—

"Shall be found in arms against the United States, or otherwise aiding and abetting their enemies or opposers, within any district of country to which it relates, and shall be taken by the forces of the United States, shall be either detained as prisoners for trial on the charge of treason or sedition, or other crimes and offenses which they may have committed whilst resisting the authority of the United States; or may, according to the circumstances of the case"—

This to be judged of by this military commander—

"be at once placed before a court-martial, to be dealt with according to the rules of war in respect to unorganized and lawless armed bands, not recognized as regular troops."

Or in his discretion may be discharged upon parol. The Constitution of the United States declares that the crime of treason and all other crimes shall be tried by a jury, and not by a military commander, or a drum-head court-martial. The power to suspend the *habeas corpus* which Congress may do by the Constitution, but cannot delegate to the President, or any one else, it is proposed by this bill to authorize the President to delegate to any subordinate military authority—a power which he does not himself possess.

The sixth section provides that—

"No sentence of death pronounced by a court-martial upon any person or persons taken in arms as aforesaid, shall be executed before it has been submitted to the commander of the military department within which the conviction has taken place, or to the Commanding General of the Army of the United States."

Sentence of death may be passed upon any person under these circumstances, with the approval either of the General-in-Chief of the Army or of the subordinate military commander who may have the control of the district in which he is taken.

Sir, I do not at present comment upon the seventh section, in regard to persons put upon parol; nor the eighth section, which provides that any military commander may cause any person suspected of disloyalty to the United States to be brought before him, and may administer, or cause to be administered, to such person an oath of allegiance—a very peculiar oath—an oath not alone to support the Constitution of the United States, but to bear true allegiance to many other things not provided for in the Constitution of the United States. There is no legitimate oath which can be put upon any one except an officer under the Government, and that oath is limited to a support of the Constitution of the United States; and I think the public liberties are at a low ebb when any military commander may seize, throughout the length and breadth of the land, any citizen suspected merely, and compel him to take such an oath as is prescribed in this bill.

Then, Mr. President, without discussing the other points at present, how does it sum up? Let me take the State of Kentucky, for example. That State is a military district. Suppose that, for any cause, the President may choose to say that that State is in a condition of insurrection or rebellion—though she has suffered enough from violations of the Constitution committed by the Executive; although she has been clinging with her characteristic fidelity to the Union of the States—he is to be the sole judge of the facts; he is to declare that Kentucky, for example, is in a state of insurrection or rebellion. What follows? The military commander in charge of the United States forces in the district may then publish just such rules and regulations for the government of that Commonwealth as he may choose, making them conform as nearly as he may, in his discretion, to the existing laws of the State; and the civil authorities of that State are to be bound by the rules and regulations of this military commander, and if they do not execute them, he is then to see that they are executed by the military force under his command.

What is it, sir, but vesting first in the discretion

of the President, to be by him detailed to a subaltern military commander, the authority to enter the Commonwealth of Kentucky, to abolish the State, to abolish the Executive, the Legislature, and the judiciary, and to substitute just such rules for the Government of its people as that military commander may choose? Well might the Senator from Delaware [Mr. SAULSBURY] say that this bill contains provisions conferring authority which never was exercised in the worst days of Rome, by the worst of her dictators. I have wondered why the bill was introduced. I have sometimes thought that possibly it was introduced for the purpose of preventing the expression of that reaction which is now evidently going on in the public mind against these procedures so fatal to constitutional liberty. The Army may be thus used, perhaps, to collect the enormous direct taxes for which preparation is now being made by Congress; and if in any part of Illinois, or Indiana, or New York, or any State, North or South, there shall be difficulty, or resistance, the President in his discretion may declare it to be in a state of insurrection, all the civil authorities may be overthrown, and his military commander may make rules and regulations, collect taxes, and execute the laws at his pleasure.

Mr. President, gentlemen talk about the Union as if it was an end instead of a means. They talk about it as if it was the Union of these States which alone had brought into life the principles of public and of personal liberty. Sir, they existed before, and they may survive it. Take care that in pursuing one idea you do not destroy not only the Constitution of your country, but sever what remains of the Federal Union. These eternal and sacred principles of public and of personal liberty, which lived before the Union and will live forever and ever somewhere, must be respected; they cannot with impunity be overthrown; and if you force the people to the issue between any form of government and these priceless principles, that form of government will perish; they will tear it asunder as the irrepressible forces of nature rend whatever opposes them.

Mr. President, I shall not long detain the Senate. I shall not enter now upon an elaborate discussion of all the principles involved in this bill, and all the consequences which, in my opinion, flow from it. A word in regard to what fell from the Senator from Vermont, the substance of which has been uttered by a great many Senators on this floor. What I tried to show some time ago has been substantially admitted. One Senator says that the Constitution is put aside in a struggle like this. Another Senator says that the condition of affairs is altogether abnormal, and that you cannot deal with them on constitutional principles, any more than you can deal by any of the regular operations of the laws of nature with an earthquake. The Senator from Vermont says that all these proceedings are to be conducted according to the laws of war; and he adds that the laws of war require many things to be done which are absolutely forbidden in the Constitution; which Congress is prohibited from doing, and all other departments of the Government are forbidden from doing by the Constitution; but that they are proper under the laws of war, which must alone be the measure of our action now. I desire the country, then, to know this fact; that it is openly avowed upon this floor that constitutional limitations are no longer to be regarded; but that you are acting just as if there were two nations upon this continent, one arrayed against the other; some eighteen or twenty million on one side, and some ten or twelve million on the other, as to whom the Constitution is nought, and the laws of war alone apply.

Sir, let the people, already beginning to pause and reflect upon the origin and nature and the probable consequences of this unhappy strife, get this idea fairly lodged in their minds—and it is a true one—and I will venture to say that the brave words which we now hear every day about crushing, subjugating, treason, and traitors, will not be so uttered the next time the Representatives of the people and the States assemble beneath the dome of this Capitol.

Mr. LANE, of Kansas. With the consent of the Senator from Kentucky, I should like to ask him a question.

Mr. BRECKINRIDGE. I prefer that the Senator from Kansas should not at present interrupt me. I shall soon close what I have to say, and then he will be entitled to the floor.

Then, sir, if the Constitution is really to be put aside, if the laws of war alone are to govern, and whatever may be done by one independent nation at war with another, is to be done, why not act upon that practically? I do not hold that the clause of the Constitution which authorizes Congress to declare war, applies to any internal difficulties. I do not believe it applies to any of the political communities, bound together under the Constitution, in political association. I regard it as applying to external enemies. Nor do I believe that the Constitution of the United States ever contemplated the preservation of the Union of these States by one half the States warring on the other half. It details particularly how military force shall be employed in this Federal system of Government, and it can be employed properly in no other way; it can be employed in aid of the civil tribunals. If there are no civil tribunals, if there is no mode by which the laws of the United States may be enforced in the manner prescribed by the Constitution, what follows? The remaining States may, if they choose, make war, but they do it outside of the Constitution; and the Federal system, as determined by the principles and terms of that instrument, does not provide for the case. It does provide for putting down insurrections, illegal uprisings of individuals, but it does not provide, in my opinion, either in its spirit or in its terms, for raising armies by one half of the political communities that compose the Confederacy, for the purpose of subjugating the other half; and the very fact that it does not, is shown by the fact that you have to avow on the floor of the Senate the necessity for putting the Constitution aside, and conducting the whole contest without regard to it, and in obedience solely to the laws of war.

Then, if we are at war, if it is a case of war, treat it like war. Practically, it is being treated like war. The prisoners whom the United States have taken are not hung as traitors. The prisoners which the other States have taken are not hung as traitors. It is war. The Senator is right in saying it is war; but, in my opinion, it is not only an unhappy but an unconstitutional war. Why, then, all these proceedings upon the part of the Administration, refusing to send or to receive flags of truce; refusing to recognize the actual condition of affairs; refusing to do those acts which, if they do not terminate, may at least ameliorate the unhappy condition in which we find ourselves placed?

So much, then, we know. We know that admitted violations of the Constitution have been made, and are justified. We know that we have conferred by legislation, and are, perhaps, still further by legislation to confer, authority to do acts not warranted by the Constitution of the United States. We have it openly avowed that the Constitution of the Union, which is the bond of association, at least, between those States that still adhere to the Federal Union, is no longer to be regarded. It is not enough to tell me that it has been violated by those communities that have seceded. Other States have not seceded; Kentucky has not seceded; Illinois has not seceded; some twenty States yet compose the Federal Union, nominally under this Constitution. As to them, that instrument, in its terms and in its spirit, is the bond of their connection under the Federal system. They have a right, as between themselves and their co-members of the Confederacy, to insist upon its being respected. If, indeed, it is to be put aside, and we are to go into a great continental struggle, they may pause to inquire what is to become of their liberties, and what their political connections are to be in a contest made without constitutional warrant, and in derogation of all the terms of the instrument. How can this be successfully controverted? Though you may have a right to trample under foot the Constitution, and to make war (as every power has a right to make war) against the States that have seceded, have you a right to violate it as to any of the adhering States, who insist upon fidelity to its provisions? No, sir.

Mr. President, we are on the wrong tack; we have been from the beginning. The people begin to see it. Here we have been hurling gallant fellows on to death, and the blood of Americans has been shed—for what? They have shown their prowess, respectively—that which belongs to the race—and shown it like men. But for what have the United States soldiers, according to the exposition we have heard here to-day, been shedding their blood, and displaying their dauntless courage? It has been to carry out principles that three fourths of them abhor; for the principles contained in this bill, and continually avowed on the floor of the Senate, are not shared, I venture to say, by one fourth of the Army.

I have said, sir, that we are on the wrong tack. Nothing but ruin, utter ruin, to the North, to the South, to the East, to the West, will follow the prosecution of this contest. You may look forward to innumerable armies; you may look forward to countless treasures—all spent for the purpose of desolating and ravaging this continent; at the end leaving us just where we are now; or if the forces of the United States are successful in ravaging the whole South, what on earth will be done with it after that is accomplished? Are not gentlemen now perfectly satisfied that they have mistaken a people for a faction? Are they not perfectly satisfied that, to accomplish their object, it is necessary to subjugate, to conquer—ay, to exterminate—nearly ten millions of people? Do you not know it? Does not everybody know it? Does not the world know it? Let us pause, and let the Congress of the United States respond to the rising feeling all over this land in favor of peace. War is separation; in the language of an eminent gentleman now no more, it is disunion, eternal and final disunion. We have separation now; it is only made worse by war, and an utter extinction of all those sentiments of common interest and feeling which might lead to a political reunion founded upon consent and upon a conviction of its advantages. Let the war go on, however, and soon, in addition to the moans of widows and orphans all over this land, you will hear the cry of distress from those who want food and the comforts of life. The people will be unable to pay the grinding taxes which a fanatical spirit will attempt to impose upon them. Nay, more, sir; you will see further separation. I hope it is not "the sunset of life gives me mystical lore," but in my mind's eye I plainly see "coming events cast their shadows before." The Pacific slope now, doubtless, is devoted to the union of States. Let this war go on till they find the burdens of taxation greater than the burdens of a separate condition, and they will assert it. Let the war go on until they see the beautiful features of the old Confederacy beaten out of shape and comeliness by the brutalizing hand of war, and they will turn aside in disgust from the sickening spectacle, and become a separate nation. Fight twelve months longer, and the already opening differences that you see between New England and the great Northwest will develop themselves. You have two confederacies now. Fight twelve months, and you will have three; twelve months longer, and you will have four.

I will not enlarge upon it, sir. I am quite aware that all I say is received with a sneer of incredulity by the gentlemen who represent the far Northeast; but let the future determine who was right and who was wrong. We are making our record here; I, my humble one, amid the sneers and aversion of nearly all who surround me, giving my votes, and uttering my utterances according to my convictions, with but few approving voices, and surrounded by scowls. The time will soon come, Senators, when history will put her final seal upon these proceedings, and if my name shall be recorded there, going along with yours as an actor in these scenes, I am willing to abide, fearlessly, her final judgment.

Mr. BAKER. Mr. President, it has not been my fortune to participate in at any length, indeed, not to hear very much of, the discussion which has been going on—more, I think, in the hands of the Senator from Kentucky than anybody else—upon all the propositions connected with this war; and, as I really feel as sincerely as he can an earnest desire to preserve the Constitution of the United States for everybody, South as well as North, I have listened for some little time past to what he has said with an earnest desire to apprehend the point of his objection to this particular bill. And now—waiving what I think is the elegant but loose declamation in which he chooses to indulge—I would propose, with my habitual respect for him, (for nobody is more courteous

and more gentlemanly,) to ask him if he will be kind enough to tell me what single particular provision there is in this bill which is in violation of the Constitution of the United States, which I have sworn to support—one distinct, single proposition in the bill.

Mr. BRECKINRIDGE. I will state, in general terms, that every one of them is, in my opinion, flagrantly so, unless it may be the last. I will send the Senator the bill, and he may comment on the sections.

Mr. BAKER. Pick out that one which is in your judgment most clearly so.

Mr. BRECKINRIDGE. They are all, in my opinion, so equally atrocious that I dislike to discriminate. I will send the Senator the bill, and I tell him that every section, except the last, in my opinion, violates the Constitution of the United States; and of that last section, I express no opinion.

Mr. BAKER. I had hoped that that respectful suggestion to the Senator would enable him to point out to me one, in his judgment, most clearly so, for they are not all alike—they are not equally atrocious.

Mr. BRECKINRIDGE. Very nearly. There are ten of them. The Senator can select which he pleases.

Mr. BAKER. Let me try then, if I must generalize as the Senator does, to see if I can get the scope and meaning of this bill. It is a bill providing that the President of the United States may declare, by proclamation, in a certain given state of fact, certain territory within the United States to be in a condition of insurrection and war; which proclamation shall be extensively published within the district to which it relates. That is the first proposition. I ask him if that is unconstitutional? That is a plain question. Is it unconstitutional to give power to the President to declare a portion of the territory of the United States in a state of insurrection or rebellion? He will not dare to say it is.

Mr. BRECKINRIDGE. Mr. President, the Senator from Oregon is a very adroit debater, and he discovers, of course, the great advantage he would have if I were to allow him, occupying the floor, to ask me a series of questions, and then have his own criticisms made on them. When he has closed his speech, if I deem it necessary, I may make some reply. At present, however, I will answer that question. The State of Illinois, I believe, is a military district; the State of Kentucky is a military district. In my judgment, the President has no authority, and, in my judgment, Congress has no right to confer upon the President authority, to declare a State in a condition of insurrection or rebellion.

Mr. BAKER. In the first place, the bill does not say a word about States. That is the first answer.

Mr. BRECKINRIDGE. Does not the Senator know, in fact, that those States compose military districts? It might as well have said "States" as to describe what is a State.

Mr. BAKER. I do; and that is the reason why I suggest to the honorable Senator that this criticism about States does not mean anything at all. That is the very point. The objection certainly ought not to be that he can declare a part of a State in insurrection and not the whole of it. In point of fact, the Constitution of the United States, and the Congress of the United States acting upon it, are not treating of States, but of the territory comprising the United States; and I submit once more to his better judgment that it cannot be unconstitutional to allow the President to declare a county or a part of a county, or a town or a part of a town, or part of a State, or the whole of a State, or two States, or five States, in a condition of insurrection, if in his judgment that be the fact. That is not wrong.

In the next place, it provides that that being so, the military commander in that district may make and publish such police rules and regulations as he may deem necessary to suppress the rebellion and restore order and preserve the lives and property of citizens. I submit to him, if the President of the United States has power, or ought to have power, to suppress insurrection and rebellion, is there any better way to do it, or is there any other? The gentleman says, do it by the civil power. Look at the fact. The civil power is utterly overwhelmed; the courts are closed; the judges banished. Is the President not to execute the law? Is he to do it in person, or by his military commanders? Are they to do it with regulation, or without it? That is the only question.

Mr. President, the honorable Senator says there is a state of war. The Senator from Vermont agrees with him; or rather, he agrees with the Senator from Vermont in that. What then? There is a state of public war; none the less war because it is urged from the other side; not the less war because it is unjust; not the less war because it is a war of insurrection and rebellion. It is still war; and I am willing to say it is public war—public as contradistinguished from private war. What then? Shall we carry that war on? Is it his duty as a Senator to carry it on? If so, how? By armies, under command; by military organization and authority, advancing to suppress insurrection and rebellion. Is that wrong? Is that unconstitutional? Are we not bound to do, with whoever levies war against us, as we would do if he was a foreigner? There is no distinction as to the mode of carrying on war; we carry on war against an advancing army just the same, whether it be from Russia or from South Carolina. Will the honorable Senator tell me it is our duty to stay here, within fifteen miles of the enemy seeking to advance upon us every hour, and talk about nice questions of constitutional construction as to whether it is war or merely insurrection? No, sir. It is our duty to advance, if we can; to suppress insurrection; to put down rebellion; to dissipate the rising; to scatter the enemy; and when we have done so, to preserve, in the terms of the bill, the liberty, lives, and property of the people of the country, by just and fair police regulations. I ask the Senator from Indiana, [Mr. LANE,] when we took Monterey, did we not do it there? When we took Mexico, did we not do it there? Is it not a part, a necessary, an indispensable part of war itself, that there shall be military regulations over the country conquered and held? Is that unconstitutional?

I think it was a mere play of words that the Senator indulged in when he attempted to answer the Senator from New York. I did not understand the Senator from New York to mean anything else substantially but this, that the Constitution deals generally with a state of peace, and that when war is declared it leaves the condition of public affairs to be determined by the law of war, in the country where the war exists. It is true that the Constitution of the United States does adopt the laws of war as a part of the instrument itself, during the continuance of war. The Constitution does not provide that spies shall be hung. Is it unconstitutional to hang a spy? There is no provision for it in terms in the Constitution; but nobody denies the right, the power, the justice. Why? Because it is part of the law of war. The Constitution does not provide for the exchange of prisoners; yet it may be done under the law of war. Indeed the Constitution does not provide that a prisoner may be taken at all; yet his captivity is perfectly just and constitutional. It seems to me that the Senator does not, will not, take that view of the subject.

Again, sir, when a military commander advances, as I trust, if there are no more unexpected great reverses, he will advance, through Virginia and occupies the country, there, perhaps, as here, the civil law may be silent; there perhaps the civil officers may flee as ours have been compelled to flee. What then? If the civil law is silent, who shall control and regulate the conquered district—who but the military commander? As the Senator from Illinois has well said, shall it be done by regulation or without regulation? Shall the general, or the colonel, or the captain, be supreme, or shall he be regulated and ordered by the President of the United States? That is the sole question. The Senator has put it well.

I agree that we ought to do all we can to limit, to restrain, to fetter the abuse of military power. Bayonets are at best illogical arguments. I am not willing, except as a case of sheerest necessity, ever to permit a military commander to exercise authority over life, liberty, and property. But, sir, it is part of the law of war; you cannot carry in the rear of your army your courts; you cannot organize juries; you cannot have trials according to the forms and ceremonial of the common law amid the clangor of arms, and somebody must enforce police regulations in a conquered or occupied district. I ask the Senator from Kentucky again respectfully, is that unconstitutional; or if in the nature of war it must exist, even if there be no law passed by us to allow it, is it unconstitutional to regulate it? That is the question, to which I do not think he will make a clear and distinct reply.

Now, sir, I have shown him two sections of the bill, which I do not think he will repeat earnestly are unconstitutional. I do not think that he will seriously deny that it is perfectly constitutional to limit, to regulate, to control, at the same time to confer and restrain authority in the hands of military commanders. I think it is wise and judicious to regulate it by virtue of powers to be placed in the hands of the President by law.

Now, a few words, and a few only, as to the Senator's predictions. The Senator from Kentucky stands up here in a manly way in opposition to what he sees is the overwhelming sentiment of the Senate, and utters reproof, malediction, and prediction combined. Well, sir, it is not every prediction that is prophecy. It is the easiest thing in the world to do; there is nothing easier, except to be mistaken when we have predicted. I confess, Mr. President, that I would not have predicted three weeks ago the disasters which have overtaken our arms; and I do not think (if I were to predict now) that six months hence the Senator will indulge in the same tone of prediction which is his favorite key now. I would ask him what would you have us do now—a confederate army within twenty miles us, advancing, or threatening to advance, to overwhelm your Government; to shake the pillars of the Union; to bring it around your head, if you stay here, in ruins? Are we to stop and talk about an uprising sentiment in the North against the war? Are we to predict evil, and retire from what we predict? Is it not the manly part to go on as we have begun, to raise money, and levy armies, to organize them, to prepare to advance; when we do advance, to regulate that advance by all the laws and regulations that civilization and humanity will allow in time of battle? Can we do anything more? To talk to us about stopping, is idle; we will never stop. Will the Senator yield to rebellion? Will he shrink from armed insurrection? Will his State justify it? Will its better public opinion allow it? Shall we send a flag of truce? What would he have? Or would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy? [Manifestations of applause in the galleries.]

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Order!

Mr. BAKER. What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded by all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Cannæ, a senator there had risen in his place and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to the old recollections and the old glories? Sir, a Senator, himself learned far more than myself in such lore, [Mr. FESSENDEN,] tells me, in a voice that I am glad is audible, that he would have been hurled from the Tarpeian rock. It is a grand commentary upon the American Constitution that we permit these words to be uttered. I ask the Senator to recollect, too, what, save to send aid and comfort to the enemy, do these predictions of his amount to? Every word thus uttered falls as a note of inspiration upon every confederate ear. Every sound thus uttered is a word (and falling from his lips, a mighty word) of kindling and triumph to a foe that determines to advance. For me, I have no such word as a Senator to utter. For me, amid temporary defeat, disaster, disgrace, it seems that my duty calls me to utter another word, and that

word is, bold, sudden, forward, determined war, according to the laws of war, by armies, by military commanders clothed with full power, advancing with all the past glories of the Republic urging them on to conquest.

I do not stop to consider whether it is subjugation or not. It is compulsory obedience, not to my will; not to yours, sir; not to the will of any one man; not to the will of any one State; but compulsory obedience to the Constitution of the whole country. The Senator chose the other day again and again to animadvert on a single expression in a little speech which I delivered before the Senate, in which I took occasion to say that if the people of the rebellious States would not govern themselves as States, they ought to be governed as Territories. The Senator knew full well then, for I explained it twice—he knows full well now—that on this side of the Chamber; nay, in this whole Chamber; nay, in this whole North and West; nay, in all the loyal States in all their breadth, there is not a man among us all who dreams of causing any man in the South to submit to any rule, either as to life, liberty, or property, that we ourselves do not willingly agree to yield to. Did he ever think of that? Subjugation for what? When we subjugate South Carolina, what shall we do? We shall compel its obedience to the Constitution of the United States; that is all. Why play upon words? We do not mean, we have never said, any more. If it be slavery that men should obey the Constitution their fathers fought for, let it be so. If it be freedom, it is freedom equally for them and for us. We propose to subjugate rebellion into loyalty; we propose to subjugate insurrection into peace; we propose to subjugate confederate anarchy into constitutional Union liberty. The Senator well knows that we propose no more. I ask him, I appeal to his better judgment now, what does he imagine we intend to do, if fortunately we conquer Tennessee or South Carolina—call it "conquer," if you will, sir—what do we propose to do? They will have their courts still; they will have their ballot-boxes still; they will have their elections still; they will have their representatives upon this floor still; they will have taxation and representation still; they will have the writ of *habeas corpus* still; they will have every privilege they ever had and all we desire. When the confederate armies are scattered; when their leaders are banished from power; when the people return to a late repentant sense of the wrong they have done to a Government they never felt but in benignancy and blessing, then the Constitution made for all will be felt by all, like the descending rains from heaven which bless all alike. Is that subjugation? To restore what was, as it was, for the benefit of the whole country and of the whole human race, is all we desire and all we can have.

Gentleman talk about the Northeast. I appeal to Senators from the Northeast, is there a man in all your States who advances upon the South with any other idea but to restore the Constitution of the United States in its spirit and its unity? I never heard that one. I believe no man indulges in any dream of inflicting there any wrong to public liberty; and I respectfully tell the Senator from Kentucky that he persistently, earnestly, I will not say willfully, misrepresents the sentiment of the North and West when he attempts to teach these doctrines to the confederates of the South.

Sir, while I am predicting, I will tell you another thing. This threat about money and men amounts to nothing. Some of the States which have been named in that connection, I know well. I know, as my friend from Illinois will bear me witness, his own State, very well. I am sure that no temporary defeat, no momentary disaster, will swerve that State either from its allegiance to the Union, or from its determination to preserve it. It is not with us a question of money or of blood; it is a question involving considerations higher than these. When the Senator from Kentucky speaks of the Pacific, I see another distinguished friend from Illinois, now worthily representing one of the States on the Pacific, [Mr. McDOUGALL,] who will bear me witness that I know that State too, well. I take the liberty—I know I but utter his sentiments in advance—joining with him, to say that that State, quoting from the passage the gentleman himself has quoted, will be true to the Union to the last of her blood and her treasure. There may be there some disaffected; there may be some few men there who would "rather rule in hell than serve in heaven." There are such men everywhere. There are a few men there who have left the South for the good of the South; who are perverse, violent, destructive, revolutionary, and opposed to social order. A few, but a very few, thus formed and thus nurtured, in California and in Oregon, both persistently endeavor to create and maintain mischief; but the great portion of our population are loyal to the core and in every chord of their hearts. They are offering through me—more to their own Senators every day from California, and indeed from Oregon—to add to the legions of this country, by the hundred and the thousand. They are willing to come thousands of miles with their arms on their shoulders, at their own expense, to share with the best offering of their heart's blood in the great struggle of constitutional liberty. I tell the Senator that his predictions, sometimes for the South, sometimes for the middle States, sometimes for the Northeast, and then wandering away in airy visions out to the far Pacific, about the dread of our people, as for loss of blood and treasure, provoking them to disloyalty, are false in sentiment, false in fact, and false in loyalty. The Senator from Kentucky is mistaken in them all. Five hundred million dollars! What then? Great Britain gave more than two thousand million in the great battle for constitutional liberty which she led at one time almost single-handed against the world. Five hundred thousand men! What then? We have them; they are ours; they are the children of the country. They belong to the whole country; they are our sons; our kinsmen; and there are many of us who will give them all up before we will abate one word of our just demand, or will retreat one inch from the line which divides right from wrong.

Sir, it is not a question of men or of money in that sense. All the money, all the men, are, in our judgment, well bestowed in such a cause. When we give them, we know their value. Knowing their value well, we give them with the more pride and the more joy. Sir, how can we retreat? Sir, how can we make peace? Who shall treat? What commissioners? Who would go? Upon what terms? Where is to be your boundary line? Where the end of the principles we shall have to give up? What will become of constitutional government? What will become of public liberty? What of past glories? What of future hopes? Shall we sink into the insignificance of the grave—a degraded, defeated, emasculated people, frightened by the results of one battle, and scared at the visions raised by the imagination of the Senator from Kentucky upon this floor? No, sir; a thousand times, no, sir! We will rally—if, indeed, our words be necessary—we will rally the the people, the loyal people, of the whole country. Their will pour forth their treasure, their money, their men, without stint, without measure. The most peaceable man in this body may stamp his foot upon this Senate Chamber floor, as of old a warrior and a senator did, and from that single tramp there will spring forth armed legions. Shall one battle determine the fate of empire, or a dozen? the loss of one thousand men or twenty thousand, or $100,000,000 or $500,000,000? In a year's peace, in ten years, at most, of peaceful progress, we can restore them all. There will be some graves recking with blood, watered by the tears of affection. There will be some privation; there will be some loss of luxury; their will be somewhat more need for labor to procure the necessaries of life. When that is said, all is said. If we have the country, the whole country, the Union, the Constitution, free government—with these there will return all the blessings of well-ordered civilization; the path of the country will be a career of greatness and of glory such as, in the olden time, our fathers saw in the dim visions of years yet to come, and such as would have been ours now, to-day, if it had not been for the treason for which the Senator too often seeks to apologize.

Mr. BRECKINRIDGE. I shall detain the Senate, sir, but a few moments in answer to one or two of the observations that fell from the Senator from California——

Mr. BAKER. Oregon.

Mr. BRECKINRIDGE. The Senator seems to have charge of the whole Pacific coast, though I do not mean to intimate that the Senators from California are not entirely able and willing to take care of their own State. They are. The Senator from Oregon, then.

Mr. President, I have tried on more than one occasion in the Senate, in parliamentary and respectful language, to express my opinions in regard to the character of our Federal system, the relations of the States to the Federal Government, to the Constitution, the bond of the Federal political system. They differ utterly from those entertained by the Senator from Oregon. Evidently, by his line of argument, he regards this as an original, not a delegated Government, and he regards it as clothed with all those powers which belong to an original nation, not only with those powers which are delegated by the different political communities that compose it, and limited by the written Constitution that forms the bond of Union. I have tried to show that, in the view that I take of our Government, this war is an unconstitutional war. I do not think the Senator from Oregon has answered my argument. He asks, what must we do? As we progress southward and invade the country, must we not, said he, carry with us all the laws of war? I would not progress southward and invade the country.

The President of the United States, as I again repeat, in my judgment only has the power to call out the military to assist the civil authority in executing the laws; and when the question assumes the magnitude and takes the form of a great political severance, and nearly half the members of the Confederacy withdraw themselves from it, what then? I have never held that one State or a number of States have a right without cause to break the compact of the Constitution. But what I mean to say is that you cannot then undertake to make war in the name of the Constitution. In my opinion they are out. You may conquer them; but do not attempt to do it under what I consider false political pretenses. However, sir, I will not enlarge upon that. I have developed these ideas again and again, and I do not care to reargue them. Hence the Senator and I start from entirely different stand-points, and his pretended replies are no replies at all.

The Senator asks me, "what would you have us do?" I have already intimated what I would have us do. I would have us stop the war. We can do it. I have tried to show that there is none of that inexorable necessity to continue this war which the Senator seems to suppose. I do not hold that constitutional liberty on this continent is bound up in this fratricidal, devastating, horrible contest. Upon the contrary, I fear it will find its grave in it. The Senator is mistaken in supposing that we can reunite these States by war. He is mistaken in supposing that eighteen or twenty million upon the one side can subjugate ten or twelve million upon the other; or, if they do subjugate them, that you can restore constitutional government as our fathers made it. You will have to govern them as Territories, as suggested by the Senator, if ever they are reduced to the dominion of the United States, or, as the Senator from Vermont called them, "those rebellious provinces of this Union," in his speech to-day. Sir, I would prefer to see these States all reunited upon true constitutional principles to any other object that could be offered me in life; and to restore, upon the principles of our fathers, the Union of these States, to me the sacrifice of one unimportant life would be nothing; nothing, sir. But I infinitely prefer to see a peaceful separation of these States, than to see endless, aimless, devasting war, at the end of which I see the grave of public liberty and of personal freedom.

The Senator asked if a senator of Rome had uttered these things in the war between Carthage and that Power, how would he have been treated? Sir, the war between Carthage and Rome was altogether different from the war now waged between the United States and the confederate States. I would have said—rather than avow the principle that one or the other must be subjugated, or perhaps both destroyed—let Carthage live and let Rome live, each pursuing its own course of policy and civilization.

The Senator says that these opinions which I thus expressed, and have heretofore expressed, are but brilliant treason; and that it is a tribute to the character of our institutions that I am allowed to utter them upon the Senate floor. Mr. President, if I am speaking treason, I am not aware

of it. I am speaking what I believe to be for the good of my country. If I am speaking treason, I am speaking it in my place in the Senate. By whose indulgence am I speaking? Not by any man's indulgence. I am speaking by the guarantees of that Constitution which seems to be here now so little respected. And, sir, when he asked what would have been done with a Roman senator who had uttered such words, a certain Senator on this floor, whose courage has much risen of late, replies in audible tones, "he would have been hurled from the Tarpeian rock." Sir, if ever we find an American Tarpeian rock, and a suitable victim is to be selected, the people will turn, not to me, but to that Senator who, according to the measure of his intellect and his heart, has been the chief author of the public misfortunes. He, and men like him, have brought the country to its present condition. Let him remember, too, sir, that while in ancient Rome the defenders of the public liberty were sometimes torn to pieces by the people, yet their memories were cherished in grateful remembrance; while to be hurled from the Tarpeian rock was ever the fate of usurpers and tyrants. I reply with the just indignation I ought to feel at such an insult offered on the floor of the Senate Chamber to a Senator who is speaking in his place.

Mr. President, I shall not longer detain the Senate. My opinions are my own. They are honestly entertained. I do not believe that I have uttered one opinion here, in regard to this contest, that does not reflect the judgment of the people I have the honor to represent. If they do, I shall find my reward in the fearless utterance of their opinions; if they do not, I am not a man to cling to the forms of office and to the emoluments of public life against my convictions and my principles; and I repeat what I uttered the other day, that if indeed the Commonwealth of Kentucky, instead of attempting to mediate in this unfortunate struggle, shall throw her energies into the strife, and approve the conduct and sustain the policy of the Federal Administration in what I believe to be a war of subjugation, and which is being proved every day to be a war of subjugation and annihilation, she may take her course. I am her son, and will share her destiny, but she will be represented by some other man on the floor of this Senate.

Mr. BAKER. Mr. President, I rose a few minutes ago to endeavor to demonstrate to the honorable Senator from Kentucky that all these imaginations of his as to the unconstitutional character of the provisions of this bill were baseless and idle. I think every member of the Senate must be convinced, from the manner of his reply, that that conviction is beginning to get into his own mind; and I shall therefore leave him to settle the account with the people of Kentucky, about which he seems to have some predictions, which, I trust, with great personal respect to him, may, different from his usual predictions, become prophecy after the first Monday of August next.

Mr. DOOLITTLE. Mr. President, in the heat and excitement of this debate, there are one or two ideas that ought not to be lost sight of. The Senator from Kentucky seems to forget, while he speaks of the delegated powers of this Government under the Constitution, that one of the powers which is delegated is that we shall guaranty to every State of this Union a republican form of government; that when South Carolina seeks to set up a military despotism, the constitutional power with which we are clothed and the duty which is enjoined upon us is to guaranty to South Carolina a republican form of government.

There is another idea that seems to be lost sight of in the talk about subjugation, and I hope that my friends on this side of the Chamber will not also lose sight of it in the excitement of the debate. I undertake to say that it is not the purpose of this war, or of this Administration, to subjugate any State of the Union, or the people of any State of the Union. What is the policy? It is, as I said the other day, to enable the loyal people of the several States of this Union to reconstruct themselves upon the Constitution of the United States. Virginia has led the way; Virginia, in her sovereign capacity, by the assembled loyal people of that State in convention, has organized herself upon the Constitution of the United States, and they have taken into their own hands the government of that State. Virginia has her judges, her marshals, her public officers; and to the courts of Virginia, and to the marshals and executive officers of Virginia we can intrust the enforcement of the laws the moment that the state of civil war shall have ceased in the eastern or any other portion of the State. It is not therefore the purpose of this Government to subjugate the people of Virginia, or of any other State, and subject them to the control of our armies. It is simply that we will rally to the support of the loyal people of Virginia and of Tennessee and of North Carolina and of Texas, ay, and of the Gulf States too when they are prepared for it; we will rally to the support of the loyal people of these States and enable them to take their government into their own hands, by wresting it out of the hands of those military usurpers who now hold it, for they are nothing more and nothing less. That is all that is involved in this contest, and I hope on this side of the Chamber we shall never again hear one of our friends talking about subjugating either a State or the people of any State of this Union, but that we shall go on aiding them to do just precisely what the loyal people of Virginia are doing, what the loyal people of Tennessee are preparing to do, what the loyal people of North Carolina stand ready to do, and what the loyal people in Georgia and Alabama and Louisiana, and last perhaps of all, the loyal people of South Carolina will do in reconstructing themselves upon the Constitution of the United States.

Mr. President, I have heard the Senator from Kentucky to-day, and I have heard it again and again, denounce the President of the United States for the usurpation of unconstitutional power. I undertake to say that without any foundation he makes such a charge of usurpation of unconstitutional power, unless it be in a mere matter of form. He has not, in substance; and the case I put to the Senator the other day, he has not answered, and I defy him to answer. I undertake to say, that, as there are fifty thousand men, perhaps, in arms against the United States in Virginia, within thirty miles of this capital, I, as an individual, though I am not President, though I am clothed with no official authority, may ask one hundred thousand of my fellow men to volunteer to go with me, with arms in our hands, to take every one of them, and if it be necessary, to take their lives. Why do not some of these gentlemen who talk about usurpation and trampling the Constitution under foot, stand up here and answer that position, or forever shut their mouths?

I, as an individual, can do all this, though I am not President, and am clothed with no legal authority whatever, simply because I am a loyal citizen of the United States. I have a right to ask one hundred thousand men to volunteer to go with me and capture the whole of the rebels, and if it be necessary to their capture, to kill half of them while I am doing it. No man can deny the correctness of the proposition. Away then, with all this stuff, and this splitting of hairs and pettifogging here, when we are within the very sound of the guns of these traitors and rebels, who threaten to march upon the capital and subjugate the Government.

Mr. President, there is some contrariety of opinion as to the propriety of acting upon the bill pending before the Senate to-day, or as to whether we shall defer action upon it until the next session of Congress. Many of our friends deem it advisable that it should be postponed until then; some of them think it should be acted on now. For myself, I believe, as was maintained by the honorable Senator from Vermont, that where civil war actually exists, where men are actually in arms, in combat, of necessity the laws of war must go with them, and the laws of war are unwritten laws. At the same time, I agree with the honorable Senator from Illinois, that the Constitution of the United States clothes Congress with the power to make rules and regulations respecting the armies of the United States, and that we may extend or we may limit the ordinary rules of war. But, sir, as has been suggested, it is a very important question to what extent they should be limited. Whether it should be done now or at the next session of Congress is not, in my judgment, so very material; but as many of my friends around me are disposed to allow it to pass over until the next session, when the whole subject can be considered and may be matured, I shall join with them in support of that motion, and shall vote for the postponement of the bill; not for the reasons that have been stated by the Senator from Kentucky in denouncing the measure, but because by that time this whole subject may be considered, and whatever rules may be necessary to be adopted in those districts where the civil war is to be carried on, can be adopted at that time. In the mean time, it is true that where war in fact shall exist, of necessity these rules will depend upon the Commander-in-Chief.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The motion is to postpone this bill until the second Monday in December next.

The question being taken by yeas and nays, resulted—yeas 16, nays 28; as follows:

YEAS—Messrs. Bayard, Breckinridge, Bright, Collamer, Cowan, Doolittle, Harris, Howe, Johnson of Missouri, Kennedy, Latham, Polk, Powell, Rice, Saulsbury, and Thomson—16.

NAYS—Messrs. Anthony, Baker, Bingham, Browning, Carlile, Chandler, Clark, Dixon, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—28.

So the Senate refused to postpone the bill.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Virginia [Mr. CARLILE] to strike out the eighth section.

Mr. McDOUGALL. I think the chairman of the Judiciary Committee has intimated that perhaps the bill is imperfect; and as some objections have been made to its details, I ask if it be not better to recommit the bill. I should like to know if he has any objection to that course.

Mr. TRUMBULL. I think there is no object in that. We had it before us in the Judiciary Committee once; and to recommit it now amounts to a postponement of it.

Mr. McDOUGALL. Very well.

The PRESIDING OFFICER. The question is on striking out the eighth section of the substitute.

Mr. SAULSBURY. The whole bill, so far as it applies to the States that are now in the Union, is so abhorrent to me that I shall decline to vote on any question of striking out. As far as it applies to the seceded States, I have nothing to do with it. I do not belong to them, never expect to belong to them, never expect to follow their flag, or live under their government; but if this bill passes, it makes a slave of me and every other freeman. Its provisions are so abhorrent to me that I shall not vote for any of it.

Mr. SUMNER. I move that the Senate now proceed to the consideration of executive business.

Several SENATORS. Finish this bill.

Mr. SUMNER. We cannot.

Mr. TRUMBULL. Let us vote.

Mr. SUMNER. There are others who wish to speak, and we must attend to executive business. I move that the Senate proceed to the consideration of executive business.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. Before putting the question on the motion that the Senate proceed to the consideration of executive business, the Chair desires to lay before the Senate some bills from the House of Representatives, for the purpose of having them referred to the appropriate committees. ["Agreed!"]

The following bills were severally read twice by their titles, and referred as indicated below:

A bill (No. 87) authorizing additional enlistments in the Navy of the United States—to the Committee on Naval Affairs.

A bill (No. 96) making further appropriations for the support of the naval service for the year ending June 30, 1862, and for other purposes—to the Committee on Finance.

A bill (No. 98) making an appropriation for field fortifications for the defenses of the city of Washington, and elsewhere—to the Committee on Military Affairs and the Militia.

A bill (No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate, appointed the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government—to the Committee on Finance.

A bill (No. 100) to suspend in part the operations of an act entitled "An act relating to revenue cutters and steamers"—to the Committee on Commerce.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 16) concerning the Attorney General, and the attorneys and marshals of the several districts;

A bill (H. R. No. 74) to increase the consular representation of the United States during the present insurrection; and

A bill (H. R. No. 78) to amend an act entitled "An act supplementary to an act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804.

SUPPRESSION OF INSURRECTION.

The PRESIDING OFFICER. It is moved and seconded that the Senate proceed to the consideration of executive business.

Mr. TRUMBULL. Before that motion is put, I wish to say to the Senate, we now have this bill under consideration; it is manifest, by the vote which has been taken, that the Senate is disposed, by a decided majority, to take some action upon it. Now, if we postpone it, it will occupy another day. I think we had better finish it. I hope the Senator from Massachusetts will not press his motion; but will let us dispose of this bill one way or the other, and get it out of the way.

Mr. COLLAMER. The Senator from Delaware [Mr. BAYARD] wishes to be heard.

Mr. TRUMBULL. Let him speak; and let him speak to-night. The Senator from Vermont I know is opposed to the bill, and has made two speeches against it to-day. I expect him to oppose it; he voted to postpone it; and I am aware that the Senator from Delaware is opposed to it; but if we mean to finish it, I ask the friends of the bill, not its enemies—I am not appealing to the Senator from Vermont; he is trying to postpone it; I expect him to vote that way; but I ask the friends of the bill to stand by it, and dispose of it one way or the other.

Mr. COLLAMER. The gentleman has made six speeches. I have made but one—not two. It is quite enough to be answerable for one.

Mr. SUMNER. I yield to the request of my friend the Senator from Illinois, and withdraw the motion.

The PRESIDING OFFICER. The Senate bill No. 33, then, is before the Senate as in Committee of the Whole, and open to amendment. The question is on the amendment of the Senator from Virginia.

Mr. HOWE. I would not say a word upon this measure, but for two circumstances. I happened to vote for this motion to postpone, and the Senator from Illinois has happened to regard such a vote as evidence of hostility to the bill. In one word——

Mr. TRUMBULL. I will take that all back. I did not mean to make the remark in any offensive sense at all.

Mr. HOWE. I am not offended by the remark; but I wished, and felt called upon, by reason of the remark, to state, in a single sentence or two, if I could possibly, just how far I was opposed to the bill, and how far I was not. I thought that the Senator from Vermont [Mr. COLLAMER] gave us the key to the proper understanding of this whole controversy. He made it intelligible to me. I thought I understood just what was the objection to this measure when he sat down, and what was the objection to any measure framed for the purpose of enabling an Army of the United States to regulate a people in one of the States of this Union. When an Army of the United States marches with a hostile purpose into Canada or Mexico, it goes there with a single view, for a single object; and that is, to redress some outrage or insult upon the honor, the dignity, or the rights of the Government of the United States. It has but a single purpose to accomplish. It goes there for the single purpose of mischief to that people and to that Government. It has necessarily nothing to do with regulating their internal affairs. If it attempts to do that at all, it attempts to do it, not by virtue of the Constitution of the United States—not by authority of the laws of the United States, but does so in the name and by the authority of humanity itself, to make the mischief of the war no more intolerable and insufferable than is absolutely necessary. If it goes into a State of the Union, it has, or may have, another purpose. If it goes into the State of North Carolina, it has two purposes. One purpose is to take care that the Constitution of the United States, and the laws made in pursuance thereof, shall be the supreme law within the State of North Carolina; and to do that, it has got to put out of the way and to overcome every particle of resistance and opposition to that law. It has got to remove out of the way, in other words, every man and every thing which denies that the Constitution and those laws are the supreme law of North Carolina. That is one purpose to be achieved; and that is the way it is to be achieved, I imagine. It has another purpose. It is charged, as the agent of the Government of the United States, with guarantying to the people of North Carolina a republican form of Government——

Mr. GRIMES. Will the Senator give way? In the present exhausted condition of the Senate, it seems to me we ought not to ask the Senator to go on.

Mr. HOWE. I am not going on more than ten minutes; I think not more than five. If that will exhaust the Senator from Iowa, I will give way and speak five minutes to-morrow.

Mr. GRIMES. It was out of deference to the Senator from Wisconsin that I made the suggestion.

Mr. HOWE. I have no speech to make, sir. It is not my trade.

I say they have another purpose to accomplish, and that is to secure, to guaranty to that people a republican form of government. The government of North Carolina, all that it has except what is represented by the agents of the United States, is hostile to the Government of the United States. That must be wiped out of the way in order to maintain the supremacy of the Constitution and laws of the United States. Then they have no local government whatever. But if the Army of the United States undertakes to constitute a government there, that is not representative, it does not represent the people of North Carolina; is not republican; and therefore it seemed to me the provisions of this bill which were calculated, which were intended to authorize, to empower, and to regulate that Army in administering civil government within North Carolina, were objectionable; so I thought we had better not attempt to do it. I think we had better let the controversy stand as it is. I think we had better remove from Virginia whatever resistance there is still left to the Constitution and laws of the United States administered by the Government of the United States, and let the government of Virginia, the loyal government of Virginia, reorganize throughout the State civil local government for that State just as fast as we, by the agency of our arms, remove the obstacles and the obstructions in the way of it; and when we get through Virginia and step into North Carolina, I think precisely the same process had better be observed there. Confine the operations of the Army of the United States to the single purpose of flinging off the scum. If you find underneath that a residuum of loyalty represented by a portion of the people of North Carolina, what has been called their local government is out of the way; they will be left then without any local government, and the very necessity of the case and their old instincts will induce them and compel them to provide for that local government and to reorganize it. It seems to me that that is all that is necessary.

That was the reason why I voted to postpone this bill; and that is the reason why, as it seems to me, I shall vote against the bill. As for the eighth section, which is immediately before the Senate, I really did think, with all deference to the opinion of the Senator from Virginia, that that was one of the most valuable features in the bill. I see the objection which weighs upon the mind of the Senator from Virginia. I see how repugnant it is to all our ordinary notions of propriety, that a man, upon mere suspicion, should be arrested for one purpose or another. Let it be borne in mind, however, that the sole purpose of arresting or apprehending this suspected man is in order to test, upon his own declaration, whether he is loyal or disloyal; whether he is a friend or enemy to the Government of the United States; to administer an oath to him; that is all. If it be deemed a harsh matter to arrest him in order to administer the oath, change the phraseology, and simply provide by an amendment that, instead of bringing him before the officer, the officer cause the oath to be administered. If he take it, then there is no occasion for his arrest; if he refuse to take it, then he stands confessed an enemy of the Government of the United States; and I take it the Senator from Virginia would have no sort of objection to his arrest. This is all I have to say.

The PRESIDING OFFICER. The question is on striking out the eighth section of the substitute.

Mr. POWELL. I move that the Senate proceed to the consideration of executive business.

Mr. BAYARD. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. CARLILE. Before the question is put on this motion, I desire to make a suggestion to the Senator from Illinois. I think it is apparent that we shall not be able to get through with this bill this evening. Much can be done in executive session. There is something, I think, that ought to be done in executive session. We may accomplish that by now going into executive session; but if the Senator presses the consideration of the bill this evening, we shall be left without a quorum; a vote will be called for by yeas and nays, and we shall have to adjourn, and then commence to-morrow morning where we should commence if we were now to adopt the motion of the Senator from Kentucky.

I have voted against the indefinite postponement of this bill. I believe, with the Senator from Illinois, that some legislation should be had limiting the exercise of arbitrary power on the part of those who are in command of the armies of the United States. That this bill is perfect, I will not say; I do not think it is; but I think it is incumbent on the Senate to make it as perfect as it can, and to do so at this session. An exercise of arbitrary power, regulated by no rule whatever, is obnoxious to every idea that I have ever entertained of liberty regulated by law; and I think, if Senators will remember the proposition submitted in the Federal convention that formed the Constitution of the United States by Mr. Luther Martin, of Maryland, which proposition was rejected, which was intended by him to provide for the recognition of a state of war when any one or more States should array themselves in hostility to the Federal Government, they will be satisfied that any law regulating war as recognized by nations cannot apply to the present condition in which this country is placed. I presume that proposition of Mr. Martin is familiar to the Senate, and I shall not trouble them by referring to it, though I have it in Eliot's Debates. It was offered for the purpose of recognizing the right of one or more States to make war upon the Federal Government, and to require of the Federal Government that that war should be regulated by the laws of war as understood between nations. The convention, very properly, in my opinion, refused to adopt the provision, and that is an argument which I have never heard answered, against the doctrine of peaceable secession.

We find ourselves now without any law of Congress regulating the manner in which the Government shall maintain itself against a rebellion organized for its overthrow. There should be at least limitations; there should be legislation on this subject. If this war is conducted by one commander according to his discretion; by another commander according to his arbitrary will, there will be no rule; there will be no regularity; there will be nothing to which the citizen can appeal. Therefore I am in favor of some legislation upon this subject. I think it is incumbent on Congress to provide for the state of things in which we are placed. I have voted against the indefinite postponement of the bill. I cannot, however, vote for the bill if the eighth section is retained. It is as repugnant to all my notions of constitutional liberty, that a citizen should be arrested on bare suspicion, as it is that the military of the country should not have rules and regulations for their Government.

Mr. BAYARD. I hope the motion will prevail to go into executive session; and I say to the hon-

orable Senator from Illinois that I have no desire to prevent, as it is the determination of the Senate, the passage of the bill at this session. I hoped they would determine differently, and I should have been willing myself to take the vote this morning on the question of postponement without any argument, and I declined to make any. There were so many grave questions connected with the bill, that I thought it better that it should go over, and I therefore forbore, while that motion was pending, to enter into any controversy on the subject, or even to express my opinion as to the details of the bill. It was not because I intended to defeat the bill by indirection. Seeing that the motion to postpone came from the honorable Senator from Pennsylvania, having heard several other gentlemen on the same side of the Chamber express the opinion that it was wiser to let this bill go over to the next session, being unable myself to see the necessity of legislation at this session, I desired that it should go over, and therefore it was that I did not speak upon the motion to postpone.

Now, certainly, as the Senate have determined that they will act on the bill, with my views of the bill, and with the strange doctrines I have heard on this floor to-day, I should feel that I was utterly false to my duty if I did not endeavor to point out what I consider the utter subversion of this Government involved in the bill, and the utter subversion of all constitutional freedom. I do not think there is a single remaining feature of your Government standing if the bill passes as it is framed. Thinking all this, of course it may take me some time to say it. If the Senate choose to go on to-night, if they are determined to press a measure of this kind, not only during this session, but to rush it through here in two or three days, involving grave questions as it does, be it so; I have got the physical strength to stand it; but I tell you fairly that, if you choose to exert tyranny in that respect, as a question of time to force men beyond their strength, you must expect, of course, a resort to parliamentary tactics for the purpose of delay. I do not mean to do that myself. I do not wish to do it. I only want a reasonable opportunity to discuss this bill in good faith. As the Senate have determined that they will pass on it, I shall not seek to delay their action; I only wish to present my views.

Mr. TRUMBULL. I wish to say to the Senator from Delaware that he must be aware that at his instance this bill has been put over two successive days. The day before yesterday he stated that he desired it to go over, and without controversy it went over. Yesterday, because an hour and a half had gone beyond the time fixed for it, and the day was warm, at his instance it went over again. Now this is the third day, and there is an anxiety to adjourn. I trust the Senator from Delaware will be reasonable in his requests of courtesy. He certainly does not expect day after day that a bill shall be postponed for his convenience merely. It has been done twice at his instance; this is the third time that he asks it. I would not desire to press the Senator from Delaware at an unreasonable time; but, it seems to me, he himself will see the propriety of not continuing day after day to put over a bill for his own convenience, when the Senate have expressed a desire to go on with it.

Mr. BAYARD. It is very easy to make a partial statement without giving the whole truth, so as to mislead the mind. It is true that yesterday, after the Senate had chosen to occupy most of the day in other business, not at my request, but at their own instance, and for their own pleasure, I did, at nearly three o'clock, make a motion to postpone this bill until to-day, supposing that I was entitled to the floor upon it. I should have gone on this morning, but for the motion to postpone the bill until the next session. I was willing to let that motion be decided without debate. I did not attempt to debate it. I was in hopes the motion would be decided without debate. I thought there were other matters——

Mr. GRIMES. I rise to a point of order. The question before the Senate, I understand, is whether we shall proceed to the consideration of executive business; and on that the yeas and nays have been ordered. I do not think that is debatable; or, if it is, the debate ought to be confined to that subject, and not extend to the merits of the bill.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from Iowa is right.

Mr. BRECKINRIDGE. I ask the Chair if it is is not in order to give reasons why the Senate should or should not proceed to the consideration of executive business, confining the remarks of Senators to that point? I submit to the decision of the Chair if the Chair is clear on the subject; but I think that has been customary.

The PRESIDING OFFICER. The present occupant is not accustomed to the duties of the Chair; but his impression is, that on a motion to proceed to the consideration of executive business, debate is not in order.

Mr. BRECKINRIDGE. I think it has been customary to allow suggestions to be made, to show why it was important to consider other business, and not proceed to the consideration of executive business. I think that the recollection of the Senator from Vermont [Mr. FOOT] will concur with mine in regard to the usage of the Senate in this respect.

Mr. GRIMES. I inquire of the Senator from Kentucky whether there has ever been any limitation on those debates?

Mr. BRECKINRIDGE. Yes.

Mr. GRIMES. What limitation? Is the Senate compelled to sit here all night to hear suggestions as to the reason for going or not going into executive session?

Mr. BRECKINRIDGE. The limitations have not been very exact, from the nature of the case, and cannot always be enforced. It depends on the temper of the Senate how much latitude is given.

The PRESIDING OFFICER. The Chair understands that this debate is not strictly in order, but submits to the opinion of Senators much more conversant with the rules of parliamentary debate than himself.

Mr. LATHAM. Some debate may be in order, but it is certainly not in order to discuss the merits of a bill while such a motion is pending.

Mr. BAYARD. I have not desired at any time to interfere with the business of the Senate; but I hold that grave questions of this kind are not to be pressed so rapidly. Certainly it is clear that no bill bearing any resemblance to this has ever been introduced in the past legislation of the country. If the mind of the Senator from Illinois is of that extraordinary caliber that it is able to adjust all the details of such a bill without any conflict with the Constitution, or with the future progress of events, so as to complicate still more the unfortunate relations of the country—if he possesses such a quality, it is a rare one for the human intellect. I admit I do not possess it; yet I do possess enough——

Mr. GRIMES. I desire to know whether the Senator from Delaware has appealed from the decision of the Chair? The Chair decided that argument was out of order.

Mr. BAYARD. I understood the Chair to decide that I could proceed.

Mr. GRIMES. I did not so understand the Chair.

The PRESIDING OFFICER. The Chair decides that debate is not in order; but it has been permitted by general consent.

Mr. BAYARD. I beg pardon. I inquired of a Senator near me, and he told me that the Chair had decided differently. I am not going to appeal. Of course, on this motion, you can necessarily prevent debate; but it is very strange that the gentleman did not call to order before. He waited very patiently until the honorable Senator from Illinois got through, and then the call to order prevented my replying.

The PRESIDING OFFICER. The question is on the motion that the Senate proceed to the consideration of executive business; on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 16; as follows:

YEAS—Messrs. Anthony, Baker, Bayard, Breckinridge, Carlile, Cowan, Dixon, Fessenden, Foot, Foster, Grimes, Johnson of Tennessee, Kennedy, Latham, Powell, Rice, Saulsbury, Sherman, Ten Eyck, Wade, and Wilson—21.

NAYS—Messrs. Browning, Chandler, Doolittle, Hale, Harlan, Harris, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Sumner, Trumbull, Wilkinson, and Wilmot—16.

EXECUTIVE SESSION.

So the Senate proceeded to the consideration of executive business; and after some time spent in executive session the doors were reopened.

EXPENSES OF GOVERNMENT.

The PRESIDENT *pro tempore*, in accordance with the "Act providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes," approved the 31st of July, 1861, announced the appointment of Mr. JOHN SHERMAN of Ohio, and Mr. DANIEL CLARK of New Hampshire, as commissioners on the part of the Senate.

DAY OF FASTING AND PRAYER.

On motion of Mr. HARLAN, the joint resolution (S. No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer, was considered as in Committee of the Whole.

No amendment being proposed, the joint resolution was reported to the Senate without amendment. It was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. POWELL, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 1, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. T. H. STOCKTON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, notifying the House that that body had passed bills of the House of the following titles:

A bill (No. 74) to increase the consular representation of the United States during the present insurrection;

A bill (No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804; the former without, and the latter with amendments, in which he was directed to ask the concurrence of the House.

Also, that that body had passed bills of the following titles, in which he was directed to ask the concurrence of the House:

A bill (No. 58) supplementary to the act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861; and

A bill (No. 61) to amend an act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia.

Also, that that body had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the Senate (No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; and had receded from its disagreement to some of the amendments of the House, and insisted on its disagreement to others, and asked a conference with the House on the disagreeing votes of the two Houses thereon; and had appointed Messrs. GRIMES, SHERMAN, and CARLILE, managers of said conference on its part.

Also, that the President of the United States had notified that body that he had approved and signed bills of the following titles:

An act (S. No. 20) authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes;

An act (S. No. 24) authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, and for other purposes;

An act (S. No. 31) to increase the medical corps of the Navy;

An act (S. No. 38) making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are, or hereafter may be, in rebellion against the Government of the United States; and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion;

An act (S. No. 48) providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes; and

An act (S. No. 51) in addition to an act entitled

"An act further to provide for the collection of duties on imports, and for other purposes," approved July 13, 1861.

HON. ALFRED ELY.

Mr. FENTON. I ask the unanimous consent of the House for leave to offer the following resolution.

Mr. BURNETT. I call for the regular order of business; and shall object to everything out of order.

Mr. FENTON. I am sure that if the gentleman will read the resolution, he will not object.

Mr. BURNETT. I must insist on my objection.

Mr. FENTON's resolution is as follows:

Whereas it is currently reported that the forces now in rebellion against the Government have in imprisonment loyal citizens of the United States, and among others Hon. ALFRED ELY, one of the members of this House from the State of New York:

Resolved, That the President be requested to furnish to this House any information he may have in his possession on the subject.

ENLISTMENTS FOR THE NAVY.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported back House bill No. 87, authorizing additional enlistments in the Navy of the United States, with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DEFENSES OF WASHINGTON.

Mr. STEVENS, from the Committee of Ways and Means, reported a bill making an appropriation for field fortifications for the defenses of the city of Washington and elsewhere; which was read a first and second time by its title, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The bill appropriates $200,000 for the purposes stated in the title of the bill.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EXPENSES OF INVESTIGATING COMMITTEES.

Mr. STEVENS, from the same committee, also reported a bill making an appropriation to pay the expenses of the investigating committees of the House of Representatives and the Senate, appointed at the first session of the Thirty-Seventh Congress, and the commission authorized to examine and report as to the compensation of the officers of the Government; which was read a first and second time by its title.

The bill appropriates $10,000 for the purpose indicated by its title.

Mr. BURNETT. I would ask the gentleman from Pennsylvania a question—I might object to the bill being now considered in the House, as it makes an appropriation, but I will not do so—will the $10,000 appropriated cover the expenses of the committees we have authorized?

Mr. STEVENS. That is the amount they have themselves estimated. I am always afraid that there will be some deficiency in these things.

Mr. BURNETT. I desire to call the attention of the chairman of the Committee of Ways and Means to the fact that at the last session we appropriated, in three distinct bills, money for the expenses of special committees. I doubt myself very much the propriety, if I may be permitted to say it, of authorizing the raising of these special committees. I think that the regular committees of the House can discharge all these duties. In my judgment, this thing of special committees, with power to send for persons and papers, to employ clerks, and to sit during the recess, is a great abuse of the legislation of this House.

Mr. STEVENS. That may be. I sometimes agree with the gentleman; but the House has already decided the main question.

Mr. BURNETT. I know that.

Mr. STEVENS. This is the lowest sum which the Committee of Ways and Means could report.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NATIONAL LOAN.

Mr. STEVENS. I rise to a privileged question. I submit the following report from a committee of conference.

The Clerk read, as follows:

The committee of conference on the disagreeing votes of the two Houses, on the amendment of the Senate to the amendment of the House to the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes," having met and considered the same, after full and free conference thereon have agreed to recommend to their respective Houses as follows:

That the House recede from their disagreement to the Senate's amendment, and agree to the same with the following amendment:

"Add the following:

"SEC. 6. *And be it further enacted*, That the provisions of the act entitled 'An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue,' passed August 6, 1846, be, and the same are hereby, suspended, so far as to allow the Secretary of the Treasury to deposit any of the moneys obtained on any of the loans now authorized by law, to the credit of the Treasurer of the United States, in such solvent specie-paying banks as he may select; and the said moneys so deposited may be withdrawn from such deposit for deposit with the regular authorized depositaries, or for the payment of public dues, or paid in redemption of the notes authorized to be issued under this act, or the act to which this is supplementary, payable on demand, as may seem expedient to, or be directed by, the Secretary of the Treasury.

"SEC. 7. *And be it further enacted*, That the Secretary of the Treasury may sell or negotiate for any portion of the loan provided for in the act to which this is supplementary, bonds payable not more than twenty years from date, and bearing interest not exceeding six per centum per annum, payable semi-annually, at any rate not less than the equivalent of par for the bonds bearing seven per cent. interest, authorized by said act."

W. P. FESSENDEN,
DANIEL CLARK,
J. A. McDOUGALL,
Managers on the part of the Senate.
THADDEUS STEVENS,
E. G. SPAULDING,
Managers on the part of the House.

Mr. STEVENS. Mr. Speaker, the nine per cent. interest authorized by a former act is changed to a six per cent. interest. It now stands at six per cent.

The next thing is a partial modification of what is called the sub-Treasury act. The Secretary of the Treasury is authorized, in making these loans, not instantly to transfer the loans made by the local institutions in gold to the sub-Treasury, but at his discretion to allow them to remain there until withdrawn by the Treasurer of the United States himself. It is stated by competent men, that these loans cannot be possibly collected if, on the instant, the whole coin of a loan be transferred from the local institutions to the Treasury. And if left on deposit in the sub-Treasury until the Government needs it, and drawn out as the loans are made, it is hoped that this large loan can be effected. It is simply to accommodate that branch of the loan that this alteration is made. There is no final change of the law, but a suspension so far as that particular thing is concerned.

Mr. VALLANDIGHAM. Inasmuch as this report of the committee proposes a direct departure from the principle and practice of the Independent Treasury, and of our financial system for years past, and without any limitation as to time, I am constrained to oppose it, and I trust the yeas and nays will be allowed upon the adoption of the report. I do not propose to occupy the time of the House in discussing the question, as it is an old subject and was discussed at length and settled years ago. I am in favor, however, of the proposed reduction of interest from nine to six per cent.

Mr. F. A. CONKLING. I wish to inquire of the gentleman from Pennsylvania, whether the pledge of the specific duties on tea, coffee, and sugar, for the payment of the interest upon the loan authorized upon this act, has been preserved?

Mr. STEVENS. No, sir. The Senate would not yield that point; and rather than lose the bill, the House committee thought it proper to yield that much.

Mr. F. A. CONKLING. Then I shall be compelled to vote against the report.

The previous question was seconded, and the main question ordered to be put.

Mr. VALLANDIGHAM demanded the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 83, nays 34; as follows:

YEAS—Messrs. Aldrich, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Clark, Colfax, Roscoe Conkling, Covode, Cravens, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Gooch, Gurley, Hale, Harrison, Horton, Julian, Kelley, William Kellogg, Killinger, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Porter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Sheffield, Shellabarger, Sherman, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Train, Upton, Van Horn, Van Valkenburgh, Verree, Vibbard, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, Wickliffe, Worcester, and Wright—83.

NAYS—Messrs. Allen, Alley, Ancona, Burnett, Calvert, Frederick A. Conkling, Cox, Crisfield, Dunlap, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Leary, Logan, McClernand, Mallory, Morris, Noble, Norton, Pendleton, Reid, Richardson, Robinson, Shell, Smith, William G. Steele, Vallandigham, Wadsworth, Chilton A. White, and Wood—34.

So the report was agreed to.

During the call of the roll,

Mr. COBB stated that Mr. PERRY was unavoidably absent.

Mr. RIDDLE stated that Mr. TRIMBLE was confined to his room by illness.

Mr. STEVENS moved to reconsider the vote by which the report was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PURCHASE OF ARMS, ETC.

Mr. STEVENS, from the Committee of Ways and Means, reported back, with a recommendation that it do pass, an act (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores.

The bill was read. It appropriates $10,000,000 for the purchase of arms, ordnance, and ordnance stores.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NAVAL PEACE ESTABLISHMENT.

Mr. SEDGWICK. I ask the unanimous consent to take from the Speaker's table House bill No. 78, which has been returned from the Senate with an amendment, in order to act on the amendment.

The bill was read by its title, as follows:

A bill (H. R. No. 78) to amend an act entitled "An act supplementary to an act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804.

The amendment was read, as follows:

Line ten, after the word "the," where it first occurs in said line, strike out "superintendent of the "navy-yard at Washington," and in lieu thereof insert, "superintendents of the several navy-yards and heads of bureaus;" so that the clause shall read:

So that the President shall be authorized to select the superintendents of the several navy-yards and heads of bureaus from the captains or commanders of the Navy of the United States.

Mr. PENDLETON. I raise the point of order that that bill comes within the Holman resolution, and therefore is not in order.

The SPEAKER. The gentleman from New York only asks to take the bill from the Speaker's table, and agree to an amendment of the Senate. The bill refers to the naval establishment.

Mr. PENDLETON. But it is a peace establishment. If it comes within the rule, I object.

Mr. SEDGWICK. The bill has passed both Houses, but with an amendment in the Senate; and it is too late to object now. It is already within the jurisdiction of the House.

The SPEAKER. The bill provides for the selection of certain officers of the Navy.

Mr. PENDLETON. But they are for peace, and not for war.

The SPEAKER. The standing rule does not make any distinction between peace and war measures. The Chair thinks the bill in order.

The Senate amendment was agreed to.

ARMORED SHIPS.

Mr. SEDGWICK. The committee of conference of the two Houses on the bill (S. No. 36) to provide for the construction of one or more armored ships or floating batteries, and for other purposes, yesterday recommended that the Senate recede from their disagreement to the amendments of the House thereto. The Senate agreed to recede from their disagreement to all the amendments except one. I now move to take that bill from the Speaker's table, and request another committee of conference on that amendment.

The amendment, from their disagreement to which the Senate refused to recede, was read, as follows:

Line six, after the word "construction," insert "or completing;" so that the clause shall read:

That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint a board of three skillful naval officers, to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel-clad steamships, &c.

Mr. VALLANDIGHAM. Is that intended to include the Stevens battery?

Mr. SEDGWICK. The difference between the two Houses arose upon that point. The Senate bill was amended by the House, so as to allow the board to examine vessels or batteries in process of construction. That would, or might, include the Stevens battery. The House also passed three other amendments, which the Senate have agreed to. The first committee recommended the Senate to recede from their disagreement to this amendment also. That the Senate declined to do, and ask a further committee of conference.

Mr. VALLANDIGHAM. Then that little amendment involves not less than $1,500,000.

Mr. SEDGWICK. The gentleman is mistaken. There is no such amount involved. I move that the House insist upon its amendment, and ask for another committee of conference.

Mr. OLIN. I move that the House recede from its amendment; and upon that I wish to say a word. I suppose the object of the amendment is to allow the purchase of this so-called Stevens battery, which has been cooped up in the river, on the Jersey shore, for the last fifteen or twenty years. There were laid before the Committee on Military Affairs last session certain documents in relation to the progress and condition of that work, which, very possibly, have not been laid before the House and the country; and perhaps I ought not to state the contents of them, as they were submitted to the committee somewhat in confidence; for I believe it has been deemed proper to attempt to keep the character of the battery a secret. But sufficient, I believe, has already been made known to the country to justify me in saying that an immense amount of money has been expended in an absurd, extravagant, and foolish manner upon that battery. As I understand it, they started with the idea of constructing a battery that would resist an ordinary 32-pound cannon shot, and went on with the work. But the progress in gunnery was so much greater than the progress of the construction of this battery that before they had one completed that would resist a 32-pound shot, they were using everywhere 64-pound shots. Then the work was commenced again, partially *de novo*, to resist the progress made in gunnery; but before the second experiment had been completed, they were firing shot double the weight of those used when the work was recommenced; and thus the work has been rendered entirely useless by the progress in gunnery. Now more money has been expended on this work, I believe, in the judgment of every man who has any information on the subject, than it is ever likely to be worth when completed. And I, for one, object to any measure which would look towards pressing upon the Government that battery. I do not believe they desire it. I do not believe they want it. If they are compelled to purchase it, they will, I doubt not, be swindled to an extravagant amount. I move therefore that the House recede from its amendment.

Mr. SEDGWICK. I desire to say a word in explanation of this amendment, and then the House may dispose of it as they deem best. Before this bill was passed, a proposition was introduced into the House, in the shape of a joint resolution, authorizing a commission to be appointed to examine this floating battery at Hoboken. That joint resolution has passed both Houses and has been signed by the President.

In regard to this bill, it was suggested that there were two vessels building at a private yard in Boston, which might answer the purpose which this bill was designed to accomplish, and for the purpose of allowing a commission to examine those vessels, these words were inserted. The amendment which we adopted would cover an examination of this battery at Hoboken; and if the Secretary of the Navy chose to disregard the joint resolution passed with special reference to that battery, and assume the responsibility of completing it, under this provision he might do so. The committee on the part of the House have no feeling upon the subject whatever. It was at the suggestion of the conference committee on the part of the Senate that these words were allowed to remain, and they were reported to the House. The House agreed to the report. The Senate supposing that this battery might be completed under this provision, notwithstanding the resolution passed with special reference to it, refused to agree to the amendment, and insisted upon a further conference. Now, so far as the Committee on Naval Affairs are concerned, there is no disposition on their part to press this amendment; and if it is in order to recede now, in the present state of the bill, I have no objection to that course being pursued.

Mr. STRATTON. I desire to say a single word in relation to this matter. I have no feeling about this measure, although the gentleman whose floating-battery it relates to is a resident of my State. I simply desire to correct a misapprehension which seems to exist in the mind of gentleman from New York, [Mr. OLIN.] I do not think that Mr. Edwin A. Stevens, who has been here advocating the passage of this bill, has any desire whatever to thrust upon the Government a vessel which would be of no service to it. It is true, the Government has already expended a considerable amount of money in years past in the construction of the battery which is now in an unfinished state.

The projector of this battery, Mr. Robert L. Stevens, has been dead for some years. And at this time, when everything conducive to the defense of the country should be called into requisition, it occurred to Mr. Edwin A. Stevens that this battery might be made useful, and therefore he came here to propose, with the view of its completion, if deemed best, that a commission should be appointed to give its merits a full and fair investigation, and not, as the gentleman from New York seemed to indicate, for the purpose of thrusting a useless concern upon the Government, taking from the Treasury a very considerable amount of money.

The amendment of the House to the Senate confers upon the Secretary of the Navy no power to purchase this battery upon his own mere notion or examination. It simply contemplates the appointment or a commission to be composed of three skillful, scientific, capable gentlemen who shall examine into the condition of the battery and its probable utility, if completed, and report accordingly. If their report shall be, that upon completion it will become a means of defense of sufficient efficiency to warrant its completion by the Government, the Secretary of the Navy then, and not until then, has the right, if in his judgment expedient, to appropriate money for its completion. I have deemed it due to Mr. Stevens to say this much in reference to his position.

Mr. HUTCHINS. Do I understand that if the report of the commission be favorable, the Secretary of the Navy has the right to go on and complete the battery without further legislation upon the part of Congress?

Mr. STRATTON. I so understand.

Mr. DIVEN. Mr. Speaker, if the effect of receding from the amendment of the House be such as to preclude the completion of Stevens's battery, then I hope the House will not take such action. If these commissioners, who it is to be supposed will be men of intelligence, men competent to decide upon the merits of the battery after a proper examination, report that, in their judgment, it can be made serviceable in defense, and that it ought to be thus employed, I think the Secretary of the Navy ought to have the power to go on and complete it.

The Government has already expended half a million, or more, upon this battery. The vessel is built, and the machinery is all in. All that it lacks of completion is the putting on of its armor. It is not, as stated by my colleague, [Mr. OLIN,] an experiment made before the improvement in ordnance. It was made to suit the best description of ordnance now in use. The appropriation of $500,000 would have completed it as it was originally projected to resist the ordnance of the times when it was projected. The present vessel has been built since the completion of the Warrior, in England—an armed vessel which it is claimed will pass under any guns; after the construction of the *Gloire*, at Havre, the French vessel which it is also claimed will pass under any guns; and the design of the projector of this vessel was so to construct it as to make it capable of passing under any guns without injury. Plates, such as have been designed for the armor of the vessel, have been found to resist the heaviest ordnance of rifled cannon. From observations taken by myself, I believe that the vessel, if completed, would go in perfect security into any harbor in the country; that she could go into the harbor of New Orleans, and reduce the city; that she could go into the port of Norfolk and reduce that city; that she could go into the harbor of Charleston and reduce that city. I am told that in four months her armor can be put on, and that she can be put into a complete condition of efficiency. I believe that no expenditure can be made with as much efficiency for the national defense, and the prosecution of the war successfully, involving so small an amount, as the completion of this vessel; and I would be glad to vote for a provision requiring its completion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed a bill of this House for the relief of John C. McConnell, with an amendment, in which he was requested to ask the concurrence of the House.

FLOATING BATTERIES.

Mr. DIVEN. I wish again to call the attention of the House to the fact that this is not a proposition to appropriate money for the completion of this vessel. It is a proposition to leave it to scientific men to say whether they will recommend its completion and employment in the national defense. If the scientific men constituting the commission condemn it, there is an end of the matter. If they do not, then let it be employed.

If it be said that these scientific men may make mistakes in their estimate of this vessel, I reply that scientific men may make mistakes in contracting for the construction of new vessels. If we have ships upon which a large sum of money has already been expended, which, in the opinion of scientific men, can be brought profitably into use, what reason can anybody urge for rejecting the ship thus nearly completed? It will take at least nine months to build new ships. If we have ships that we can bring into use in four months, why, in Heaven's name, should we not use them? If these scientific men should become satisfied, as I am satisfied, that in four months we can have a ship that would pass into New Orleans or into Charleston, or into Savannah, and reduce those cities to obedience, what good reason can be given why it should not be permitted?

It is said that this will enable Mr. Stevens to make a speculation. That depends upon the integrity with which the commission discharges its office. If they discharge their duty with fidelity they will make no arrangement by which Mr. Stevens or anybody else will make any unreasonable profit by it. If men are placed upon this commission who will put profitable jobs into the hands of contractors, cannot they as well put profitable jobs into the hands of new contractors as of those who have ships partly completed? May I not, with the same propriety, resist this whole proposition on the ground that this commission will give out profitable contracts to new men by which they can make large sums, as that they will give a profitable contract to Mr. Stevens to finish a partly completed structure? I say, let the commission be made as effective as we can make it, and if there are in Boston two vessels nearly completed that, in their judgment, will suit the service, let them make the necessary arrangements. This Stevens vessel is not a battery as

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. SATURDAY, AUGUST 3, 1861. NEW SERIES....No. 25.

the term is generally understood. She is a fully modeled ship, nearly four hundred feet in length, of more capacity of resistance, of better sailing power, and in every way better calculated for offensive or defensive warfare, than the much vaunted Warrior of Great Britain or the *Gloire* of France. Why, then, should not this commission be authorized to examine these ships which are partly finished, and say whether they shall be completed or not, instead of making new contracts for new ships?

Mr. OLIN. A word in reply to my colleague. He says that I am mistaken in reference to the progress of the work on this Stevens battery. Possibly the gentleman may have sources of information that have not come under my observations. My information in reference to the matter was derived from Mr. Stevens, the brother of the originator of this project, in his report to the Secretary of the Navy, and the paper may be found on file in the Department. But perhaps the gentleman knows more about it than Stevens himself.

My colleague makes this further observation, that it is very possible the Government may be defrauded if it undertakes to contract for the building of new ships. Very well; it is possible it may; but it certainly would not be very wise to attempt to enter into contracts with men by whom the Government has already been defrauded. We had better try the experiment somewhere else.

Now, in reference to this question of the ability of this ship now on the stocks to resist rifled cannon, some gentlemen upon this floor doubtless know that all of the experiments that have thus far been attempted in Europe—and especially in France, where the experiment coming nearest to a success has been made—to build ships capable of resisting rifled cannon, have signally failed, and that the idea has been abandoned and given up as delusive. It is admitted that it is an impossibility so to construct any ship that it will resist the cannons that are made at the present day. This battery may be that wonderful desideratum. Certainly it has been long enough in building to accomplish something, and the Government has spent money enough upon it already.

Now, it is said that this is a very harmless measure; that it merely proposes to institute a commission to examine into and report upon this subject. It is the old method that has been practiced ever since I have been in Congress, whenever it is desired to press through Congress any dirty job, to go about it in this roundabout way. If it is easy to institute a commission, it is very difficult to say who shall be the commission; and if power enough can be brought to bear upon Congress to institute a commission, power can certainly be brought to bear to appoint such a commission as will accomplish the end desired.

Mr. LOVEJOY. I would remind the gentleman of the Chiriqui claim.

Mr. OLIN. Yes, sir, a commission of scientific and skillful men was appointed to examine into that matter; and if Congress had sanctioned that report, they would, in my judgment, have sanctioned one of the most infernal swindles ever practiced on this country.

Mr. WICKLIFFE. Is this a proposition to appoint a commission to look at Stevens's old battery?

Mr. OLIN. Yes, sir.

Mr. WICKLIFFE. I am satisfied.

Mr. OLIN. So I think most reasonable men ought to be.

Mr. ENGLISH. The gentleman last upon the floor does not understand this amendment as I understand it. The bill now before the House, as originally presented, provided for the construction of twelve armored steamers of a small class.

The SPEAKER. The Chair would state that the gentleman is mistaken as to the bill before the House. This is a bill for the appointment of certain officers of the Navy, with certain amendments of the House to which the Senate disagreed.

Mr. ENGLISH. Well, I was mistaken in that point. The House has already provided for the appointment of a commission to investigate this whole subject of the Stevens battery. A bill for that purpose has passed both Houses, and been signed by the President, and is now a law. I submit to the House whether there is any propriety in our appointing another commission to accomplish the same object. It strikes me that it is eminently proper that we should recede from our action, and concur with the Senate, as a commission has already been appointed to examine this whole subject.

Mr. DIVEN. As I understand it, under the amendment now under consideration, if these scientific men should recommend the completion of this ship, the completion of her might be commenced at once, and without any further legislation. The bill which has passed only appoints a commission to examine this battery and report to Congress; so that no action could be taken by the Navy Department under it until the next session of Congress.

Mr. ENGLISH. Yes, I understand that. But I doubt the propriety of our taking any further action upon the subject at this time. I move the previous question.

The previous question was seconded, and the main question ordered.

Mr. WICKLIFFE. What will be the effect of our receding from our amendment? Will it prohibit the examination of that battery under this bill?

The SPEAKER. It strikes out the words that authorize it to be examined.

Mr. WICKLIFFE. Then I will vote to recede, if that is the effect of it.

The question was taken on the motion to recede, and it was agreed to.

So the House receded from its amendment.

REVENUE CUTTERS AND STEAMERS.

Mr. ELIOT, from the Committee on Commerce, reported a bill to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers;" which was read a first and second time by its title.

The bill having been read, was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to increase the consular representation of the United States during the present insurrection; and an act concerning the Attorney General and attorneys and marshals of the several districts.

JOHN C. M'CONNELL.

Mr. STEVENS. I move that the House proceed to the consideration of the business on the Speaker's table.

The motion was agreed to.

House bill No. 59, for the relief of John C. McConnell, with a Senate amendment thereto, was taken up from the Speaker's table.

The amendment of the Senate is to strike out all after the enacting clause, and to insert in lieu thereof a provision authorizing and directing the Secretary of War to audit and settle, on terms of equity and justice, the account of John C. McConnell against the United States for expenses necessarily incurred by him in raising a regiment in the State of Maryland in the months of May, June, and July, 1861, and now in the United States service, provided the amount so allowed shall not exceed $8,500.

Mr. WRIGHT. I move that the House concur in the Senate amendment.

The amendment was concurred in.

MILITARY ESTABLISHMENT.

The bill (S. No. 58) supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861, was taken from the Speaker's table, and read a first and second time. It provides that the President may, during the present insurrection, upon the recommendation of the Lieutenant General commanding the Army of the United States, or of any major general of the regular Army commanding forces of the United States in the field, appoint such number of aids-de-camp, in addition to those now authorized by law, as the exigencies of the service may, in the opinion of the President, require; such aids-de-camp to bear, respectively, the rank and authority of captains, majors, lieutenant colonels, or colonels of the regular Army as the President may direct, and receive the same pay and allowances as are provided by existing laws for officers of cavalry of corresponding rank. The President is to cause the aids-de-camp appointed under this act to be discharged whenever they shall cease to be employed in active service; and he may reduce the number so employed whenever he may deem it expedient so to do. Any officers of the regular Army appointed aids-de-camp under this act, and attached, or assigned to duty, for service as such, are, on their discharge, to resume their positions in the regular Army, and be entitled to the same rank and promotion as if they had continued to serve in their own regiments or corps.

The bill was read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

SALE OF LIQUOR IN WASHINGTON.

The bill (S. No. 61) to amend "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases," was taken from the Speaker's table, and read a first and second time. It provides, that whenever any person shall be convicted of the offense prescribed in the act entitled "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia," he shall be punished by a fine of twenty dollars, or imprisonment in the jail of Washington county, in the District of Columbia, for the period of thirty days.

The bill was read the third time, and passed.

SPECIAL COMMITTEE.

The SPEAKER announced, as a committee under the act providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes, Messrs. MORRILL of Vermont, OLIN, and ALLEN.

EXCUSED FROM COMMITTEE SERVICE.

Mr. LOVEJOY. I ask the House to excuse me from further service on the Committee of Public Buildings and Grounds.

Mr. LOVEJOY was excused.

NON-PAYMENT OF CENSUS-TAKERS.

Mr. ALLEN asked leave to report, from the Committee on Public Expenditures, the following resolution:

Resolved, That the Secretary of the Interior be requested to inform the House why it is that payment has not been made to a portion of the persons engaged, in the year 1860, in taking the census as deputy marshals, in loyal States; also, at what time payment to such persons may reasonably be expected.

Mr. McPHERSON. I object.

Mr. ALLEN. I appeal to the gentleman to withdraw his objection to the resolution, that it may be put upon its passage. The committee, in reporting this resolution, does not impeach, in any way, the officers of the Census Bureau; but the adoption of the resolution will relieve members and bureau officers from answering numerous inquiries on the subject.

Mr. McPHERSON. I withdraw my objection.

Mr. DIVEN. A resolution of the kind was adopted yesterday.

Mr. BURNETT. No; it was not adopted.

Mr. VANDEVER. I object to the introduction of the resolution.

ANNALS OF CONGRESS.

Mr. CALVERT asked leave to offer the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to procure from the publishers, for the library of the House, by the meeting of the next session of Congress, a hundred copies of the Annals of Congress and Register of Debates, at a price not exceeding that heretofore paid for the same.

Mr. HOLMAN. I object.

ADDITIONAL NAVAL APPROPRIATIONS.

Mr. SEDGWICK. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, to take up House bill No. 96. Pending that motion, I move that the bill be made a special order, and that all debate upon it shall close in one minute after its consideration shall be entered on.

The question was first taken on the motion to close debate; and it was agreed to.

The question recurred on the motion to suspend the rules; and it was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOLMAN in the chair,) and proceeded to the consideration of House bill No. 96, making further appropriations for the naval service for the year ending 30th June, 1862, and for other purposes.

The first section of the bill appropriates $30,000 for the completion of the coal depot at Key West, Florida, and the repairs of the wharf belonging to the same.

Mr. SEDGWICK. I offer the following amendment, to come in after that section:

For the completion of the marine barracks at Charlestown, Massachusetts, $12,000.

I desire to have a letter read from the Secretary of the Navy on this subject.

The following letters were read:

NAVY DEPARTMENT, *July* 31, 1861.

SIR: I have the honor to inclose herewith a copy of a letter from the quartermaster of the Marine Corps, representing that an additional appropriation of $12,000 will be required to complete the repairs of the marine barracks at Charlestown, Massachusetts.

It is important that the repairs of these barracks should be finished before the winter sets in. The marines are at present temporarily quartered in one of the buildings of the navy-yard not designed for such purpose. I would therefore earnestly recommend that the appropriation be made.

I am, sir, very respectfully, &c.,
GIDEON WELLES.

Hon. C. B. SEDGWICK, *Chairman Committee on Naval Affairs, United States House of Representatives.*

MARINE BARRACKS, WASHINGTON, *July* 31, 1861.

SIR: An additional sum of $12,000 will be required to complete the repairs or finish the barracks at Charlestown Massachusetts.

I am informed, the $19,500, which was appropriated by Congress for this object, is nearly, if not quite exhausted; the estimate upon which this amount was based was rendered under the belief the old foundation would sustain the work in contemplation.

Upon a more thorough examination, it was discovered to be unreliable; in consequence, a representation was made to the Department, through the commandant of the corps, of the state of the foundation, and suggestion presented for taking down the old quarters, and erecting a new and more solid base. It is in consequence of this additional work, the appropriation has fallen short of the amount necessary to complete the barracks.

From the state of the building when last seen by me, I should judge a further sum of $12,000 would be required to complete the work.

I am, very respectfully, your obedient servant,
JOHN GEORGE REYNOLDS,
Major Commanding Post.

Colonel JOHN HARRIS,
Commandant Marine Corps, Headquarters.

The amendment was agreed to.

Mr. SEDGWICK. I desire to offer the following amendment:

Immediately after the former amendment, insert as follows:

For the purchase of the right to manufacture and use Coston's night-signals, $30,000: *Provided*, That the full right to manufacture and use the same can be purchased at a price not exceeding that sum.

I desire to have some communications from the Navy Department in reference to this subject read.

The following letters were read:

NAVY DEPARTMENT, *July* 30, 1861.

SIR: I have the honor to submit herewith copy of a communication from two gentlemen holding distinguished positions in the Navy, (Commodore Joseph Smith and Commodore Hiram Paulding,) in regard to Coston's night signals. It is proper to remark, that I have heard but one opinion in regard to these signals, and that is of unqualified approval. Believing from the representations made that they are almost indispensable to the naval service at the present time, I commend the subject to your favorable consideration.

I am, very respectfully, your obedient servant,
GIDEON WELLES.

Hon. C. B. SEDGWICK, *Chairman Committee on Naval Affairs, House of Representatives.*

NAVY DEPARTMENT, *July* 11, 1861.

SIR: We are impressed by the most irrefragable proof of the importance of the Costen night signals for our Navy, and more particularly at this time, when night signals are indispensable for our blockading squadrons; and we recommend that Congress be asked to purchase the right to make them in our laboratories, as it is difficult to procure them elsewhere; and that $30,000 be appropriated for the purpose.

We have the honor to be, very respectfully, your obedient servants,

JOS. SMITH,
H. PAULDING,
Captains.

Hon. GIDEON WELLES, *Secretary of the Navy.*

WASHINGTON, *July* 17, 1861.

MY DEAR SIR: While on the coast of Brazil, during my command of the brig Bainbridge, I assisted Captain Goldsborough in experimenting on Coston's telegraphic night signals. We used them freely while in port, at sea, and under every circumstance of weather, temperature, and atmosphere. We found them satisfactory beyond our most sanguine expectations. One of our experiments was made at a time and under circumstances that was considered almost unfair. It thus occurred: while the Congress and Bainbridge were in company, during the prevalence of a gale of wind, both vessels were laying to, distant apart about eight miles. Just after dark, without previous arrangement, I commenced making signals. I made some dozen or fifteen, which were answered by Captain Goldsborough with the like number—each keeping records of the signals made and answered. On a mutual examination, some time after, we found that not one single mistake had occurred, or a misunderstanding as to the communication intended to be imparted.

The signals are easier made and understood by these night signals than those made with flags in daylight, and under the most favorable circumstances.

I am, sir, very respectfully, your obedient servant,
M. WOODHULL,
Lieutenant United States Navy.

Commodore H. PAULDING,
United States Navy, Washington, D. C.

Mr. BURNETT. I ask the gentleman whether this $30,000 is to be paid by the Government for the privilege of using these signals?

Mr. SEDGWICK. The process of making them is patented.

Mr. BURNETT. I understand that.

Mr. SEDGWICK. This is the purchase of the right.

Mr. BURNETT. It is not the purchase of the patent, as I understand, but a payment of $30,000 for the privilege, by the Government, of using these signals.

Mr. SEDGWICK. That is the substance of it.

Mr. BURNETT. It is a good price.

The amendment was agreed to.

Mr. SEDGWICK. I propose to insert at this point an appropriation which is intended to be in lieu of the third section; and if adopted, I shall move to strike out that section. I move to add the following at the end of the first section:

For the purchase of ordnance for the use of the Navy, $300,000.

I will say, in explanation of the amendment, that I am advised by the Secretary of the Navy that unless we go beyond our own manufacturers for the purchase of ordnance for the vessels now brought into service, they will be delayed in port for a long time. It is necessary to have them armed with rifled cannon, and our manufactories are not capable of turning them out in sufficient numbers to arm the vessels that have been already purchased, or the purchase of which has been contracted for by the Department.

The amendment was agreed to.

Mr. SEDGWICK. I desire to say a word in explanation of the second section, which gives the Secretary of the Navy the power to change the name of any vessel whenever, in his judgment, it may become advisable. In the vessels which have already been purchased for the use of the Navy, there are two of the same name. Besides, the names of many of the vessels purchased from the merchant service are quite inappropriate for war vessels. I now move to strike out the third section, which contains an appropriation of $300,000 for the manufacture of ordnance, and which has already been provided for in the amendment just adopted.

The motion was agreed to.

Mr. SEDGWICK. I now move that the committee rise, and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. HOLMAN reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 96) making further appropriations for the naval service for the year ending June 30, 1862, and for other purposes; and had instructed him to report the same back to the House with sundry amendments.

Mr. SEDGWICK moved the previous question on the engrossment of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. F. A. CONKLING. I desire to inquire whether the report of the Committee of the Whole is divisible?

The SPEAKER. The question will be taken upon each amendment separately.

The amendments reported from the Committee of the Whole on the state of the Union, with the exception of that providing for the purchase of the right to use Coston's night signals, were severally read and agreed to, without division.

Mr. F. A. CONKLING. I simply desire to say, as a member of the Committee on Naval Affairs, that I did not, and do not, concur in the propriety of appropriating $30,000 for the right to use Coston's night signals. I hope that amendment will not be agreed to.

The amendment was concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEDGWICK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAY FOR TAKING CENSUS.

Mr. McCLERNAND asked the consent of the House to offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire and report what, if any, delay has occurred in paying the accounts of the marshals and deputy marshals for taking the late census; and, if delay has occurred, what, if any, other provision of law is necessary to insure the prompt payment of said accounts.

Mr. VANDEVER. I object.

Mr. McCLERNAND. I appeal to the gentleman from Iowa to withdraw his objection. There can be no objection to the committee making the inquiry.

IMPRISONMENT OF LOYAL CITIZENS.

Mr. FENTON, by unanimous consent, submitted the following preamble and resolution; which was read, considered, and agreed to:

Whereas it is currently reported that the forces now in rebellion against the Government have imprisoned loyal citizens of the United States, and among others, Hon. ALFRED ELY, one of the members of this House:

Resolved, That the President be requested to furnish this House any information he may have upon this subject.

Mr. BURNETT. Unless there is other business to be transacted, I will move that the House do now adjourn.

PERSONAL EXPLANATION.

Mr. BLAIR, of Missouri. I do not know that I have anything exactly in the way of business, but as there seems to be nothing special before the House, I should like to make a personal explanation.

Mr. BURNETT. I have no objection to any explanation the gentleman may see fit to make, unless it involves a reflection upon some member of the House. I should then object, unless the member shall have the opportunity of replying. I will, however, withdraw the motion that the House adjourn.

Mr. BLAIR, of Missouri. I have no personal reflection to make upon any member of the House, or anybody else. With the consent of the House, I will send up an extract from a newspaper, and ask the Clerk to read it.

There being no objection, the Clerk read, as follows:

"A STARTLING ACCUSATION.—Thurlow Weed, Esq., in a Washington letter to the Evening Journal, over his own signature, makes the following accusation against Postmaster General Blair and his brother, the member of Congress:

"'While widely spread newspapers were thus weaken

ing the Administration by assaults upon its Commanding General, his embarrassments were aggravated by the persistent hostility and every-day aspersion of the Postmaster General, whose brother, a prominent member of Congress, assailed him from the stump.

" 'Meanwhile Congress assembled. Senators and Representatives, with more zeal than knowledge, caught up and reiterated the cry, "On to Richmond." The impatient Congressmen were leading and influential: They waited upon the President to complain of the inactivity of the Army; and upon General Scott, urging him "On to Richmond." Army bills, prepared with deliberation by Senator WILSON, (in accordance with the views of the Government,) were emasculated by the House Military Committee, of which Mr. Blair is chairman. The President and his Cabinet had reason to apprehend, if not the censures of Congress, the failure of measures essential to the prosecution of the war, unless the Tribune's order of "On to Richmond" was obeyed.' "

Mr. BLAIR, of Missouri. I had no idea, Mr. Speaker, that I made such forcible stump speeches as I am represented to have done by Mr. Thurlow Weed in that article. If I supposed my speeches were as effective as is there suggested, I think I should take the stump against Beauregard, and have him defeated in that way.

The other accusation made by the writer of that article, that the military bills prepared by Senator WILSON, chairman of the Committee on Military Affairs in the Senate, had been emasculated in the Military Committee of this House, of which I happen to be the chairman, is utterly untrue, as the record shows. So far from our endeavoring to embarrass the Administration by our action, we reported in favor of raising five hundred thousand men instead of four hundred thousand, for which the President asked. The House committee reported in favor of the increase of the staff corps of the Army asked by the Government. The Senate committee did not report in favor of that measure. The House committee and the House itself surrendered their own judgment in respect to the increase of the regular Army after they had deliberately placed on record their opinion against the propriety of such an increase at the present time, because it was understood that the Administration and General Scott desired the increase.

So much as to the matters which are stated as facts by the writer of that article. As for the Postmaster General, I expect he will be able to take care of himself in this controversy. I believe it is true that he has differed in opinion from General Scott as to the conduct of our military operations. His position requires him to share the responsibility of these measures, and he has not hesitated to declare that difference of opinion, and assume his share of responsibility, although his personal relations with that officer are of the kindest character. Events and the public judgment have sufficiently vindicated the soundness of his views in opposing a policy which has led to such disaster.

Now, sir, I have seen myself presented on various occasions before the public, by newspapers and in letters written from this place, in the attitude of having, with others, demanded the more vigorous prosecution of this war, and of being therefore responsible for the disaster of our forces at Bull's Run. I desire simply to say upon this point, that it comes with an ill grace from this gentleman, Thurlow Weed, who as I understand was here a few weeks ago as a member of a committee sent from the State of New York, declaring that he and those who came with him represented the feeling of the entire people of that State —to urge the vigorous prosecution of this war, declaring that they came here to infuse new vigor into the Administration, and into the Commanding General. Why, sir, I thought I was very safe in making stump speeches to the same effect, when such men as Thurlow Weed, the chief of the compromisers, and those who acted with him, had come here to Washington to urge a more vigorous prosecution of the war, and to infuse their own fire and impatience into the Administration.

When the gentleman from Illinois [Mr. RICHARDSON] adverted to this matter, and alleged, as he did upon this floor, that General Scott had been forced into this battle against his will by outside pressure, I had occasion to say that he was making a charge derogatory to the character of General Scott, and the gentleman found himself compelled immediately to change his position, and to represent that General Scott had acted upon orders given by his superiors. And that is a point upon which I desire to say something to the House. As to the charge against me, I consider it trivial and absurd. It is one which is infinitely more derogatory to General Scott than it is to me, or anybody else. No man is fit to command the armies of this country—and I do not mean to say that General Scott is not fit to command them—no man, sir, is fit to command the armies of this country who can be driven into a battle by outside pressure against his own best judgment.

Mr. Speaker, I have here a paper containing a report of the remarks of the gentleman from Illinois, [Mr. RICHARDSON,] in reference to this matter. They are as follows:

" I believe the gentleman from Missouri has taken issue with me upon the fact that General Scott was forced to fight this battle. I will tell the gentleman what occurred yesterday morning in the presence of my friends McCLERNAND, LOGAN, and WASHBURNE, of Illinois, and also in the presence of the President of the United States and the Secretary of War. I will try and repeat what was said. General Scott said: 'Sir, I am the greatest coward in America.' I rose from my seat immediately. 'Stop, sir,' said he, 'I will prove it; I have fought this battle, sir, against my judgment; I think the President of the United States ought to remove me to-day for doing it; as God is my judge, after my superiors had determined to fight it, I did all in my power to make the Army efficient. I deserve removal because I did not stand up, when my army was not in condition for fighting, and resist to the last.' "

At this point his colleague [Mr. WASHBURNE] interrupted him. The report continues:

" Mr. WASHBURNE. As my colleague has referred to that conversation, I hope he will state to the House what the President said to General Scott.

" Mr. RICHARDSON. I will state it. The President said, 'Your conversation seems to imply that I forced you to fight this battle.' General Scott then said, 'I have never served a President who has been kinder to me than you have been.' But, sir, he did not relieve the Cabinet from the imputation of having forced him to fight this battle. He paid a compliment to President Lincoln personally; and, Mr. Speaker, standing here in my place, I desire to say of Abraham Lincoln—and I have known him from boyhood's hour till now—if you let him alone, he is an honest man; but I am afraid he has not the will to stand up against the wily politicians who surround him and knead him to their purposes."

Now, sir, as far as he went, the gentleman from Illinois reported that conversation correctly; but that which he left unreported gives a very different aspect to the conversation from that which it really bears. The gentleman from Illinois, [Mr. WASHBURNE,] who was present, as well as others who were present, have informed me that General Scott not only declared the President had been kind to him, but he absolutely negatived the idea that Mr. Lincoln had forced him to fight this battle. General Scott went on to say that he had never served a President with greater pleasure than he had served President Lincoln.

Mr. RICHARDSON. I desire to say to the gentleman from Missouri that I called the gentlemen who were present—Messrs. McCLERNAND, LOGAN, and WASHBURNE—and who had heard the conversation in question, as witnesses to deny or to avouch the correctness of my statement when I made it the other day. If anything had escaped my memory in reference to that conversation those gentlemen ought to have corrected me. I am ready to be corrected in reference to anything which occurred on that occasion.

Mr. BLAIR, of Missouri. When the gentleman was giving the conversation as he recollected it, I was unable to catch distinctly what he said. I had heard the conversation repeated before, and knew what it was; and I have since conversed with the gentleman from Illinois, [Mr. WASHBURNE,] and he will bear me out in my declaration, that General Scott negatived the idea that the President had forced him into this battle.

Mr. WASHBURNE. Mr. Speaker, I have this moment come into the Hall, and I am not sufficiently acquainted with the matter before the House to answer the gentleman's question. Will the gentleman from Missouri enlighten me on the subject?

Mr. BLAIR, of Missouri. I will state the question. When General Scott, as he was represented by the reported remarks of the gentleman from Illinois, [Mr. RICHARDSON,] made the statement that he had been forced into the fight at Bull's Run, the President inquired whether he intended to apply that remark to him, and to declare that he (the President) had forced him into that battle. Now, what I wish to ask of the gentleman from Illinois [Mr. WASHBURNE] is, whether General Scott did not at the time negative the idea that the President had forced him into that fight?

Mr. WASHBURNE. I certainly understood from General Scott in that conversation, and I presumed that my colleague also understood him, that he fully relieved the President from having in any way forced him to fight the battle of Bull's Run.

Mr. RICHARDSON. My colleague was present the other day when I made the statement adverted to. I do not intend to raise the issue here now, as I did not the other day, that General Scott intended to imply that Mr. Lincoln, the President of the United States, had forced him to fight that battle. I do not think that it is a fair construction of what I said, for I gave as near as I could the language of both General Scott and the President; and my colleagues, who were present, assented to what I then said.

Mr. WASHBURNE. I did not understand from my colleague, when this matter was up the other day, that there was any division of opinion between us in regard to the matter. I understood, from what fell from my colleague on that occasion, that he understood, as I did, that General Scott negatived the idea that he had been forced by the President into the forward movement that ended so disastrously.

Mr. BLAIR, of Missouri. That is as I understand the facts of the case; yet that is not the fact gathered from the language of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. RICHARDSON. If the gentleman will permit me, I will put him right.

Mr. BLAIR, of Missouri. I will yield with pleasure.

Mr. RICHARDSON. My statements in the House the other day were satisfactory to all of my colleagues who were present at that conversation. I did not look at the report of my remarks, and I may have been incorrectly reported. Whether I was or not, I did not intend, and do not now intend, to charge that General Scott, even by implication, declared that President Lincoln had contributed to force him into the battle of Bull's Run.

Mr. BLAIR, of Missouri. I allude to this matter for a double purpose. I find that the gentleman is reported as stating that General Scott intended to pay a personal compliment to Mr. Lincoln; but that he did not exonerate the Cabinet. The gentleman then goes on to say that—

" Abraham Lincoln—and I have known him from boyhood's hour till now—if you let him alone, he is an honest man; but I am afraid he has not the will to stand up against the wily politicians who surround him, and knead him to their purposes."

Now, sir, I say that all that has been said on that occasion goes to show that General Scott did intend to exonerate the President from the allegation that he had forced him into a fight. I undertake to say that such is the fact, and I want it to go upon the record.

Mr. RICHARDSON. Let us have no misunderstanding about this matter. My colleagues understood that I gave the language as near as I could. Whether I have been correctly reported or not, I do not know. If I did not then make the correct statement, let me do it now.

Mr. BLAIR, of Missouri. I shall be glad to hear it.

Mr. RICHARDSON. I did not understand General Scott, nor did I mean so to be understood, as implying that the President had forced him to fight that battle.

Mr. BLAIR, of Missouri. That is the very essence of this matter. But I go further, in reference to what occurred prior to that battle, and say that the President, after he had information that General Johnson had escaped through the hands of General Patterson and had joined General Beauregard on Friday evening, went to General Scott and suggested the propriety of waiting until Patterson's corps could come up and reinforce the army that was then before Manassas; but so firmly fixed was General Scott's determination to attack the enemy then and there, that the President's suggestion was disregarded. The Secretary of War also returned from the field before the battle, and endeavored to induce General Scott to send forward reinforcements; he urged it again and again; and finally succeeded in having five regiments sent, two of which reached Centreville before the retreat commenced. I make these statements, and I make them for the purpose of preventing General Scott from being exhibited to the

country, as has been attempted to be done by his friends, as assailing the President and his Administration. This conversation, as reported in the speech of the gentleman from Illinois—and that speech has other marks indicating a design to attack the Administration—holds out General Scott as assailing the President and the Cabinet.

But I have another purpose far more important; and that is that the President shall retain the confidence of the people of this country—of all who are in favor of preserving the Union; but as long as he is held out as interposing and forcing the Commanding General to fight a battle against his will, he cannot command that confidence. When the country knows the truth, as they will know, that the President did not take the responsibility to order a battle before our troops were prepared for it, he will retain, as he deserves, the confidence of the people of this country in the war.

No other motive could have induced me to make the remarks I have made to-day, than those which I have declared. I do not care for the attacks which have been made upon me, dragging me into this great contest. I feel personally that I have no business with it at all, and that my stump speeches are as nothing, and that neither General Scott, nor any other man intrusted with power, paid any sort of regard to my opinion upon that subject; and whoever puts up that libel and false pretext, derogates from the character of our officers.

The purpose I had in view was to tell the real truth of this matter, to exonerate General Scott and the President—the one, who has been put forward as assailing the President and the Administration, by reporting his conversation without giving it in full, as I think ought to have been done; and the other, by holding him up, out of the mouth of General Scott himself, as having ordered an attack before General Scott was ready; for I have here an article published in the New York Times a few days after this battle, in which General Scott is made to say that he was ordered by his superiors to make the attack. I say that General Scott could not have said anything of the sort, because it was not true. The testimony given here to-day must convince every man that General Scott did not use any such language. He has no superior in the Army of the United States, except the President; and the President did not give any such order, as is conclusively proved by his own declarations to the President in the presence of the gentlemen from Illinois upon my right and left.

The article in the Times goes on to lay down the plan of the campaign which, it is said, General Scott had adopted; which was to raise and bring one great army here to defend the city of Washington, and to prepare another army at St. Louis, because he is held out as saying that an army could not go south of St. Louis until after frost. He was to lie idle with that army, according to the plan that paper puts into General Scott's mouth, until the frost comes, and until the cotton crop had forced itself out of our ports and broken up our blockade. That is the plan, as reported by one who professes to be a friend of General Scott, as he derived it from him at his own table, in the presence of his officers. I do not believe that it was General Scott's plan. I do not think he would promulgate his plan. I think even, that if such was his plan, gentlemen, without arrogating to themselves any superor military knowledge, might well dissent from it. I do not profess to have any knowledge of military matters at all, and yet I can say that any such plan as that would lead to a fatal disaster to our country, in the relations which it would bring about between the people of the northern and southern States; in the relations it would bring about between our Government and foreign Governments, and between the Union men in the border States and their enemies. I think it would be a fatal mistake. I am well satisfied that it is not the plan of the Government, and will not be acted upon, whether General Scott favors it or not. That is the plan which the confederate troops and authorities are in favor of, and they have proceeded upon it. Their desire is to make the whole of this war within the border States, and escape themselves scot free—not only free from Scott, but from all our other generals. They wish to enjoy entire quietude, in order to raise their cotton, that they may hold it out to foreign nations as a bribe to break our blockade. That is their object, and their heart's desire.

They wish, also, to intrench themselves within these border States, where they can get plenty of subsistence, and wring a reluctant support from the Union men of those States. The counties of Alexandria and Fairfax gave an immense Union vote when the question was submitted to them; and at the last vote upon the ordinance of secession, they would have given the same vote for the Union if they had not been restrained by the bayonets of the confederate troops; for, in whatever part of Virginia they were free from the confederate bayonets, they gave a majority of votes against secession. The same was the case in Tennessee. Any such plan as that which the Times says is General Scott's plan of carrying on the war would leave the unarmed Union men of the border States, and of the southern States, at the mercy of the armies of the confederate States. It would leave the twenty-five thousand majority in East Tennessee, the vast majority in Missouri, and everywhere else, at the mercy of the rebels.

I say, further, that if we remain idle for such a period of time, doing nothing upon the borders of these revolted States, however great an army we might possess, we should, by so doing, proclaim to the world that we were unable to enter those States and put down rebellion, and the Governments of Europe would make it a pretext for acknowledging the independence of those States.

It is manifest, therefore, that such important political considerations must enter largely into any plan of campaign, and no plan is admissible which, by its delays, destroys the business of the country, leaves the Union men of the border States and their property a prey to the rebels, and gives a pretext to foreign Powers to interfere for the purpose of forcing our blockade. Especially is this plan inadmissable when it proceeds upon the naked fallacy that our armies cannot endure the climate of those States in which the rebels have raised and are supporting armies to overthrow the Government.

Mr. OLIN. These personal explanations are at all times disagreeable, and perhaps on the whole had better be omitted in an assembly like this; but as a member of the Committee on Military Affairs, so far as the article read by the gentleman from Missouri charges that the various bills proposed by the Administration for the action of Congress, and introduced into the Senate by the Senator from Massachusetts, [Mr. WILSON,] have been emasculated by the chairman of the Military Committee of this House, it is perhaps due to myself, though the most humble member of that committee, to say one word. I believe that every recommendation of the President and his Cabinet, in respect to the measures to be submitted to the consideration of this committee, has been carried out to the letter, and more than the letter, with one exception, and that was the measure proposed by the Administration with reference to the increase of the regular Army. From that measure the committee dissented; and, notwithstanding the reflections contained in that article come from a source highly respected by me, and from a personal friend, the committee acted, I am sure, not under the influence of my friend from Missouri, [Mr. BLAIR,] but from the elections of their own judgment, and with the best lights they had before them, after a most careful and full consultation among themselves and with their fellow-members of the House.

It was the unanimous judgment of the committee that had not the Administration recommended an increase of the regular Army at this time, not one member of that committee would have favored such a measure; and it will be remembered that the bill as originally proposed in committee, passed without dissent in this House, turned these eleven regiments into a mere volunteer force. One of the reasons that governed my own action was this: I thought I foresaw, as I think every member of this House foresees, that at the end of this controversy the regular Army must be increased, but I think I know enough of military matters, though knowing as little perhaps as any man in this House, to know that it would make no possible difference whether you called a man a regular soldier or a volunteer provided he had seen an equal amount of service; in other words, that a volunteer force would be just as efficient as the regular Army with the same amount of drill and discipline, and commanded by equally skillful and efficient officers; and that if you held out to all who wish to enter the volunteer service the hope and expectation of an increase of the regular Army, and that they would be promoted just in proportion as they distinguished themselves, and showed themselves fit for the service they had entered upon, it would have a salutary influence upon all the volunteer forces in the Army.

Mr. VALLANDIGHAM. I rise to a question of order. I desire to know what is before the House?

The SPEAKER. The gentleman from Missouri [Mr. BLAIR] obtained the unanimous consent of the House to make a personal explanation, and he has yielded to the gentleman from New York.

Mr. VALLANDIGHAM. I do not hear anything about a personal explanation.

The SPEAKER. As the Chair said the other day, he has no control over personal explanations.

Mr. VALLANDIGHAM. Well, I will wait a little longer. It will come, perhaps, presently.

Mr. OLIN. Well, Mr. Speaker, I only wish to add, upon this subject, that this recommendation was made by the Cabinet, and that the committee acquiesced in it against their unanimous judgment, because the matter had been much complicated by the action of the Administration in respect to an increase of the Army, and because the committee were desirous of affording every possible facility to the Administration, and remove every obstacle in the way of a successful prosecution of this war to put down the rebellion. In my action upon that committee, I did not rely upon my own judgment only, nor upon that of my friend from Missouri, who is somewhat versed in military affairs. We had upon that committee, also, the gallant gentleman from Illinois, [Mr. RICHARDSON,] who has shown, by his conduct on the battle-field, as well as his distinguished services in this House, that his judgment might be relied on with deference. We had not only the gentleman from Illinois, with his experience, on that committee, but we had also my friend from Iowa, [Mr. CURTIS,] a graduate of the Military Academy at West Point, a man who has distinguished himself in the service of his country in actual war; and I might safely rely, I am sure, upon the judgment of these gentlemen. My own judgment concurred with these distinguished gentlemen, and this House, with entire unanimity, and a majority of the Senate, concurred with the committee; and it was only when it was found that the action of the House and Senate might embarrass the Administration that your committee acquiesced in the bill passed.

I thought it proper, as this subject has been introduced, to say thus much. I am persuaded that each member of the committee has discharged his duty with a view only to the good of the service and the best interests of the country, and with no desire to embarrass the Administration or any member of it.

Mr. FRANK. I would like to inquire what is before the House?

The SPEAKER. The House gave unanimous consent to the gentleman from Missouri to make a personal explanation, and he yielded the floor to the gentleman from New York. There is nothing before the House at this time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had agreed to the amendments of the House to the bill providing for the punishment of frauds upon the part of officers making contracts for the Government.

Also, that the Senate agreed to the report of the committee of conference upon the disagreeing votes of the two Houses upon the bill providing for the better organization of the military establishment.

Also, that the Senate had passed the following bills; in which he was directed to ask the concurrence of the House:

A bill to promote the efficiency of the volunteer forces of the United States;

A bill making appropriation for fortifications, and for other purposes; and

A bill to reduce consular fees for vessels running between foreign ports.

CONSULAR FEES.

Mr. ELIOT. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 64, to reduce the consular fees for vessels running to or between foreign ports.

There being no objection, the bill was taken from the Speaker's table, and read a first and second time by its title.

The bill provides that American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in one year.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to amend an act entitled "An act supplementary to an act entitled 'An act to provide for a Navy peace establishment, and for other purposes,'" passed March 27, 1804; when the Speaker signed the same.

FORTIFICATIONS.

A bill (S. No. 63) making appropriations for fortifications, and for other purposes, was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee of Ways and Means.

VOLUNTEER FORCES.

A bill (S. No. 44) to promote the efficiency of the volunteer forces of the United States was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Military Affairs.

PERSONAL EXPLANATION.

Mr. RICHARDSON. Mr. Speaker, I ask the unanimous consent of the House to state very succinctly what I desire to bring before the House in reference to the subject referred to by the gentleman from Missouri, [Mr. BLAIR.]

No objection was made.

Mr. RICHARDSON. Mr. Speaker, the statement of the conversation between the President and General Scott, which I made the other day, was assented to by all the gentlemen who were present at the interview. I say that in the remarks I then submitted it was no part of my purpose to make, nor did I make, any assault upon the President of the United States. I rose, sir, for the purpose of asking my countrymen to have confidence in some of our public men. Authority is conferred on the President, and he was constitutionally elected to his high office. I desired that the public mind should center round some person by whom we might preserve this Government. It was no part of my purpose, but on the contrary, it was in violation of my plan, to assail the President.

Mr. BLAIR, of Missouri. With the gentleman's permission, I will call his attention to what he did say, and what he is reported to have said: that the President, Abraham Lincoln, was a very honest man if let alone; but that he was surrounded by wily politicians, and that he had not the will or the courage to stand up against them.

Mr. RICHARDSON. Possibly my ideas were not so well expressed as they might have been. I wish they had been better expressed. If my meaning has been misunderstood because my language was unhappy, I regret it. If gentlemen will recollect what occurred prior to that time, it will not be difficult for them to properly interpret my intention. On that occasion, the gentleman from Iowa [Mr. CURTIS] had pressed upon me to know who it was whom I charged as having forced this thing on the Commanding General of the United States. I stated distinctly that it was that class of politicians headed by Mr. Greeley who were urging our people "forward to Richmond."

Mr. BLAIR, of Missouri. If the gentleman will permit me to say so, "General Greeley," as he is called, has had the manliness not to go whimpering around the country, and laying his faults on other people.

Mr. RICHARDSON. For once, I accord credit to him for the course he has taken. I have only risen for the purpose of relieving this whole controversy from any misunderstanding, if any existed. I thought, when I stated, the other day, the conversation with General Scott, in the hearing of members who were present when the conversation occurred, that as they did not dissent from my statement, it was satisfactory to them all, and their silence indorsed it. If my statement was not correct, I regret it. In my remarks at that time, I intended simply to state facts, and trusted in the good judgment of the people to deduce legitimate conclusions therefrom; and I am not responsible for the conclusions arrived at by any person or persons, unless they may be justly and logically drawn from the facts then stated. The other day I merely expressed a fear that the President had not the will to withstand the assaults and the machinations of the wily politicians by whom he is often surrounded.

Mr. BLAIR, of Missouri. I should like to call the attention of the gentleman from Illinois——

The SPEAKER. The gentleman from Missouri asks the consent of the House to make a further statement.

Mr. BLAIR, of Missouri. Never mind. Let it go.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. HAY, his Private Secretary, notifying the House that he had approved and signed an act (H. R. No. 45) to define and punish certain conspiracies; and

An act (H. R. No. 87) making an appropriation for the purchase of arms for the volunteers and regular troops of the United States.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had agreed to the report of the committee of conference on the bill supplementary to an act entitled "An act to authorize a national loan, and for other purposes."

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri, presented the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendments to the bill of the Senate, and agree to the bill, with the following amendments:

On page 1, section two, line seven, after the word "cavalry," strike out, as follows: "eight assistant adjutants general, six commissaries of subsistence, four quartermasters, and twenty assistant quartermasters."

On page 1, section two, line thirteen, after the word "establishment," strike out as follows: "and to hold their offices for three years, unless sooner discharged;" and in lieu thereof add all after the enacting clause of the second section of the amendments of the House to the Senate bill.

On page 1, section three, line three, after the word "engineers," strike out as follows: "and to the Ordnance department."

On page 2, section three, at the end of the section add all after the enacting clauses of sections three and four of the amendments of the House to the Senate bill.

On page 4, section eight, at the end of the section add the second proviso of section eleven of the amendments of the House to the Senate bill.

On page 7, section seventeen, line eight, after the word "pay," insert "and emoluments."

On page 10, section twenty, line five, after the word "Register," insert "or Navy Register, as the case may be."

Sections eleven, sixteen, twenty-two, twenty-four, and twenty-five. Strike out all of sections eleven, sixteen, twenty-two, twenty-four, and twenty-five, of the Senate bill.

Section fourteen, at the end of the section add as follows: "*Provided*, That after the present insurrection shall cease, the ration shall be as provided by law and regulations on the 1st day of July, 1861."

Section eighteen, line ten, after the word "pay," insert "and emoluments;" and in the same line, after the word "namely," add as follows: "the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That should the Brevet Lieutenant General be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided further*, That there shall not be on the retired list, at any one time, more than seven per centum of the whole number of officers of the Army, as fixed by law."

Section nineteen: strike out section nineteen of the Senate bill, and in lieu thereof insert all of section twenty of the amendments of the House to the Senate bill, with the following amendments to said amendment, namely: in line three of said amendment, after the word "war," insert "or Secretary of the Navy, as the case may be;" and in line five of said amendment of the House, after the word "board," strike out "of the medical staff," and in lieu thereof insert "of not more than nine nor less than five commissioned officers, two-fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank."

Section twenty-six, line eight, after the word "pay," insert "and emoluments."

Section twenty-seven, line nine, after the word "pay," insert "and emoluments;" in line thirty-four, after the word "dollars," insert "and with four rations per day to each of the above-named officers of the Navy, to be commuted at thirty cents each ration; and in line forty-seven, page 14, strike out all after the word "officer" to the end of the section.

Section twenty-eight, line fourteen, after the word "officers," insert as follows: "two-fifths of whom shall be members of the medical bureau of the Navy; the board, except those taken from the medical bureau."

That the Senate do concur in the foregoing amendments to the bill.

HENRY WILSON,
J. McDOUGALL,

I agree to this report except to the proposed increase of the staff of the Army. JOHN SHERMAN,

Managers on the part of the Senate.

FRANCIS P. BLAIR, Jr.,
J. S. JACKSON,
WILLIAM D. KELLEY,

Managers on the part of the House.

Mr. BLAIR, of Missouri. Mr. Speaker, it will be recollected by the House that a committee of conference on this same bill made a report a few days ago, which was agreed to in the House, but which was disagreed to in the Senate. The only difference between the report that we now make and the one agreed to by the House on the former occasion is in three particulars. One is, that the House has receded from the clause which was in the House bill in regard to rations, and have acceded to the clause in the Senate bill increasing the soldiers' rations somewhat—I believe about two cents a day. It was insisted on by the Senate that the present rations were insufficient, especially for irregular troops, who had not habituated themselves to taking good care of their provisions. Under their representations the managers on the part of the House gave way, and acceded to the Senate proposition. They also acceded to an amendment offered on the part of the Senate in reference to the pay and emoluments of the Lieutenant General in case he should retire from the service, leaving him the same pay as if he had remained in the Army and in active service.

In other respects, neither the provisions contained in the House amendment, nor those contained in the Senate bill, in reference to the pay of retiring officers of the Army or Navy, were retained; but we undertook to strike a difference between the two. Formerly, and in the bill as passed by the House, Army and Navy officers retiring from service were allowed their grade pay proper and their service rations, and for a servant. The section in the Senate bill on the subject requires them to be retired simply on their pay proper, and on the schedule for the pay of the Navy officers, which made it equal to that allowed to the Army officers, without service rations, and without a servant's rations. We have agreed on a modification, so as to give the pay proper to the Army officers, and the schedule of pay fixed in the Navy bill to the Navy officers, with an increase of four rations a day, or $1 20, which is about half of what the service rations would amount to.

That is the way we compromised the matter; and these are the only differences, according to my recollection, existing between the report as now made and the report adopted by the House he other day.

Mr. OLIN. Mr. Speaker, great difficulty was experienced, not only in the committee of the House, but, possibly, also in the committee of the Senate, in relation to this measure. It is one of great delicacy and importance, and, as I understand the provisions of the bill agreed upon by the last committee of conference on the subject of retiring the officers of the regular Army from the service of the country, it makes an exception in favor of the Lieutenant General. I have no disposition to say one word in derogation of his distinguished services, or to oppose any exhibition of gratitude that may be made on the part of Congress toward General Scott. He served gallantly in the war of 1812. He has spent his entire life in the service of the country; and, so far as I am concerned, whenever an officer has, like General Scott, devoted the best energies of his mind and body to the service of his country, and always with distinguished honor, I would never consent to see him, when disabled by age, retiring to private life, without the full pay and emoluments to

which his highest rank would entitle him. But while I would do that most cheerfully, in regard to the Lieutenant General, I would insist on it just as rigidly in regard to others equally deserving the homage and respect of their country.

Sir, I do not stand here pleading as a neighbor and friend of John Wool, who commenced his career in the service of his country in the war of 1812; who, on every battle-field, from Plattsburg and Queenstown to Buena Vista, has borne our flag to victory, and who is now, for some reason—God knows what—exiled to his home, and is not permitted to render that efficient service to his country, which his talents, his patriotism, and all his former history, assure the world he is able to render. The delegation from my State, on a recent occasion, and with entire unanimity, so far as I know, have proposed to the Administration to inquire why it is that his services have not been called into requisition in this hour of our country's peril. I hope they will have sufficient reason for the answer they must give to that question.

But, sir, I am opposed to this amendment; I am opposed to this report of the committee of conference, just so far as it will have the effect to strike from the Army roll a man who has served his country faithfully, and with entire success, for a period of now more than forty years, who, in every battle-field, from his youth to old age, has covered himself with glory; who has over and over again, not only received the thanks of his native State, but of the Congress of the United States, for meritorious service. I am unwilling to see a measure passed here—poor as the country may be, cramped in its resources as it may be—that shall consign a man, who has thus served his country faithfully to his old age, to obscurity upon half pay. No, sir! No, sir; this right arm should fall from its shoulder sooner than I would consent to it.

Now, Mr. Speaker, in saying what I have said, I have no objection to any favor gentlemen may be disposed to render to General Scott. I speak it in no spirit of invidiousness. I would join in making any exception in his favor, or in bestowing upon him any deserved honor. But while I will do that, I am as earnest in my determination to resist what must of necessity appear as a reflection upon every officer in the Army, and especially upon one who, under like circumstances, has served his country with equal distinction, who has received the thanks of his native State and of the Congress of the United States, and who, in every respect, is as worthy of the confidence of the country.

Mr. BLAIR, of Missouri. The gentleman from New York knows very well what my views are upon the topic which he has discussed. He knows that I was reluctant to consent to this legislation upon the very ground on which he has opposed it upon this floor. No man, not even the gentleman himself, has a more exalted opinion of General Wool than I have, or a greater admiration for the services he has rendered to his country. At the same time, I believe it is in obedience to the public sentiment of the country that we should make this provision for the Lieutenant General, if he should retire; and I have, therefore, assented to the report.

I do not deem it necessary to discuss this matter further, or to say anything in regard to the other officers who are retired under this bill. I will simply remark that I have struggled throughout, with the consent and approbation of the House, to get a decent pay for our officers, all of them, when they should be retired from the country's service. The House bill, as it was passed in this body, would have given them ample and sufficient pay. It gave them their pay proper, and allowances for servants and rations. I deemed that this was but a just allowance for old officers who had spent their lives in the service; and I deemed it a matter even of economy, because when we have efficient officers in the field, it is economy to pay the largest sum to the retired officers. But the Senate disagreed to the proposition of the House, and struck out our provision, after it had been reported in favor of by their own committee, and insisted upon the proposition as they originally passed it; and it was with extreme difficulty that we could get even what we reported. It is the best I believe we can get from the Senate, and therefore I am in favor of doing the best we can. Now, sir, if there is no gentleman who wishes to make any further inquiry, I will move the previous question.

The previous question was seconded, and the main question ordered.

Mr. BLAIR, of Missouri. With the consent of the House, although I know it is not now in order, I wish to make a single explanation. I understand that a remark made by the gentleman from New York, [Mr. OLIN,] has been misunderstood by some gentlemen. I wish to say that this bill does not retire General Wool. It does not contemplate his retirement at all.

Mr. LOGAN. I wish to ask the gentleman upon what ground this provision has been inserted for retiring the Lieutenant General and Commander-in-Chief of the Army? Is it because the committee consider him not qualified to command?

Mr. BLAIR, of Missouri. I say to the gentleman that it does not retire him at all.

Mr. LOGAN. I know it does not directly; but I suppose no gentleman can misunderstand its practical effect.

Mr. BLAIR, of Missouri. I understand the first section of the bill, which relates to the retiring of officers, provides that when an officer shall have been forty years in the service, he may, at his own election, retire. It does not compel anybody to retire, unless a board of officers, to be appointed, decide that they are incapacitated or disabled.

Mr. LOGAN. How is that board, by the provisions of the bill, created?

Mr. BLAIR, of Missouri. It is created by the Secretary of War, with the approval of the President of the United States. It is to be a mixed commission, consisting of commissioned officers and officers of the medical staff. But that there may be no misunderstanding at all in respect to the effect of the provision upon the Lieutenant General, I will say that it meets his approval.

The SPEAKER. All this debate is out of order.

Mr. ASHLEY. I suppose no one objects. I desire to ask the chairman of the Committee on Military Affairs, if those officers, when retired, are not retired on full pay, with their servants and rations the same as when in active service?

Mr. BLAIR, of Missouri. No, sir, they are retired upon their pay simply.

Mr. ASHLEY. Without servants and rations?

Mr. BLAIR, of Missouri. Without servants and with only four rations.

Mr. ASHLEY. I wish to ask the gentleman if the system in Great Britain is not to retire their officers upon half pay?

Mr. BLAIR, of Missouri. I believe so. I will say however, to the gentleman, that this is just about half pay. They receive their pay proper; but when you take away their servants, rations, and emoluments, you take about fifty per cent. from their real pay in active service, and it may be something more.

Mr. VALLANDIGHAM demanded the yeas and nays on agreeing to the report of the committee of conference.

The yeas and nays were not ordered, only fifteen members voting therefor.

Mr. VALLANDIGHAM. Are these all the friends General Scott has left?

The question was taken, and the report of the committee of conference was agreed to.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

WIDOW OF STEPHEN A. DOUGLAS.

Mr. RICHARDSON. I have been instructed by the committee of conference on the resolution for paying the widow of the late Stephen A. Douglas to make the following report:

The committee of conference on the disagreeing votes of the two Houses on the resolution of the Senate (No. 5) to pay the widow of the late Stephen A. Douglas the amount due him as a Senator at the time of his death, have met, and, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House do recede from its amendment to the said resolution.

The report is signed by the managers on the part of both Houses.

The report was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the report was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EXTRA COPIES OF THE LAWS.

Mr. WRIGHT, by unanimous consent, offered the following resolution; which was referred to the Committee on Printing:

Resolved, That ten thousand copies of the laws of the extra session of Congress be published in pamphlet form for the use of the members of the House.

On motion of Mr. BURNETT, the House (at three o'clock, p. m.) then adjourned.

IN SENATE.

FRIDAY, *August* 2, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

GOVERNMENT CONTRACTS.

Mr. FESSENDEN. I wish to enter a motion to reconsider the vote on concurring in the amendment of the House to the bill (S. No. 43) to prevent and punish fraud on the part of the officers intrusted with the making of contracts for the Government, which was taken yesterday. The bill has not yet been signed, I suppose.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. FESSENDEN. I submit the motion now, in order that the Clerk may get possession of the documents.

Mr. SHERMAN. I ask the Senator if he proposes action now on that motion?

Mr. FESSENDEN. Oh, no; but some time in the course of the day. I will merely make the motion now, in order to stop further action on the bill.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered, and taken up for consideration hereafter.

RESOLUTIONS OF NEW JERSEY.

Mr. TEN EYCK. I present joint resolutions of the Legislature of the State of New Jersey, passed at its last extra session. Owing to an accident, a delay has occurred in the presentation of the resolutions; yet, I think, from their character, they are time enough. I ask that they may be read.

The Secretary read them, as follows:

STATE OF NEW JERSEY.

Concurrent resolutions adopted by the Legislature at its extra session.

Resolved, That his Excellency Charles S. Olden, Governor of this State, deserves, and we hereby tender him, our most cordial and hearty thanks for the promptness, energy, fidelity, and ability, with which he has acted in carrying out the measures recommended by the President of the United States for the purpose of defending our national capital, and preserving the integrity of the national Union; and he is eminently worthy of the confidence of this Legislature, and of all the citizens of this State, and we may all congratulate ourselves that we have an Executive so admirably fitted, in every respect, for the present alarming crisis in our national affairs.

Resolved, That the preservation of the national Union and Constitution in their full integrity and power is the only effectual protection of the small States against the encroachments and ambition of their more powerful neighbors; and that especially it is a matter of vital importance to New Jersey, with her large line of coast, and situate between two States, empires themselves, which would render us comparatively powerless in any encroachment upon our rights of soil and jurisdiction, and that therefore the President of the United States is entitled to the thanks of every Jerseyman especially, for the energetic and patriotic efforts he has thus far made to maintain the Union, the Constitution, and the laws.

Resolved, That while we disclaim all desire or willingness to make war upon the people of the South, except necessary for the single purpose of maintaining the Union, the Constitution, and the laws; and while we pledge ourselves ready to defend the Constitution, rights, and interests, at all times and under any circumstances, with the same zeal and energy with which we will uphold the national power, and in the prompt punishment of all traitors; yet, firmly believing that the preservation of our national unity is the only security for the rights, liberties, and power of our own people, and the great hope of oppressed humanity throughout the world, we call upon the national Government to put forth at once every energy of which it is capable to preserve the national unity, and enforce obedience to the laws of the land in every part of the Union; being inflexibly resolved that Bunker Hill, Mount Vernon, New York, and New Orleans, shall never be dissevered; and believing from the teaching of all history that the most certain and speedy mode of restoring peace is by the most vigorous prosecution of the present war.

Resolved, That the Governor be requested to forward to the President of the United States, to each Senator and Representative from this State, and to the Governor of each State, a copy of the foregoing resolutions.

I certify that the foregoing resolutions originated in the Senate, and the same was concurred in by the House of Assembly.

JOSEPH J. SLEEPER,
Secretary of the Senate.

Mr. TEN EYCK. I move that the resolutions lie on the table, and be printed.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection. The Chair hears none.

BILL INTRODUCED.

Mr. GRIMES, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 66) declaring the act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia, to be unconstitutional, and for repealing the same; which was read twice by its title, and referred to the Committee on the Judiciary.

REVENUE CUTTERS.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 100) to suspend, in part, the operation of an act entitled "An act relating to revenue cutters and steamers," have directed me to report it back with a recommendation that it pass; and, as it is of importance, I will ask the unanimous consent of the Senate to consider it now.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill. It suspends the act of 3d of March, 1845, entitled "An act relating to revenue cutters and steamers," so far as to allow the Secretary of the Treasury to apply so much of the appropriation for the collection of the revenue as he may deem expedient to the charter or purchase of vessels for the revenue service; but no liability is to be incurred for this purpose which, together with the expenses of collecting the revenue, will exceed the appropriation already made for the latter object.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDE-WHEEL STEAMERS.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 80) authorizing the construction of twelve small side-wheel steamers, have instructed me to report it back, with a recommendation that it pass, with an amendment. I ask for the consideration of the bill at this time.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill; which directs the Secretary of the Navy to cause to be constructed, with the least possible delay, twelve small side-wheel steamers, for the use of the Navy of the United States, of light draught and great speed; and for the use of the Navy and the revenue service of the United States, of light draught and great speed; and for that purpose appropriates $1,200,000.

The amendment of the Committee on Naval Affairs was, in line five, to strike out the words "and the revenue service;" so that the bill will read:

That the Secretary of the Navy shall cause to be constructed, with the least possible delay, twelve small side-wheel steamers, for the use of the Navy of the United States, of light draught and great speed; and for the purpose aforesaid $1,200,000 be, and the same hereby is, appropriated.

Mr. HALE. The object of that amendment is to provide that these steamers furnished to the Navy, and also to the revenue service, shall be entirely under the control of the Secretary of the Navy, instead of a joint control, as heretofore.

The amendment was agreed to.

The bill was reported to the Senate as amended; the amendment was concurred in, and ordered to be engrossed; and the bill was ordered to be read a third time. It was read the third time, and passed.

INCREASE OF ENGINEER CORPS.

Mr. WILSON. The Committee on Military Affairs and the Militia have instructed me to report a bill (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers; and I ask for its present consideration.

The bill was read twice by its title.

The PRESIDENT *pro tempore*. This bill has been twice read, and the Senator from Massachusetts asks for its present consideration. It can only be done by the unanimous consent of the Senate.

Mr. HALE. I object to the consideration of that bill at the present time.

The PRESIDENT *pro tempore*. Objection being interposed, it will lie over under the rule.

PAY OF SENATOR DOUGLAS.

Mr. CLARK, from the committee of conference on the disagreeing votes of the two Houses on the joint resolution (S. No. 5) to pay the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the joint resolution (S. No. 5) to pay the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death, having met, after full and free conference have agreed to recommend to their respective Houses, as follows:

That the House recede from their amendment to the said resolution.

DANIEL CLARK,
ANDREW JOHNSON,
JAMES DIXON,
Managers on the part of the Senate.
W. A. RICHARDSON,
A. P. MORRILL,
Managers on the part of the House.

The report was concurred in.

CALIFORNIA LAND CLAIMS.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (S. No. 6) relative to appeals in cases of private land claims and surveys in the State of California, have instructed me to report it back to the Senate, with a recommendation that it do pass; and I ask its consideration at this time.

The PRESIDENT *pro tempore*. If no objection be made, the bill will be considered at this time.

Mr. SHERMAN. I will inform the Senator from Illinois that the House have resolved not to consider that class of bills at this session; and it will be useless to pass it, as it will not be acted on in the House of Representatives. I hope therefore it will not be taken up.

Mr. LATHAM. I should like very much to have that bill lie over. I know nothing in relation to it. It seems to be connected with some land grant in California.

The PRESIDENT *pro tempore*. Objection being made to the present consideration of the bill, it lies over under the rules.

Mr. LATHAM. In the mean time I will look into it.

FINAL ADJOURNMENT.

Mr. SIMMONS. I ask the Senate to take up the resolution of the House of Representatives, providing for the adjournment of Congress, which was laid on the table a day or two ago. I want to offer an amendment to it.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Friday, the 2d day of August next, at twelve o'clock m.

Mr. SIMMONS. I propose, as an amendment to that resolution, to strike out all after the enacting clause, and to insert the following in lieu thereof:

That the Speaker be, and he is hereby, authorized to adjourn the House of Representatives on the —— instant, at twelve o'clock meridian, to meet on the first Monday of December next, unless sooner convened by proclamation of the President; and that the President of the Senate be, and he is hereby, authorized to adjourn the Senate at such time as may be determined upon by a resolution of that body, to meet at the same time, and as is herein fixed for the meeting of the House of Representatives.

The PRESIDENT *pro tempore*. The first question will be on filling the blank in the proposed amendment.

Mr. SIMMONS. I do not propose to have that amendment considered to-day. I merely wish to lay it on the table for consideration to-morrow.

Mr. HALE. I want to have it printed.

The PRESIDENT *pro tempore*. It will lie on the table, and be printed, if there be no objection.

Mr. SIMMONS. I wish to make an explanation about this proposition. It is well understood that it is not necessary to keep the House of Representatives here after we finish our legislative business, while the Senate must remain, or else appointments made during the recess will fail. On an examination of the Constitution, it is perfectly clear that those appointments hold until the end of the session of the Senate. There is another clause of the Constitution, which says that neither House shall adjourn for more than three days without the concurrence of the other. It is very plain that we can give the House of Representatives an opportunity to adjourn to-morrow, if they can get through their business, and leave us here to attend to executive matters. When the proposition is printed and laid before Senators, I have no doubt it will meet their concurrence.

The PRESIDENT *pro tempore*. The resolution for adjournment will lie on the table, and the amendment will be ordered to be printed.

HOUR OF MEETING.

Mr. SIMMONS. I now move that when the Senate adjourns to-day it be to meet at eleven o'clock to-morrow, so that, if possible, we may get through with business and allow the House an opportunity to adjourn.

Mr. HALE. I hope that motion will not prevail. I can assure the Senator that the business that has to be done in committee at this time is vastly more laborious, or quite as much so, as anything done here. For one, I am certain the Committee on Naval Affairs can pass the time more profitably in committee until twelve o'clock than they can by meeting here at eleven. I have a meeting of that committee called for to-morrow at half past nine o'clock, and it will take until twelve o'clock to dispose of their business.

Mr. SIMMONS. I do not know much about the business before committees; but I am in the habit of getting up early enough to come here at half after eight, if necessary. I think the Senate should meet to-morrow at eleven o'clock. The House might meet also at the same hour, and we might close up our legislative business and allow them to adjourn and go home to-morrow. I think it is our duty, if we can accomplish it, to let the House of Representatives adjourn to-morrow; and for that purpose I am sure the Senate will give up an hour in the morning.

Mr. HALE. I want to say a single word in reference to the appeal made by the Senator from Rhode Island in behalf of the House of Representatives. The House of Representatives are constantly sending down to us new bills—they sent some yesterday—and some pretty important bills; and it seems to me there is no great necessity for making an appeal in their behalf so long as they send bills to us to act upon. I think we had better meet as usual, at twelve o'clock.

Mr. SIMMONS. If they are not ready to adjourn, of course they will not adopt this resolution. All we ask is that the Senate meet at an earlier hour, so that, if they are ready, they may get away at two o'clock; that is all.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, that when the Senate adjourns to-day it adjourn to meet at eleven o'clock to-morrow, and at eleven o'clock thereafter until otherwise ordered.

Mr. SIMMONS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 15; as follows:

YEAS—Messrs. Anthony, Bingham, Carlile, Chandler, Clark, Cowan, Dixon, Doolittle, Foster, Howe, Johnson of Missouri, King, Lane of Kansas, Latham, Morrill, Sherman, Simmons, Sumner, Ten Eyck, Wilmot, and Wilson—21.

NAYS—Messrs. Bayard, Breckinridge, Bright, Browning, Foot, Grimes, Hale, Harris, Pearce, Polk, Powell, Rice, Thomson, Trumbull, and Wade—15.

So the motion was agreed to.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore*. If there be no further reports from committees, the Chair will call up the unfinished business of yesterday.

Mr. WILSON. Before that is taken up, I should like to have a vote on the resolution approving and confirming the action of the President. It has been postponed from day to day; and I should like to have the unfinished business postponed for a short time, in order to take the vote on that resolution.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts make a motion to that effect?

Mr. WILSON. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate take up for consideration the joint resolution (S. No. 1)

to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion.

Mr. TRUMBULL. I hope not. I hope we shall go on with the unfinished business of yesterday. That is germane to this same question. Let us get through with the bill which is the unfinished business, and then we shall be prepared to vote on that joint resolution. I would like to have the bill finished, and get rid of it. I hope the Senator from Massachusetts will not insist on taking up the joint resolution. The debate will go on upon that, and we shall gain nothing by it.

The question being put, there were, on a division—ayes 18, noes 8.

The PRESIDENT *pro tempore*. There is no quorum voting, which disables the Senate from further proceedings in the way of business.

Mr. BRECKINRIDGE. There is a quorum in the Chamber, evidently, and a recount will disclose the fact. If the Chair, by general consent, will divide the Senate again, I think it will be found that there is a quorum present.

Mr. FESSENDEN. I think we had better have the yeas and nays; but I am willing to try a recount.

The question being again put, there were—ayes 22——

Mr. TRUMBULL. I ask for the yeas and nays on the question of taking up the joint resolution.

The yeas and nays were ordered.

Mr. TRUMBULL. My objection to taking up this resolution I will state in a word. I believe it is in order to state briefly the objection.

This resolution which the Senator from Massachusetts seeks to take up is germane to the bill which is the unfinished business. The resolution proposes to declare legal the acts which have been done by the President in the recess of Congress. Will our declaration make them legal if they are not legal? Will it make them so if they were unconstitutional and void? Now we have a bill pending proposing to confer certain powers upon the executive authority, which relates to this subject. I am disposed to give the necessary power to the Administration to suppress this rebellion; but I am not disposed to say that the Administration has unlimited power and can do what it pleases, after Congress meets. I am willing to excuse it for all it has done, and to sustain it in all it has done; but if you propose to pass a resolution approving the exercise of powers for which you may be unable to find in strict law the warrant, and then refuse to grant by law the authority to do what is necessary to be done, it seems to me it will be a very strange proceeding. I think we had better let this resolution lie until we dispose of the bill, and then I shall be prepared to sanction what the Administration has done and provide for the future, so that the necessary power may be in the President's hands.

Mr. MORRILL. I am inclined to concur with the gentleman from Illinois, and believe that we had better go on with the unfinished business. It is agreed on all hands that the bill which was under consideration yesterday is an important bill; that it is important to give efficiency to the measures of the Administration, and for that reason I think we ought to attend to it now; and I am in favor of it, as against the resolution proposed to be taken up by the motion of the Senator from Massachusetts, upon the ground that I do not consider that resolution important. I do not agree with the Senator in attaching very much importance to the resolution that was offered in the early part of the session, to render legal and valid the doings of the President. I believe they are valid. I believe what he has done is constitutional, and can be demonstrated to be so. It does not need to be ratified. It does not need to be rendered valid by a resolution of Congress. I know it has been said from the first day of the session until now, iterated and reiterated, that the President has trampled upon the Constitution of his country; that we had conceded as much, in that we had offered a resolution here to render his acts legal and valid; and the Senator from Kentucky [Mr. BRECKINRIDGE] went into an argument, a legal and constitutional argument, to show that these acts were usurpations on the part of the President. If this were the time, and the Senate had the patience, I think I could demonstrate, in not a labored argument, that each and every act of the President, each and every measure of the President calculated to put down this rebellion, having reference to a state of insurrection in the country, is legal and is constitutional; and that the President has not transcended his power—not expressly and by the letter conferred upon him, I concede, in the Constitution, but he has not transcended the powers which are necessarily, logically deducible from the powers conferred upon him in that instrument. I know this is not the time to go into a constitutional argument on that subject; but I maintain that the resolution which the motion of the Senator from Massachusetts is designed to take up is unimportant, upon the ground that it contemplates rendering legal and valid measures which I believe the Constitution authorizes the President to take independent of and without reference to the action of the Senate or of Congress. I think that he has not transcended his authority; that his acts were the exercise of powers clearly and necessarily deducible from the duties enjoined upon the President, and the powers conferred upon him; and for this reason I am opposed to taking up the resolution at this time. If it comes up at another time, when there is an opportunity to speak on the subject, I may address myself to the subject, for the purpose of answering the objections made in the argument of the Senator from Kentucky, thrown out here and rung in changes, iterated and reiterated day after day, arraigning the President before the country as a usurper, trampling upon the Constitution of his country. I repel it, Mr. President. I undertake to say, as a legal and constitutional proposition, that each and every one of these measures is necessarily and logically deducible from the powers conferred upon the President, and from the duties enjoined upon him in that instrument. Believing so, I care very little whether the resolution is acted upon or not; and I am in favor of proceeding to the consideration of the bill, the unfinished business before the Senate, which on all hands is agreed to be important. I shall therefore vote against taking up the resolution.

Mr. POLK. I should like to ask the Senator if he did not vote against the motion made by the Senator from Kentucky, [Mr. POWELL,] at an early day of the session, to postpone the consideration of this resolution for one day?

Mr. MORRILL. I do not know that I understand the Senator.

Mr. POLK. I ask the Senator if, at an early day of the session, he did not vote against the motion made by the Senator from Kentucky to postpone the consideration of this resolution for one day, which motion was made for my convenience?

Mr. MORRILL. I have no distinct recollection upon the subject. Very likely I did; and if it were up now, I should vote in favor of instant action upon it. I do not perceive any inconsistency between my argument now and my vote then.

Mr. POLK. It seems to me a marvelous change has come over the opinions of some Senators in regard to this resolution. It was about the first business that was called up in order before the Senate at the present session; the question was on its passage; and it was upon the very point of being put upon its passage, when I rose, stating that I had some views that I desired to express, and that I wished indulgence for one day. If my recollection does not fail me, the Senator from Kentucky [Mr. POWELL] then made a motion to postpone the resolution for one day; but his motion was voted down almost unanimously by the Senate. I believe almost every gentleman on the other side voted against the postponement, as I supposed acting contrary to what had always been the courtesies of the Senate under all similar circumstances.

Now, when the Senator from Massachusetts moves to take up this resolution for the purpose of having action upon it, it is to be postponed again. The Senator from Maine thinks it does not deserve, does not need, does not require, any action at all. At the beginning, it was so important to be acted on at once, that it could not be postponed for a single day to enable a Senator to address the Senate properly upon the subject; but he was forced into the debate precipitately. I like to see consistency in these things, Mr. President; and especially where, as I suppose, there has been a departure from the courtesies of the Senate, as there was in rejecting the motion to which I refer made by the Senator from Kentucky.

Mr. MORRILL. So far as the Senator's remarks apply to consistency on my part, I will simply say that I will endeavor to take care of that. He need not feel any particular solicitude on my account. I have been ready at any time, and at all times, and extremely anxious, and I believe I notified the Senator from Kentucky [Mr. BRECKINRIDGE] that at a proper time I intended very respectfully to address myself to the arguments, legal and constitutional, which he had submitted to the Senate. I have been ready at any time to do that, and I am ready now.

I do not know that there is a single Senator on this side of the Chamber who agrees with me on this subject. I am rather inclined to think that I shall find myself very much in the minority in the views I have expressed upon it; but entertaining these views, I have not, from the beginning, attached to this resolution the importance that other Senators have. Of course, however, with the views I entertain, that these measures are within the constitutional scope of the Federal Executive, that he has not trampled upon the Constitution or the laws in what he has done, there is no inconsistency in my voting to ratify them, particularly inasmuch as they are so vigorously assailed upon the other side. It does no harm to ratify them, to declare them valid. If he has acted within the scope of the constitutional powers of the Government, we may ratify his acts; there is no doubt about that. Whatever power Congress might have conferred upon the President in advance, it may ratify when exercised without its authority. Nobody will doubt that as a legal proposition; and, therefore, to the accusation of inconsistency, I reply that, although my notions are that the President's acts are entirely sound and legal, while they entertain different opinions upon the other side of the Chamber, it is perfectly in harmony with the ordinary principles of legislation, where there is any doubt at all as to the rightful exercise of power on the part of the Executive, and nothing is more common than that the Legislature should step in and ratify an act of the Federal Executive which it might have empowered him to do in advance.

Mr. BRECKINRIDGE. Mr. President——

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to take up the joint resolution indicated by him for consideration. The Chair feels obliged to suggest that the debate, in his judgment, is assuming a wider range than is strictly admissible under the motion to take up a measure merely for consideration.

Mr. BRECKINRIDGE. I rose, in part, to make that very observation, in which I have been anticipated by the Chair, and also to add a single remark. The Senator from Maine evidently entertains a very sincere conviction that the action of the President has not been in violation of the Constitution or the laws; because he has asserted it six or seven times in the course of the brief speech he has made to the Senate. His convictions are evidently deep and sincere. All I have to say in reply to that is, that it will be a very great comfort to the President to be assured of that fact; for he himself has been under the impression that he has been transcending both; and, indeed, he admits it in his message, and puts it expressly on the ground of a popular demand and what he deemed to be a public necessity. It has also been admitted by many Senators on the other side of the Chamber. I have not believed, all along, that the resolution was going to be voted by the Senate. I do not believe it now. It may be; but I think not. My deliberate judgment is, that in some mode the Senate will avoid putting itself on record in favor of the principles contained in this resolution. It is indifferent to me whether it does or not. Of course, every Senator will vote his own convictions if brought to a vote; but I do not think there are many Senators who want their names to go upon history in favor of this resolution.

The PRESIDENT *pro tempore*. The Clerk will call the roll on the motion to take up this resolution for consideration.

Mr. LANE, of Kansas. I desire to state that Mr. POMEROY, my colleague, is absent on business for the Government.

The question being taken by yeas and nays, resulted—yeas 28, nays 11; as follows:

YEAS—Messrs. Anthony, Baker, Bingham, Breckinridge, Bright, Browning, Clark, Dixon, Foot, Foster, Harris, Johnson of Missouri, Kennedy, Lane of Indiana, Lane of Kansas, Latham, McDougall, Pearce, Polk, Powell, Rice, Sherman, Sumner, Ten Eyck, Thomson, Wilkinson, Wilmot, and Wilson—28.

NAYS—Messrs. Chandler, Cowan, Doolittle, Fessenden, Grimes, Hale, Howe, King, Morrill, Trumbull, and Wade—11.

The PRESIDENT *pro tempore*. The motion prevails, and the joint resolution (S. No. 1) is before the Senate, the question being on its passage. On this question the yeas and nays have been ordered, and the Clerk will proceed to call the roll.

The Secretary called the name of Mr. ANTHONY.

Mr. COLLAMER. I take it the resolution is not now open to amendment.

The PRESIDENT *pro tempore*. It is not open to amendment at the present stage of it.

Mr. DOOLITTLE. I move that the resolution be referred to the Committee on the Judiciary.

Mr. BRECKINRIDGE. Has not the call of the roll been commenced, and has not some member answered to his name?

The PRESIDENT *pro tempore*. No answer had been given. The question is on the motion of the Senator from Wisconsin.

Mr. DOOLITTLE. I understand that now the resolution is in such a position that it is impossible to make any motion to amend, and therefore it is that I make the motion that it be referred to the Committee on the Judiciary. If there be any portions of the resolution that need amendment, it can then be reported back with amendments.

The PRESIDENT *pro tempore*. The Chair will suggest that a reconsideration of the vote ordering the third reading of the resolution would open it to amendment. The question is on the motion to refer it to the Committee on the Judiciary.

Mr. DOOLITTLE. I understand that more than two days have elapsed since the vote was taken on the third reading, and a reconsideration cannot be moved; therefore the resolution must be referred in order to open it to any amendment whatever.

Mr. WILSON. I do not like to resist this motion, but I must confess my surprise at it. Day after day this question has been laid aside to accommodate Senators. It is a plain and simple proposition; there is no ambiguity about it; it is as clear as sunlight, as simple as anything can be to the comprehension of the Senator from Wisconsin, or any other Senator. I shall vote against the reference; but if the Senate chooses to recommit it, very well; they can take the responsibility.

Mr. DOOLITTLE. It has never been to any committee, I understand.

Mr. WILSON. It has been to the Committee on Military Affairs, and reported.

Mr. DOOLITTLE. By the committee? I understood that the honorable Senator offered it on his own motion. I understood that it had been to no committee, and had been considered by no committee; but I do not suppose the Committee on Military Affairs is the committee to whom constitutional questions specially belong. It should go to the Committee on the Judiciary; and a question of such importance as this ought not to be pressed upon the Senate until it has been considered by the Judiciary Committee, and fully considered, too.

Mr. BRECKINRIDGE. I shall not vote myself for the motion to refer this resolution to the Committee on the Judiciary. It has undergone the scrutiny of a committee. It was introduced here at an early day of the session. Senators were eager to vote upon it. It has been discussed, has been open to discussion for weeks—open to amendment for weeks; every Senator is perfectly familiar with it; it has been before the Senate again and again. If we ever intend to vote upon it, let us vote upon it now. The only gratification that I derive from the motion of the Senator from Wisconsin is, the confirmation it affords to what I had the honor to remark a short time ago, that the Senate does not intend to pass the resolution. I am glad it does not; but it does not seem disposed to vote directly; but will consign it to the dungeons of a committee-room.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on the Judiciary.

Mr. POLK. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 23; as follows:

YEAS—Messrs. Browning, Chandler, Collamer, Cowan, Doolittle, Fessenden, Grimes, Hale, Harris, Howe, King, Latham, Morrill, Thomson, Trumbull, Wade, and Wilmot—17.

NAYS—Messrs. Baker, Breckinridge, Bright, Carlile, Clark, Dixon, Foot, Foster, Johnson of Missouri, Kennedy, Lane of Indiana, Lane of Kansas, McDougall, Pearce, Polk, Powell, Rice, Saulsbury, Sherman, Sumner, Ten Eyck, Wilkinson, and Wilson—23.

The PRESIDENT *pro tempore*. So the motion does not prevail; and the question recurs on the passage of the resolution.

Mr. GRIMES. I ask that the resolution be read.

The Secretary read it, as follows:

Joint resolution to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion.

Whereas, since the adjournment of Congress on the 4th day of March last, a formidable insurrection in certain States of this Union has arrayed itself in armed hostility to the Government of the United States, constitutionally administered; and whereas the President of the United States did, under the extraordinary exigencies thus presented, exercise certain powers and adopt certain measures for the preservation of this Government—that is to say: First. He did, on the 15th day of April last, issue his proclamation calling upon the several States for seventy-five thousand men to suppress such insurrectionary combinations, and to cause the laws to be faithfully executed. Secondly. He did, on the 19th day of April last, issue a proclamation setting on foot a blockade of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. Thirdly. He did, on the 27th day of April last, issue a proclamation establishing a blockade of the ports within the States of Virginia and North Carolina. Fourthly. He did, by an order of the 27th day of April last, addressed to the Commanding General of the Army of the United States, authorize that officer to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington. Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers, increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen. Sixthly. He did, on the 10th day of May last, issue a proclamation authorizing the commander of the forces of the United States on the coast of Florida to suspend the writ of *habeas corpus*, if necessary. All of which proclamations and orders have been submitted to this Congress: Now, therefore—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the extraordinary acts, proclamations, and orders, hereinbefore mentioned, be, and the same are hereby, approved and declared to be in all respects legal and valid, to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States: *Provided*, That nothing herein contained shall be construed as authorizing a permanent increase of the Army or Navy.

Mr. SHERMAN. Mr. President, it was my purpose quietly to vote against this resolution without expressing any opinion about it; but the attitude in which the question is now presented makes it necessary for me to submit simply the results of my judgment, made without passion or prejudice.

The first three acts enumerated in the preamble of this resolution, I would vote heartily to approve. I believe they were right and proper—strictly legal, and strictly constitutional. I believe that the President had the right, and that it was his duty, to issue the proclamation of April last. I believe he had a right, it was a part of the power of suppressing an insurrection, to blockade the ports of the United States, or any of them. I do not believe the President of the United States has the power to suspend the writ of *habeas corpus*, because that power is expressly given to Congress, and to Congress alone. I do not believe the President of the United States has the power to increase the regular Army, because that power is expressly given by the Constitution to Congress alone; and therefore I cannot vote for either of the last three propositions—the fourth, the fifth, or the sixth. Still I approve of the action of the President. I believe the President did right. He did precisely what I would have done if I had been in his place—no more, no less; but I cannot here, in my place, as a Senator, under oath, declare that what he did do was legal. I may say it was proper, and was justified by the necessity of the case; but I cannot here in my place, under oath, declare that it was strictly legal, and in consonance with the provisions of the Constitution. I shall therefore be compelled to vote against the resolution, although I indorse and ratify and approve, as a matter of public necessity, every act of the Administration.

Mr. HOWE. I have sat here during the session up to this time, heard this and kindred measures of the Administration discussed, without taking any part in the debate, and without intending to take any part in it. Now, however, I beg the indulgence of the Senate, while I make a few remarks upon the resolution before it.

I am going to vote for the resolution, and I am going to vote for it upon the assumption that the different acts of the Administration recited in this preamble were illegal, and not upon the assumption that they were legal and valid. I "approve" of the doing of them, and therefore I vote for that portion of the resolution. I am willing to make them as "legal and valid" as if they had the previous express sanction of Congress; and therefore I vote for that clause of the resolution. The resolution does not affirm that they were legal; that they were sanctioned by the legislative power of the United States; but it declares that they shall be as legal and valid as if they had had the previous express authority and direction of the Congress of the United States.

I want to say furthermore, Mr. President, that there may be no sort of mistake about the position I occupy, that my approval of these measures, that my admiration of them, is proportioned exactly, mathematically, to the extent that they were violations of the existing law. That is the proposition I submit here; that is the proposition I abide by. Let me not be misunderstood. I am here to help to make laws, and I mean to abide by them when they are made, under all ordinary circumstances. If the President had had the sanction of the Legislature to do what he did, of course I should have expected him to do it, and I should have approved of its being done; but then it would have been but the discharge of a simple, plain duty. I should have said the President had done well; he had discharged his duty; but if he did these things without the direction of law, if he did these things without the express direction of the Congress of the United States, if he took the responsibility upon his single self of saving the country without the authority and the sanction of law, I say he did more than well, he did bravely.

We forget, sir, what we have passed through. The sun shines so brightly about us that we think it has never been overclouded. That is a mistake; it has been. With the broad glare of day about us, we are ready to swear that we have never seen any night. That is a terrible mistake. We have seen the night—a very dark and a very cloudy night. Let me recite, very briefly, the circumstances under which the President did the things recited in the preamble of this resolution. I think you remember them.

Seven States of the Union had declared their independence of the Government of the United States, and had set up a government in hostility to it. To maintain that independence, they had levied armies, and not for the simple purpose of maintaining that independence, but, I say, for the purpose additional to that, and more heinous and wicked than that, of subverting the independence and Government of the United States. Not merely for the purpose of maintaining their own independence, but of conquest, were those armies levied. I affirm that. Were they not? You heard a Senator, not now here, tell you that the independence of those States was achieved, that it was a fixed fact. You heard him tell you in tones insolent, insulting, that if you dared to approach within three leagues of the coast of those States with any one of your ships and your national flag floating from it, it would be deemed an act of war, and would be resented as an act of war. You heard a Senator here, upon this floor, introduce a resolution into this body instructing the President of the United States to withdraw the troops of the United States from every one of the garrisons within the limits of the States which had declared their independence. Those garrisons, let me remark in passing, were not merely under the jurisdiction of the United States; they were the property of the United States, and subject, by express grant of the several States, to the exclusive jurisdiction of the Government of the United States; and therefore the purpose of attempting to withdraw your troops or to expel your troops from those garrisons, was not to maintain the inde-

pendence of those States, but it was for the purpose of driving back the Government of the United States from portions of the country over which it had, by express grant of those States, exclusive jurisdiction—jurisdiction to the exclusion of every one of those States, as well as of that anomalous government which called itself the government of the confederate States. For the purpose of expelling your troops from those garrisons, they invested two of them with armies, they sat down before them—one in the harbor of Charleston and one in the bay of Pensacola.

More than that: a Senator, not now upon this floor, introduced a resolution instructing the President of the United States to withdraw the troops of the United States from the District of Columbia—from the very capital of the United States. Was that for the purpose of maintaining the independence of the confederate States? Was not that for the purpose of conquest? What jurisdiction had the confederacy ever reserved or delegated? What jurisdiction had any one of those States over the District of Columbia and over the city of Washington?

That was not all. The rebellion as we call it, as it was, was not confined within those States. It spread away beyond them all. Even your Territories were assailed by it; there was scarcely a district about us in any direction, into which the dry-rot of this rebellion did not extend. Revolt was preached in New Mexico; emissaries were sent to teach it to the inhabitants upon the frontier. Tennessee, Kentucky, Missouri, were agitated, and profoundly agitated. Maryland, here upon our northern border, was also agitated. Nay, sir, the very geography of your country was reversed, and the States which I have just enumerated, Kentucky, and Tennesse, and Maryland, which had nestled from the organization of your Government in the very heart of the Republic, began to be talked of as "border States"—the very central States of the Union. There were speculations afloat about the secession of the city of New York, that it might secede not only from the Union, but from the State of New York, and that you might see there, instead of the metropolis of the nation, a free city.

Those were the circumstances under which the President acted. What would you have had him do, sir? I put it to the Senators, what would you have him do? He had no army to contend with the forces which were raised to carry on this war of conquest and subjugation. He was notified of this purpose. He who now represents that confederate government as vice president, in the city of Savannah, early in the progress of these events, detailed specifically the progress of the work of subjugation and of conquest. He told you how the States which began to be called border States were to file off from the Union and join the confederacy. He told you how the States of the Northwest might be expected to wheel into the line, and when. He told you that the work of disintegration in the old Union might be expected to go on speedily and fast.

This did not all exist in threats. They took possession of every point you had which you did not actually occupy by a military force. They drove you out of garrison after garrison, of post after post; and they took pains to do it, in more than one instance, not merely for the purpose of getting possession of the spot, but they were careful to demonstrate, by the manner in which they took possession, that they meant it as an act of conquest. Let me recite to you but a single instance of that fact. There was in the harbor of Charleston a post unoccupied except by a mere guard, a single individual. Castle Pinckney I think it is called. If the State of South Carolina, or the city of Charleston, or the government of the confederate States, deemed it worth while to possess that post, they had but to send a constable down there, or a city watchman, any man, and take possession of it. That did not suit their purpose. There would have been no pretense of subjugation, of conquest, in that. Sir, they took possession of it, nevertheless; and, as I well remember, it occupied a column in the leading journal of Charleston to describe the details of the military movement by which they conquered and took possession of Castle Pinckney. They told you what military company was mustered and paraded. They told you how carefully the object of the movement was concealed from the men to be employed in it. They told you how long they paraded in the streets of Charleston and before its population. They told you how they went down to the dock, and upon what boat they were taken, and finally how they landed before Castle Pinckney. Instead of walking up and opening the gates, they had scaling ladders, and with those this military company rushed around on the rear of the fort, scaled the walls, and conquered the old man who was inside of them.

That was their first great conquest. Their second was like unto it. I told you they had invested two of your forts—Sumter and Pickens. They were not content with besieging them: they took them. They were notified expressly, told officially by the commander there, that he had but a garrison of about seventy or eighty men, and they did not threaten the peace of the city at all; told by him distinctly that if allowed to remain there but a few days longer, he would have to retire before starvation. They could not allow him to do that. Why? Because if they had allowed him to leave Fort Sumter, retiring simply before hunger, there would have been no pretense for saying that he had been conquered by the forces of the confederacy. And so, when, as the record tells you, those seventy men had not tasted bread for forty-eight hours, at four o'clock in the morning, they say, some nine great, black, frowning batteries opened their brazen throats upon this devoted garrison; and for forty hours they rained a storm of iron upon them, until, as they tell you, the walls of that fort resembled a honey-comb. Those seventy men did capitulate.

There was their second conquest. Here were the threats; here were the overt acts in illustration of what they meant by their threats. What would you have had your President do? I say again he had no army; he had no navy; he had no Congress here to give him either, and he could not immediately summon a Congress to clothe him with this authority. Would you, sir—would any man here—have had him fold his arms, and say, I have no authority; I know the country is going to pieces; I know that in the progress of a very few weeks or months we shall not have anywhere a vestige of the Government of the United States; I know I have taken an oath to maintain this Constitution, and enforce these laws which have been enacted in accordance with it; and I know within a very few weeks there will not be a dozen States of the Union which pretend to pay the slightest obedience either to the Constitution or the laws if things go on as they are; but then the Legislature has not spoken; I must be still; let things take their course; I cannot help it.

Would you have had him use that language? That had been tried once, had it not? You had heard just such language as that from a President; and, if I remember aright, you did not enjoy it. You had just heard a President of the United States, made Commander-in-Chief of the Army and of the Navy, charged with the duty of giving information to Congress of the state of the country; you had heard him come before Congress and tell you that State after State was leaving the Union and defying its authority; that he thought it was illegal, but he could not help it; nay, more, he said Congress could not help him to help it; that Congress could not clothe him with power which would allow him to stem this tide of secession or rebellion. He told you that because the Constitution of the United States had not delegated to the Congress of the United States the authority to make war upon one of the States of the Union; and so you saw that President here, standing in your capital, before the face of the whole world, and I am afraid God saw him standing here, idly by, his arms plunged to the elbows in the Treasury, taking his salary regularly, advertising the world that he could do not one single tithe of his duty; that he was nominally the Chief Magistrate, but practically was no magistrate; that he was charged by the Constitution with the highest authority and the highest trusts under it, but that practically he had no authority, no power, and no control, and could not discharge a single trust. You have seen him in that critical condition, standing there, so shamelessly, while I declare, sir, the very walls of the Republic seemed collapsing about him; standing there so idly, so shiftless, until at the very close of his constitutional term, he sort of oozed out from under the ruins and slunk away to Wheatland.

I say this thing was seen. We all saw it. All good men everywhere saw it, and blushed at it. The angels saw it, and hissed at it; I heard them. I never knew anything like it in executive conduct. The world had just turned away with derision from contemplating one vaccillating prince, who, when a military adventurer with a few followers landed in his capital, fled before him without an attempt to save his kingdom; but then he fled. Let him be honored for that. The President stood here in the nation's mansion-house; stood here in the nation's capital, without the spirit to discharge his duty, and without the decency to run away from it.

President Lincoln thought to himself that example was not worthy his imitation. He did not like to rehearse that part again so soon before the American people. Evidently it did not amuse them. He tried another road. It was just then and there that the President unfolded himself to his full length; you saw just how long he was. It was just then and there he got up to his full height, sixteen feet and six inches, I think, more or less. [Laughter.] It was just then and there that he touched the alarm bell of the Republic as he should have done; just then and there that the startled nation came to its feet. From Maine, and from all its forests; from the workshops in Massachusetts; from the warerooms of New York and New Jersey; from the plains of Ohio and the prairies of the Northwest, everywhere, came your citizen soldiery, no man shouldering an unwilling musket, and no man shouldering a musket unwillingly. They came at the invitation of the First Magistrate of the country, not coming one inch, one single step under the compulsion of any power in the country whatever.

What is the result of their coming? The simple act itself said to the waves of rebellion, thus far and no further, and right there all their waves were stayed. You see the result here to-day. Tennessee still speaks to us here in the Senate of the United States, and to the Constitution of the United States, by the mouth of one of her old orators. Kentucky—great, bold Kentucky—well, she did shiver a little in the wind for a while, but then she bowed herself gracefully, as was her wont, to the old constitutional gales, and she took her course under the old convoy of the Union, and she will maintain it. Missouri—the very first dose of secession that she has taken made her sick at her stomach, and she spewed her traitorous Governor out of her mouth: and now from the soil of other States, he levies war, rank war, rebellious, traitorous war, against the people of his own State. Maryland—her representatives here tell you that she is loyal to the core, and by more than twenty-thousand majority. New York, instead of talking about being a free city, sends here her troops, regiment after regiment, to the tune of fifty thousand more to defend the freedom of the whole Republic and every part of it.

Sir, I do approve of the doing of all these things? There was a time in the middle of this night, when, I have been told, six days passed, six long days of twenty-four hours each, rolled round, and not a message nor a mail passed between the political metropolis of your country and the commercial metropolis of your country. Now not a day passes that does not bring its three regular mails, as regularly as the sun comes upon us; not a day passes that the mails of the United States do not bring me messages from my wife and my children. Do you think I do not approve of the measures that have resulted in this?

I say again, if the President had been charged by the Constitution, and by the laws upon your statute-book, to do these things, and he had done them, I should have said he had done well: that he had been good and faithful. But, sir, if it be true that he stepped clear outside of the jurisdiction which the Constitution imposed upon him; if he threw himself clear outside of the battlements of the Constitution, and at the greatest personal risk to himself did battle for its preservation, and saved whatever was sacred and valuable inside the walls, I say it was not merely the work of a faithful magistrate; it was the work of a hero. Give him not merely approval; give him thanks. If there is any gratitude in the Republic, let it be spoken here now.

What did he do? Invited the people of the United States to come and save their country. That is what he did. He compelled no man to

go with him a foot. He invited them. Why, sir, cannot you allow him to do that? But what if the invitation had come from the Secretary of the Senate; what if it had come from the Mayor of the city; what if the country had been waked up for the first time by the roll-call of war by your drummer boys; and there and then, and for that reason, they had seen their danger, and had come to repel it—unconstitutional, decidedly unwarranted by the statute—very objectionable—heinous, do you think? Why, do they not tell us—where are the classics of the Senate?—that once Rome was saved by the sentinels of the city being roused by the cackling of geese? I think they deified the geese—senseless, accidental, unmeaning. Your First Magistrate issued a sensible proclamation, laying no constraint upon any man, unless he was a rebel—unless he placed himself in an attitude of hostility to the country, and thus had won the halter—simply issued a proclamation, and did more than the geese did for Rome—waked up not merely the sentinels, but waked up the people themselves. What are you going to do for him? Impeach him, I think, said the Senator from Delaware, not now, but by and by; and I am decidedly of the opinion that it had better be postponed for the present.

This was not all he did, I admit. There was some constraint, not by this act of his, but by another one. He did direct the Commanding General of the United States to suspend the writ of *habeas corpus*. They say that is unconstitutional, illegal, not warranted by statute. The authority to suspend that writ, they say, resides here in the Legislature. It may be so. I am inclined to think that those who framed the Constitution of the United States really did intend that the Legislature should provide the conditions under which that writ might be suspended; but then the suspension of that writ, like the execution of it, is an executive power, and not a legislative power by any manner of means. Congress had not, they assumed and the resolution assumes, prescribed those conditions. The President saw a case in which, as he deemed, the very existence as well as the welfare of the country demanded that the act should be done, and he did it; if you say, not like a faithful magistrate, I say he did it like a brave one.

Sir, I do not know how it is with other Senators upon this floor, but I confess myself to be astounded at those Senators here who profess such unbounded veneration for your statutes as simply the expression of the will of the people that they will stand by the statute, while the very power which enacted them is being thrown down, and trampled in the dust. That seems to me an excess of veneration for the legislative power. I desire that all our magistrates and all our men shall observe the Constitution, and shall observe the laws; but I do not ask any one of them to bind himself so closely and indissolubly to the forms of the one or the other that he must perish with them both. But the limitations of the Constitution and the limitations of the statute were provided to guard against any encroachments of the Government upon the people, the people upon the Government, or of all the different departments of the Government upon each other; never any one of them designed to so fetter the whole that they could put forth no single exertion which was necessary to save the whole. Why, sir, when I am well, when my blood circulates freely, if a surgeon puts his lancet into my arm he commits an assault, and must pay the penalty; but if I am sick, and need blood letting, and he hesitates to do it, or refuses to do it, he is a coward, and deserves to be kicked out of his profession. When the country is at peace, I hold the President, as the highest citizen in it, as well as the First Magistrate, to the duty of exhibiting the highest evidence of attachment and conformity to the laws; but when the disregard of a form or a precedent is demanded, in order to save the essence and the soul of the whole, the form must give way to the substance.

He did authorize the Commanding General to suspend the writ of *habeas corpus*. I will not go into the discussion of the question how far that was authorized. I say this: I have not the slightest doubt that the President believed the circumstances under which he acted justified that particular act; and if my own judgment differed from his, which it does not, I would still approve the measure; and why? Because, in an emergency like that so suddenly thrust upon the President, a mistake in the exercise of discretion or judgment ought to be dealt by leniently, if the mistake was not willfully committed. What Senator will stand up in his place and say that the President willfully erred in regard to the exercise of this prerogative, either in Baltimore or Pensacola? I think not one. By and by we can investigate the case under which the act happened; but what was it of itself? What is this suspension of the writ of *habeas corpus*? A man is taken as an enemy of the United States upon evidence which convinces the military authorities—and they wield the power, the physical power, of the nation—that this individual is an enemy, and that his liberty, his license to go at large, is not consistent with the welfare and safety of the Republic. He has committed no overt act; he has committed no single act which your statutes describe and declare to be a crime. Governor Letcher, of Virginia, probably had committed no such act until the State had declared herself independent of the Government of the United States, and troops were levied there to make war upon the United States. If we had had a military power there which could have suspended the functions of Letcher himself, do you not believe the country would have been better off to-day if it had been done, even if it had been done by the suspension of the writ of *habeas corpus*? If he had been put under arrest, Virginia would have been worth millions more to-day than she is.

What shall you say? What do you say? Assaulted as you were by a hostile army, you raise an army to repel it; you fight a battle; you take prisoners; you take only those men whom you find in arms; you confine them; but here is a non-combatant, who wears no epaulets on his shoulders, clothed with civil authority. His great weapon is the writ of *habeas corpus*. He never aimed a gun at you; he never leveled a cannon nor discharged one; but he finds a whole company of artillery in prison; he issues his writ of *habeas corpus*, discharges them in whole if the return is made to him; and the next day his artillery company level their cannon against your own troops again. You think it is the duty of the commander to catch them again, do you? You think he should not interfere with the exercise of the authority of this civil magistrate, who is simply wielding the writ of *habeas corpus*? He is worse than if he took a gun against us, for then he would count but a man. Taking the writ of *habeas corpus*, he musters a company of men every time he can have the writ executed and returned and pronounce judgment upon it. You think the functions of the magistrate should not be disturbed; that we should arrest his artillerymen as fast as he discharges them, and we are to let this work of discharging them from imprisonment go on. I do not think so. I would not do it. It is not a humane way of carrying on the war.

The President issued a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers. It was clearly illegal: I am not satisfied it was necessary. I am inclined to think it was not. If the Administration erred, I would not condemn them. That it was not a willful error, I believe. That it was a willful error, I think no man will assert. Besides, the proclamation itself informed the country that it was to be of no validity unless it was sanctioned by the Congress of the United States, and accordingly you have been passing an act here at this very session to sanction it. No man's rights were interfered with; no man was compelled to enlist; no man was compelled to take a commission. They never drew a sword, they never shouldered a gun; not a man of them. Do you think the liberties of the country have been endangered by that act? Do you hesitate to accord to it your approval, and to say of the act of issuing that proclamation that it shall be as valid as if it had the previous express sanction of the Congress, and no more valid? I do not hesitate to say it; and we owe it to the President of the United States to give to him the sanction of our approval, and to give to him whatever justice there is in the assent in the legislative power of the United States; and so I vote for the resolution, believing each one of these acts to have been necessary, except one, and believing that to have been done in the exercise of an honest judgment, even if a mistaken one; and if mistaken, not the slightest jeopardy arose to the Republic, or to any man in the Republic, unless he be a rebel, and in arms against it.

For these reasons, I vote for these measures; and I approve them, as I said in the outset, all the more because the taking of them involved the President in some personal hazard. I will not approve them more; but I admire them the more because he did not hesitate to save the Republic, although the act of saving it might be attended by some personal risk to himself. Why, sir, I have heard that when a chasm opened in the Forum of Rome, it was said by the oracles that whatever was most precious in Rome, must go into it to close it; and a soldier, with his armor on, mounted his horse, and spurred him into the chasm; and I am told that the conscious earth closed over him. Sir, while your flag floats from yonder dome, let no man who loves the Republic ever forget that, in the year 1861, the President of the United States saw a horrid chasm opening to the Union of the States, and he did not hesitate a moment, clothed with all that was precious to him in the way of name or fame, to plunge himself into the chasm. There may be those who, thinking that a post of personal danger, prefer to stand on the bank of the chasm, and to throw their shafts at him. As for me, I prefer to do as I have told you to-day, go down into the the gulf with him, and share whatever peril there is there. I avow my approval of his acts—every one of them.

Mr. THOMSON. Mr. President, I am not able to vote for this joint resolution. Although I approve of the first, second, third, and partly of the fifth, I cannot consent to give my approval to the fourth and sixth acts enumerated in the resolution, by which the President authorized the Commanding General to suspend the writ of *habeas corpus*. I do not rise to make a speech; but to give the reason why I cannot vote for the resolution.

Mr. SIMMONS. I am charged, by a committee of conference, to make a report; and if this joint resolution could be laid aside, I should like to present it.

Mr. SUMNER. I hope we shall have a vote on the resolution.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The report of a committee of conference is a privileged question.

Mr. SIMMONS. If a vote can be taken now on the resolution, I shall not interpose.

Mr. CLARK. Let us vote. We can get a vote now.

Mr. COWAN. I have something to say on that subject. It is very short.

Mr. SIMMONS. If any further remarks are to be made upon it, I desire to make the report now. I understand that reports of committees of conference have been considered privileged questions.

Mr. COWAN. I am satisfied for the Senator from Rhode Island to go on.

Mr. SIMMONS. I move that the resolution be laid aside informally until I make this report.

The PRESIDING OFFICER. That will be considered the sense of the Senate unless objected to.

THE TARIFF BILL.

Mr. SIMMONS. The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 54) to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes, have met, and after full and free conference, have agreed to recommend, and do recommend to the respective Houses, that the Senate recede from its disagreement to the bill of the House, and the committee recommend the following substitute.

I suppose, the only way, if the Senate choose to act on it now, is to read the bill by sections and adopt them.

Mr. GRIMES. I will ask the Senator if he does not propose to have that printed? It has not been before us.

Mr. SIMMONS. It is all printed now.

Mr. GRIMES. It has never been before this body.

Mr. SIMMONS. Oh, yes.

Mr. GRIMES. I understand it to be a bill of the House of Representatives, copies of which have been distributed about the Chamber; but it has never been under consideration here at all.

Mr. COLLAMER. But part of it.

Mr. GRIMES. A large part of it was never under consideration here at all.

Mr. SIMMONS. All I can say is, we found it on the table of the committee printed, every part of it, and I suppose it is as accessible to every other Senator as it is to the members of that committee.

The PRESIDING OFFICER. Does the Senator from Iowa move that the bill be printed?

Several SENATORS. Oh, no!

Mr. GRIMES. I do not make such a motion; but I desire to say I shall vote against any bill of such consequence as this, if I must vote without having an opportunity to read it. I understand it imposes direct taxation, and contains an income law, and affects the finances of the country very materially; and I cannot be expected to vote for such a proposition as that without having an opportunity to examine it.

Mr. FESSENDEN. Well, sir, I think it may be as well in that case, for I really do not want Senators to say they vote against this bill because they have had no opportunity to understand it, although this matter is pressing, and although the bill has been laid on our tables for four or five days; yet, if the Senator wants more time, and predicates his vote upon that, I am willing that it shall be deferred until to-morrow, to give him an opportunity to understand it.

Mr. SIMMONS. I should like to accommodate the Senator very much; but this bill has been printed.

Mr. FESSENDEN. It is only a question whether we shall raise money or not; whether we can carry on the war.

Mr. COLLAMER. I wish to add a word. The part of the bill which the gentleman from Iowa seems to think has not been considered in this body, that which relates to the real estate tax, has been printed, and we have had it before us, although it has not been considered. It was referred to the Committee on Finance after it came from the House, but has not been considered in this body. But I wish to say, sir, that this bill is essentially the same as the act which has been passed four or five times in the history of this Government. It was drawn originally, I believe, by Mr. Gallatin and Mr. Hamilton, in 1794. It was passed again in 1813 and 1814 and 1815. There is nothing in it, as I understand it, but what has been the tried law of this Government ever since the beginning of the Government. The only question is whether we are to lay a direct tax at all, and apportion it among the States, according to the Constitution.

Now, sir, there is nothing in that bill which would require its postponement, in order that gentlemen may consider it. Its details are all those which experience has tested. They are long, it is true; but I believe they are essentially the same with those of previous bills. The whole question is, whether we will sustain this measure of a direct tax; and that we can discuss just as well without reading over the details of the bill, or having it printed over again.

Mr. FESSENDEN. I will add, in regard to the question to print, that this tax bill was originally proposed in the House, and when proposed they printed it, and sent it here; and it was laid on our tables ten days or a fortnight ago. Again, when it was passed in the House, as amended with the income and other taxes in it, it was sent here, and on my motion, four or five days ago, that was printed and laid on our tables again; so that the whole measure has been before the Senate for a long time in printed shape. It is a simple question, as the Senator from Vermont says, whether we shall lay a direct tax of $20,000,000; that is the amount of it. I will only say to Senators in regard to it, that I want it understood by every one; no one shall say or feel he has not had an opportunity to examine it; but I am satisfied that on the question, whether we pass this bill or not, depends the question whether we can obtain any money to carry on the Government. I have it from the most reliable sources, that unless this provision is made for the payment of the interest which will accrue upon the loan we have authorized; unless we come to it, and our constituents come to it, we may as well give up the idea of attempting to obtain the loan that is absolutely necessary at the present time. It is useless for Senators to talk about carrying on the war, and all that, unless they can come up to the measures absolutely necessary to provide that which is the foundation, at all times, of the material of war.

Mr. SIMMONS. I suppose it may be proper to read the bill through; but I am perfectly satisfied, and I think all Senators ought to be satisfied, that they have had a fair opportunity to read it for themselves. I will now explain to the Senate the modifications and alterations made in the bill in the committee of conference and the reasons for them; and I will state them as briefly as I can.

I suppose there can be no apology for any Senator not having read the bill as it passed the Senate, if it has not been read; and I do not suppose it has been read any more than the bill from the House. I have never read it any more. We have stricken out of the Senate substitute, raising revenue from imports, the 10 per cent. additional duty. At the same time, we have raised, considerably higher than the Senate bill proposed, the duties on brandies and spirits. We have, in fact, imposed an additional duty on the mischievous luxuries, the strong drinks, and we have omitted to place upon the general consumption of the country this 10 per cent., and then we have provided all the drawbacks for transportation and everything of that sort.

Then again, we have reduced the income tax on the highest scale from 7½ to 5 per cent. The schedule of 5 per cent., which embraced most of the incomes, we put at 3; and on that portion of an income which is derived from interest from Government securities, we put 1½ per cent. That will probably reduce the receipts from this tax from incomes, $10,000,000. It was called $30,000,000 originally, and I think it will be so very nearly now. That is a mere matter of conjecture.

Mr. TRUMBULL. I ask the Senator to give way for a moment. I wish to make a privileged motion, and have it entered.

Mr. SIMMONS. This happens to be one; but I will give way, if it is only for a motion

THE NATIONAL LOAN.

Mr. TRUMBULL. A bill passed yesterday, on the report of the committee of conference, entitled "An act supplementary to the 'Act to authorize a national loan and for other purposes,'" one of the sections of which repeals the sub-Treasury law in part, and authorizes a deposit in any specie-paying bank of Government money. I was not aware, when it passed, of that provision. I move now to reconsider the vote of the Senate agreeing to that report.

Mr. FESSENDEN. If that motion is made, I want it put now, and have it settled at once. I will say to the Senate that that section to which the Senator alludes goes just so far as this: in the present condition of the country, we have to rely, in a very great degree, on the banks, on the moneyed men of the country, for money; and if we insist upon retaining the law in its present condition, the banks, which must have, by the laws of the States, a certain quantity of specie in their vaults, to do their business and accommodate their customers, cannot do what they are disposed to do, and that is, to take largely, if these bills are passed, of the Government loan, and aid the Government in every way they can by money; because, if the law stands as it is at present, they are obliged to take the specie out of their vaults in order to do it. If, however, you allow them, in the present state of the country, to become depositories, which is only another mode of letting the specie remain there, and take their bills, then they are ready to accomplish both purposes. It is thought to be exceedingly necessary and wise to have this provision; and every business man acquainted with banks and their operations will see its necessity under the laws of the States; and I cannot conceive, for this temporary purpose, any objection whatever to it. That is the opinion of the Secretary of the Treasury, and the opinion of the committees of both Houses, that it is exceedingly necessary to be done. The difficulty that arose before was, that they made this the basis to make large discounts; but, in the present condition of the country, the discounts are small enough, at all events; and there is no danger whatever of overtrading.

Mr. TRUMBULL. I do not ask the consideration of the motion now.

Mr. FESSENDEN. I do, because it is necessary.

Mr. TRUMBULL. I will merely ask that my motion be entered.

Mr. FESSENDEN. I ask that it be considered now. It is absolutely necessary that that bill should be disposed of to-day. It has already been delayed too long, and we may as well settle it at once.

Mr. TRUMBULL. I desire to enter the motion to reconsider the vote of the Senate concurring in the report of the committee of conference on that bill.

Mr. FESSENDEN. Well, sir, I insist on its being taken up.

Mr. TRUMBULL. I have no objection to its being taken up, if the Senate desire it. I did not wish to interfere with other business, and my object was merely to have the motion entered, so that it might be considered hereafter.

Mr. FESSENDEN. But the Senator in putting in the motion, and having it continued, not wishing to have action upon it, is just exactly stopping all the operations of the Treasury with regard to getting money, when a day is of infinite consequence.

Mr. TRUMBULL. I do not wish to delay it. I am willing to have it considered, if that is the desire of the Senate.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Is it the pleasure of the Senate to take up the subject now? The Chair hears no objection.

Mr. SIMMONS. The question is on reconsidering.

Mr. TRUMBULL. And on that question, if we are to consider it now, I will say a few words to the Senate.

Mr. BRIGHT. If the Senator from Illinois will allow me, I wish to ask, how does this question get before the Senate and supersede the regular business?

The PRESIDING OFFICER. By the assent of the Senator from Rhode Island.

Mr. BRIGHT. But before that, there was a question pending undisposed of.

Mr. FESSENDEN. The Senate by unanimous consent allowed this subject to be considered.

Mr. BRIGHT. I did not give consent.

Mr. FESSENDEN. You did not object.

Mr. BRIGHT. I do not wish to interfere with the business of the body; on the contrary, I should like to aid it, and will aid it; but this is an overriding of all rules to have three or four different questions before the Senate at the same time.

The PRESIDING OFFICER. It is not in order to consider the motion to reconsider at the present time, unless by unanimous consent. There appeared to be unanimous consent a moment ago, when the Chair put the question.

Mr. BRIGHT. I understand from the Senator from Illinois that the bill we have passed repeals the sub-Treasury act.

Mr. TRUMBULL. In part.

Mr. BRIGHT. I understand the Senator from Maine admits that such is the fact.

Mr. FESSENDEN. No, sir; I say it suspends the operation of part of it for a short time.

Mr. BRIGHT. I apprehend, if the Senate generally understood that they were passing a bill repealing the sub-Treasury act, it would have received much more attention and consideration than it did. That, sir, is one of the fundamental principles on which this Government rests at this time. It is one of the great political issues that from time to time have engaged the attention of parties, and put them out and brought them into power. I am quite sure I should not have consented, for one, to the passage of any act that looked to the repeal of any feature of the sub-Treasury act. It is too important a question to be disposed of in this way. If the Senator from Illinois proposes to do that, of course it will take a great deal of time.

Mr. TRUMBULL. I propose to reconsider the bill repealing that act. It passed without observation.

Mr. BRIGHT. There is no objection to entering the motion.

Mr. TRUMBULL. That is what I have done.

Mr. BRIGHT. Some of us, however, would like to vote on the proposition pending, which is the business of the morning, the joint resolution

legalizing the acts of the President. I hope we may have a vote upon that, and that we shall then take up other questions in the order in which they occur.

The PRESIDING OFFICER. The report from a committee of conference which was being presented by the Senator from Rhode Island, is a privileged subject.

Mr. BRIGHT. That is a privileged subject, and the Senator has a right to go on with it; but the Senator from Illinois has the right to enter his privileged motion.

Mr. TRUMBULL. That is all I ask.

Mr. BRIGHT. And I have a right to object to its consideration until the regular business is disposed of, and I do object.

The PRESIDING OFFICER. The motion cannot be considered unless by the unanimous consent of the Senate.

Mr. TRUMBULL. The motion is entered, I suppose.

The PRESIDING OFFICER. It is.

Mr. FESSENDEN. What do I understand to be the ruling of the Chair?

The PRESIDING OFFICER. There is a privileged question already before the Senate, and no subject can take precedence of it unless by the unanimous consent of the Senate.

Mr. FESSENDEN. Well, sir, unanimous consent was given.

The PRESIDING OFFICER. To enter the motion; not to consider it at this time.

Mr. BRIGHT. To enter the motion, but not to take it up and discuss it.

Mr. McDOUGALL. The subject was taken up, and the discussion commenced by the Senator from Illinois.

Mr. BRIGHT. I objected.

Mr. McDOUGALL. It was not objected to in time.

Mr. FESSENDEN. It is too late now to object.

The PRESIDING OFFICER. The Senator from Illinois entered a motion to reconsider, by unanimous consent. The Senator from Maine moved that the Senate proceed to take the question on that motion now. The Senator from Indiana objects to that.

Mr. BRIGHT. It is in the power of the Senate to postpone all other business and take it up. A majority of the Senate may do that.

Mr. McDOUGALL. The Senator who made this motion got up to discuss it after consent was given; and was on the floor opening the discussion when the gentleman from Indiana addressed the Chair.

Mr. BRIGHT. The gentleman from Indiana objected as soon as he could get the floor.

Mr. McDOUGALL. I say it was not in time; and I protest against the objection being made now.

Mr. BRIGHT. I objected in due time.

Mr. McDOUGALL. The Presiding Officer asked if any objection was made; and no objection being made, the subject came before the Senate.

Mr. BRIGHT. I objected within the rules to the consideration of the motion until the regular business is disposed of. It is in the power of the Senate, of course, to postpone the regular business by vote, if they choose to do so. I do not object to that.

Mr. FESSENDEN. Well, sir, I move to postpone all other business, and proceed to the consideration of the motion of the Senator from Illinois to reconsider.

The PRESIDING OFFICER. It is moved that the Senate postpone all prior orders, with a view to proceed to the consideration of the motion of the Senator from Illinois to reconsider the vote by which the Senate agreed to the amendments of the House to the bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes."

The motion was agreed to; there being on a division—ayes twenty-three, noes not counted.

Mr. TRUMBULL. I do not desire to take up time on this subject. The Senator from Maine is mistaken in supposing I wish to delay the matter. I am willing that it shall come up now and be voted on; but it passed without my observation, and I desire that a law repealing——

Mr. COLLAMER. If the gentleman will indulge me one moment, before we proceed with any remarks upon it, I hope we may be permitted to have that part of the bill read, so that we may understand what it is.

Mr. TRUMBULL. I will ask for the reading of that section which repeals the sub-Treasury law.

The Secretary read it, as follows:

"SEC. 6. *And be it further enacted*, That the provisions of the act entitled 'An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue,' passed August 6, 1846, be, and the same are hereby, suspended, so far as to allow the Secretary of the Treasury to deposit any of the moneys obtained on any of the loans now authorized by law, to the credit of the Treasurer of the United States, in such solvent specie-paying banks as he may select; and the said moneys so deposited may be withdrawn from such deposit for deposit with the regular authorized depositaries, or for the payment of public dues, or paid in redemption of the notes authorized to be issued under this act, or the act to which this is supplementary, payable on demand, as may seem expedient to, or be directed by, the Secretary of the Treasury."

Mr. TRUMBULL. Mr. President, it will be seen that by this section, which was a new section introduced on the report of a committee of conference, so much of the sub-Treasury act as requires the moneys of the Government to be kept in its own depositories, so far as any money is raised by the loans which we have authorized, is repealed. We have authorized the borrowing, in one form or another, of some two or three hundred million dollars; and by this section the Secretary of the Treasury is authorized to deposit that money in solvent specie-paying banks. It is the old system over again of putting money into these banks; and you will have the old system over again, in the end, of losing your money in the banks. We have just gone through in my State, the State of Illinois, a process of winding up our banks, at a loss to the people of that State of at least $6,000,000. It is embarrassing the State to-day more than the war.

I know the bill says the deposits are to be in solvent specie-paying banks. How long will they be solvent specie-paying banks? I do not believe, and I am not willing to admit, as the Senator from Maine seems to intimate, that this Government is to be dependent on the banks. I am glad to have the coöperation of the banks. I know that many banks are honestly managed. Many of them will endeavor to prevent suspending specie payments, and perhaps some of them may be able to go through the crisis; but there is great danger of the banks suspending specie payments every day; and if we are to borrow a large amount of money and effect a loan, as we may do in Europe, or a loan among our own citizens, I do not want it to be put into what are called specie-paying banks, and then have the banks fail and we lose the money. I am for adhering to the system which we have adopted. I think we can get along without this resort to the banks as depositories; and, as the proposition passed without my notice, without consideration, I made the motion to reconsider; not, let me say to the Senator from Maine, in order to embarrass the Government—he certainly does not think I desire that—not to defeat the bill; and lest I should be accused of taking up time, and preventing the enactment of this bill, I will not even now undertake to discuss the question any further than simply to call attention to it that the Senate may know what this proposition is; and then if a majority of the Senate think proper to adopt the section it will be understandingly; the country will understand it; and we shall understand for ourselves what we have done. For myself, as at present advised, I desire to vote against that proposition.

Mr. McDOUGALL. Mr. President, the Senator from Illinois knows very well that the provisions of the sub-Treasury bill were maintained by myself as well as by him for many years; and I believe the policy expressed in the provisions of that act to be sound now; but we have an altogether different condition of affairs at this time. We have to raise money; we have to receive facilities from the little centers where money is aggregated in the various parts of the country. The point of this measure is that where we borrow money, where they furnish us money, we may leave it there, and draw it from that point. It is a mere matter of finance, and a good modification of the bill. I fought for the sub-Treasury when the Senator from Illinois did; I do not depart from my notions as to the propriety of that system; but we want money, and it is a matter of policy, where we obtain money in New York, Philadelphia, or Boston, and the interior cities of the country, where they furnish us funds, to allow it to remain there until we have occasion to use it. It is a good, sound measure of policy; and we can now depart from measures we advocated many years since.

The PRESIDING OFFICER. The question is, "Will the Senate reconsider the vote agreeing to the report of the committee of conference upon the bill supplementary to an act to authorize a loan, and for other purposes?"

Mr. POLK. Have the yeas and nays been asked on that question?

The PRESIDING OFFICER. No, sir.

Mr. POLK. Then I ask for them.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 24; as follows:

YEAS—Messrs. Bayard, Bingham, Breckinridge, Bright, Browning, Doolittle, Harris, Johnson of Missouri, King, Latham, Pearce, Polk, Powell, Saulsbury, Thomson, and Trumbull—16.

NAYS—Messrs. Anthony, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Fessenden, Foot, Foster, Grimes, Hale, Howe, Kennedy, Lane of Indiana, McDougall, Morrill, Sherman, Simmons, Sumner, Ten Eyck, Wade, Wilmot, and Wilson—24.

So the motion to reconsider was not agreed to.

PERSONAL EXPLANATION.

Mr. BRECKINRIDGE. Mr. President, I ask leave of the Senate to make a very brief personal explanation. In the course of the discussion, yesterday, between the Senator from Oregon [Mr. BAKER] and myself, that Senator was speaking of what would probably have been done in ancient Rome. The Senator expressed certain opinions, and another Senator in an audible voice said, "Hurled from the Tarpeian rock;" to which I made a sharp reply that certainly went to the very verge of parliamentary decorum. I discover by the Globe this morning, and have learned from other sources, that that remark dropped from the Senator from Maine, [Mr. FESSENDEN.] I have ascertained, sir, that I was mistaken not only in regard to the Senator who made the remark, but that I was mistaken altogether in the spirit in which it was made. The relations between the Senator from Maine and myself have always been of the kindest character; and I am quite sure it would be as far from his purpose to offer me an affront as it would be from me to offer him one. Consequently, I desire to express my regret at anything harsh or unkind that may be contained in my reply. It is due, also, to the Senator from Maine to say that I make these remarks entirely of my own motion, without any suggestion from him. I had no allusion to him at all, sir.

THE TARIFF BILL.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question before the Senate is the report of the committee of conference on the revenue bill.

Mr. SIMMONS. I was about to state what alterations the committee had made in the bill as it passed the Senate. I have stated what has been done in reference to the impost duties, I believe; I will not repeat it. We have added to the bill that passed the Senate the principal features of the bill passed by the House of Representatives for assessing and collecting a direct tax, to the amount of $20,000,000, on all of the States of the Union; and we have put on the income tax as it passed the Senate, but reducing the rates of tax; lowering them about one third, or a little over. We lowered the rate upon incomes because we impose direct taxes on property, and thought it was right to mitigate, in some degree, the burdens of the people. We were induced to substitute this direct tax because we had reduced the imposts upon the general consumption of the country from what the Senate had passed nearly to the same amount that we put on by direct taxes; and the motive, the reason that influenced me, and, I presume, the rest of the committee, was, that the moral effect of bringing this country, by an almost unanimous vote, to impose direct taxes, would be greater than any other form of imposition we could resort to. We are almost all willing to tax imports. Some do it for one motive; some for another. I have stated all the time, while I have been urging an increase of the duties, that I did not want it for the purpose of protection to the industrial pursuits of the country; but that I went for it merely as a revenue measure. In my judgment, simply as a revenue measure, I prefer it

now to direct taxes; but I do not think the effect would be one half upon the capitalists of this country, or of the world, of what it would be to see Congress come square up to the work and tax property directly. I know its effect, and it is the most certain way of getting the money that can possibly be resorted to; no doubt about that.

These were the considerations that induced the committee to change the form of taxation, that the world might know that whenever this country was driven to sustain its credit by resort to taxation, there was nothing which it would shield from its exactions—no species of property. I am the more inclined to vote for this particular measure of the House of Representatives, because it does not tax any property unless the value is over five hundred dollars. It does not tax a little homestead in the West. It does not tax that class of people whom I have always hitherto known to be taxed, who are too poor ever to pay a tax.

These are the general considerations. I do not suppose that if I should talk a week I could assign any better reasons, or that if the bill was read through forty times the Senate would understand it any better than they now do.

Mr. POLK. I should like to understand from the Senator from Rhode Island whether by this bill there is any imposition of duties on the list that is free by the Morrill tariff, as it is called?

Mr. SIMMONS. We have taken as much as five-eighths of it and put it into a very high dutiable class.

Mr. COLLAMER. Mr. President, I do not know that I can make this matter any clearer; but I will give a brief statement of the bill as it stands now.

In the first place, the bill as it stands now, alters the duties upon imports. The House of Representatives, in their bill, put duties on sugar, tea, and coffee, which are free under the existing law. They also have taken some of the free list and put it in the taxable lists. That stands as the House made it, with this alteration: we found that while they had undertaken to tax these necessaries of life, tea, sugar, and coffee, they had not raised the duty upon silks, brandies, spirits, or wines. They taxed the necessaries of life, but did not tax its luxuries, which stood as they did in the old bill. In this committee we took the articles which I have now mentioned, and raised them from 30 to 40 per cent. The free list which they had taxed, we left as they did. So much in relation to the tariff. That is all that has been done with the tariff bill, essentially. The duty in the House bill being 2½ cents a pound, was reduced to 2 cents a pound on raw sugars.

Now, I come to the direct tax. The direct tax is $20,000,000, apportioned according to the Constitution, from which we shall realize perhaps $12,000,000, with the right to the States to assume it. No doubt they generally will assume it, because they have made advances out of their own money for the fitting out of volunteers, which we have passed a bill to settle; and the States who have thus made advances, will no doubt assume this tax upon themselves, getting the 15 per cent. discount, and pay it by settling their accounts. There was, in the bill which came from the House of Representatives, a large provision in relation to internal duties upon carriages, upon watches, upon distilleries. We found it exceedingly complicated in its arrangements and machinery, and were somewhat doubtful of its results; and inasmuch as it was said that the House of Representatives entertained very much a desire not to have any more United States officers in the States than they could help; and inasmuch as that was a species of tax that the States could not assume, because they could not know its amount until it was collected, we agreed to leave out that provision.

Now, we come to the income tax. The House of Representatives had passed one bill on the subject; the Senate had passed a different one. The Senate bill was taken in its leading features. The Senate had laid the income tax upon all incomes above $1,000, and put the tax at 5 per cent.; but when we did that, there was no direct tax before us. When they had the direct tax put into the bill, the House fixed the income tax on all incomes above $600, at 3 per cent. As a compromise with them, we agreed on making it apply to all incomes above $800, at 3 per cent. That is the way the bill stands now. Some modifications were required in the Senate bill as to the income tax, for this reason: it became necessary, as we put in the direct tax, to provide, and it is provided, that, in ascertaining the income, you shall not take into consideration the products of the real estate that is taxed under the direct tax portion of the bill; but, according to the bill which the Senate passed, it would have been. In this bill it is not, so as to avoid taxation on the same property in two forms.

Now, I have stated what are the essential and leading features of this bill. It contains the tariff bill modified, as I have stated, a provision for a direct tax of $20,000,000, with a right of assumption by the States, and an income tax on all incomes above $800.

Mr. GRIMES. What is the direct tax on?

Mr. COLLAMER. On all real estate.

Mr. GRIMES. Not on personal property?

Mr. COLLAMER. No, sir.

Mr. KING. Has it been read?

Mr. COLLAMER. If gentlemen have chosen to read it; they have had it on their tables a long time.

Mr. GRIMES. The Senator says we have had this on our tables a long while. I may be misinformed; I may not understand the case; but as I understand it, the chairman of the Committee of Ways and Means of the House of Representatives introduced a direct tax bill of seventy-four pages, making a very respectable sized book; the House of Representatives took this up and referred it to a Committee of the Whole House, and they made sundry amendments. It is that bill, as amended, as I understand it, or a portion of that bill, as amended, which this committee of conference have incorporated into this bill, and we are now called upon to act on it, and not the bill as laid upon our tables. Am I right?

Mr. COLLAMER. I suppose that bill, as the House finally passed it, was ultimately printed, though I have not read it myself, but I saw it in committee.

Mr. GRIMES. I think that it has not been printed; at any rate no bill of this character has been laid on our tables since the 23d of July.

Mr. COLLAMER. Does the Senator wish to defer it that he may examine it? I agree entirely with the honorable Senator from Maine that I would have no Senator say, from any action of mine, that he has not had the opportunity to examine a measure, if he desires it.

Mr. GRIMES. I have never even known until this moment that there was no tax on personal property in these bills; but that all this is to go on real estate. I am willing to vote on it, if the Senate is.

Mr. COLLAMER. I stated before, and I state now, that the bill is essentially the same, in all its essential features, with the bill by which a direct tax has been laid four times in this Government, lived under and collected; and there never was a tax on personal property by this Government.

Mr. SIMMONS. I will explain to the Senator from Iowa, that it is competent for any State to assume its quota of this direct tax, and pay it into the Treasury with a deduction of 15 per cent., and take its own machinery for collecting it. If they tax personal property now in the States, they can tax personal property to get the money under this bill into their treasuries; so that it will leave personal property as the States now leave it.

Mr. SHERMAN. I trust the passage of this bill will not be delayed. It is manifest that unless we close the business of Congress this week, it will be almost impossible to retain a quorum of the other House after Monday. I have been informed by leading members of the House that it will be impossible to retain a quorum of that House beyond Monday morning. I will say, in regard to this bill, that I have read the various elements of the bill in different bills, and I believe it now has assumed a form that all of us can vote for without any sacrifice of the interests of our constituents. If it is necessary to pass any direct tax bill at all, this is as mild a form as it can be in; and I trust, therefore, this bill may be taken, partly on credit; and I think, on the whole it is a fair compromise of the various elements to be consulted in a tax bill.

Mr. KING. This report has not been read. There are disputes about it. I should like to hear the report read; we may then have an opportunity to know what it is. Some gentlemen think there are provisions in it that are material, and some that are immaterial.

The PRESIDING OFFICER. The Secretary will read the report of the committee of conference.

The Secretary read, as follows:

The committee of conference, on the disagreeing votes of the two Houses on the bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from their amendment to said bill, and the committee agree to the following as a substitute:

J. F. SIMMONS,
J. COLLAMER,
Managers on the part of the Senate.
THADDEUS STEVENS,
JUSTIN S. MORRILL,
ERASTUS CORNING,
Managers on the part of the House.

A bill to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the passage of this act, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say: First. On raw sugar, commonly called Muscovado or brown sugar, and on sugars not advanced above No. 12, Dutch standard, by claying, boiling, clarifying, or other process, and on sirup of sugar or of sugar cane and concentrated molasses, or concentrated melado, 2 cents per pound, and on white and clayed sugar, when advanced beyond the raw state, above No. 12, Dutch standard, by clarifying or other process, and not yet refined, 2½ cents per pound; on refined sugars, whether loaf, lump, crushed, or pulverized, 4 cents per pound; on sugars after being refined, when they are tinctured, colored, or in any way adulterated, and on sugar candy, 6 cents per pound; on molasses, 5 cents per gallon: *Provided*, That all sirups of sugar or of sugar cane, concentrated molasses or melado, entered under the name of molasses, or any other name than sirup of sugar or of sugar cane, concentrated molasses, or concentrated melado, shall be liable to forfeiture to the United States; on all teas, 15 cents per pound; on almonds, 4 cents per pound; shelled almonds, 6 cents per pound; on brimstone, crude, $3 per ton; on brimstone, in rolls, $6 per ton; on coffee, of all kinds, 4 cents per pound; on cocoa, 3 cents per pound; on cocoa leaves and cocoa shells, 2 cents per pound; on cocoa, prepared or manufactured, 8 cents per pound; on chicory root, 1 cent per pound; and on chicory, ground, 2 cents per pound; on chocolate, 6 cents per pound; on cassia, 10 cents per pound; cassia buds, 15 cents per pound; on cinnamon, 20 cents per pound; on cloves, 8 cents per pound; on cayenne pepper, 6 cents per pound; on on cayenne pepper, ground, 8 cents per pound; on currants, 5 cents per pound; on argol, 3 cents per pound; on cream tartar, 6 cents per pound; on tartaric acid and tartar emetic, and Rochelle salts, 10 cents per pound; on dates, 2 cents per pound; on figs, 5 cents per pound; on ginger root, 3 cents per pound; on ginger, ground, 5 cents per pound; on licorice paste and juice, 5 cents per pound; licorice root, 1 cent per pound; on mace and nutmegs, 25 cents per pound; on nuts of all kinds not otherwise provided for, 2 cents per pound; on pepper, 6 cents per pound; on pimento, 6 cents per pound; on plums, 5 cents per pound; on prunes, 5 cents per pound; on raisins, 5 cents per pound; on unmanufactured Russia hemp, $40 per ton; on Manilla and other hemps of India, $25 per ton; on lead in pigs or bar, $1 50 per 100 pounds; in sheets, $2 25 per 100 pounds; on white lead, dry or ground in oil, and red lead, $2 25 per 100 pounds; on salt, in sacks, 18 cents per 100 pounds, and in bulk, 12 cents per 100 pounds; on soda ash, ½ cent per pound; on bicarbonate of soda, 1 cent per pound; on sal soda, ½ cent per pound; on caustic soda, 1 cent per pound; on chloride of lime, 30 cents per 100 pounds; on saltpeter, crude, 1 cent per pound; refined, or partially refined, 2 cents per pound; on turpentine, 10 cents per gallon; on oil of cloves, 70 cents per pound; on brandy, $1 25 per gallon; on spirits distilled from grain or other materials, 50 cents per gallon; on gum copal, and other gums or resinous substances used for the same or similar purposes as gum copal, 10 cents per pound.

SEC. 2. *And be it further enacted*, That, from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say: on arrow root, 20 per centum *ad valorem;* on ginger, preserved or pickled, 30 per centum *ad valorem;* on limes, lemons, oranges, bananas, and plantains, 20 per centum *ad valorem;* on Peruvian bark, 15 per centum *ad valorem;* on quinine, 30 per centum *ad valorem;* on rags, of whatever material, 10 per centum; on gunpowder, 30 per centum *ad valorem;* on feathers and downs, 30 per centum *ad valorem;* on hides, 10 per centum *ad valorem;* on sole and bend leather, 30 per centum *ad valorem;* on India rubber, raw or unmanufactured, 10 per centum *ad valorem;* on India rubber shoes and boots, 30 per centum *ad valorem;* on ivory manufactured, and on vegetable ivory, 10 per centum *ad valorem;* on wines of all kinds, 50 per centum *ad valorem;* on silk in the gum, not more advanced in the manufacture than singles, tram, and thrown or organzine, 25 per centum *ad valorem;* on all silks valued at not over $1 per square yard, 30 per centum *ad valorem;* on all silks valued at over $1 per square yard, 40 per centum *ad valorem;* on all silk velvets, or velvets of which silk is the component material of chief value, valued at $3 per square yard, 35 per centum *ad valorem;* valued at over $3 per square yard, 40 per centum *ad valorem;* on floss silks, 30 per centum *ad valorem;* on silk ribbons, galloons, braids, fringes, laces, tassels, but-

tons, button cloths, trimmings, and on silk twist, twist composed of mohair and silk, sewing silk in the gum or purified, and all other manufactures of silk, or of which silk shall be the component material of chief value, not otherwise provided for, 40 per centum *ad valorem*.

SEC. 3. *And be it further enacted*, That all articles, goods, wares, and merchandise, imported from beyond the Cape of Good Hope in foreign vessels, not entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges, and all other articles, goods, wares, and merchandise not imported direct from the place of their growth or production, or in foreign vessels, entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges, shall be subject to pay, in addition to the duties imposed by this act, 10 per centum *ad valorem: Provided*, That this rule shall not apply to goods, wares, and merchandise imported from beyond the Cape of Good Hope in American vessels.

SEC. 4. *And be it further enacted*, That, from and after the passage of this act, there shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid, when exported, a drawback, equal in amount to the duty paid on such materials and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That 10 per centum on the amount of all drawbacks, so allowed, shall be retained, for the use of the United States, by the collectors paying such drawbacks, respectively.

SEC. 5. *And be it further enacted*, That all goods, wares, and merchandise, actually on shipboard and bound to the United States, and all goods, wares, and merchandise, on deposit in warehouses or public stores at the date of the passage of this act, shall be subject to pay such duties as are provided by law before and at the time of the passage of this act: *And provided further*, That all goods deposited in public store or bonded warehouse after this act takes effect and goes into operation, if designed for consumption in the United States, must be withdrawn therefrom, or the duties thereon paid in three months after the same are deposited, and goods designed for exportation and consumption in foreign countries may be withdrawn by the owner at any time before the expiration of three years after the same are deposited, such goods, if not withdrawn in three years, to be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury: *Provided*, That merchandise, upon which the owner may have neglected to pay duties within three months from the time of its deposit, may be withdrawn and entered for consumption at any time within two years of the time of its deposit, upon the payment of the legal duties, with an addition of 25 per centum thereto: *Provided also*, That merchandise upon which duties have been paid, if exported to a foreign country within three years, shall be entitled to return duties, proper evidence of such merchandise having been landed abroad to be furnished to the collector by the importer, 1 per centum of said duties to be retained by the Government.

SEC. 6. *And be it further enacted*, That the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861, be, and the same is hereby, amended as follows, that is to say: First, in section six, article first, after the words "in cordials and," strike out "liquors" and insert "liqueurs;" second, in the same section, after the word "represent," insert "*Provided, also*, That no lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and all other spirituous beverages, than that now fixed by law for the description of first proof, but shall be increased in proportion for any greater strength than the strength of first proof;" third, section twelve, article first, after the words "18 cents," where they first occur, insert "or less;" fourth, section thirteen, article second, after the word "manufacturer," insert "except hosiery;" fifth, in the same section, article third, strike out "wool," wherever it occurs, and insert in each place "worsted;" sixth, in section fourteen, article first, after the words "ten per centum," insert "*ad valorem*;" seventh, in section fifteen, before the word "yarns," insert "hemp;" in the same section, after the word "sheetings," insert "of flax or hemp;" and strike out "jute goods," and in lieu thereof insert "jute yarns;" eighth, in section twenty-two, strike out the words "unwrought clay, $3 per ton;" ninth, in section nineteen, strike out "compositions of glass or paste not set, intended for use by jewelers:" tenth, in section twenty-two, strike out "compositions of glass or paste, when set;" eleventh, in section twenty-three, article sheathing metal, strike out "yard," and insert "foot;" in section seven, clause fifth, the words "on screws, washed or plated, and all other screws, of iron or any other metal," shall be stricken out, and the words "on screws, of any other metal than iron," shall be inserted.

SEC. 7. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed: *Provided*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act for the prosecution and punishment of all offenses, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing to that effect in the existing laws contained, had been inserted in and reënacted by this act.

SEC. 8. *And be it further enacted*, That a direct tax of $20,000,000 be, and is hereby, annually laid upon the United States, and the same shall be, and is hereby, apportioned to the States, respectively, in manner following: to the State of Maine, $420,826; to the State of New Hampshire, $218,466 66⅔; to the State of Vermont, $211,068; to the State of Massachusetts, $824,581 33⅓; to the State of Rhode Island, $116,963 66⅔; to the State of Connecticut, $308,214; to the State of New York, $2,693,918 66⅔; to the State of New Jersey, $450,134; to the State of Pennsylvania, $1,946,719 33⅓; to the State of Delaware, $74,683 33⅓; to the State of Maryland, $436,823 33⅓; to the State of Virginia, $937,550 66⅔; to the State of North Carolina, $576,194 66⅔.

Mr. KING. I am requested by a good many Senators to withdraw the call for the reading of this bill. It is my opinion that every bill which is passed here should be read at length in the Senate, so as to give everybody an opportunity to read it. But I am satisfied, from what I hear on all sides, that it is the intention to pass this bill as it comes from the committee of conference. I am myself disposed to vote for all the measures which are, in the judgment of the majority, deemed necessary, whether my own individual opinion accords with them or not, for I believe we should be united in our action. I waive the call for the reading of the bill.

Mr. POLK. I hope the reading will go on, at least until we see how much is levied on the States. The bill which I have here is being modified, as I perceive from the reading.

Mr. KING. I have waived my call. I have no control over any other Senator.

Mr. POLK. I hope the reading will be continued a little further, at any rate.

The Secretary continued the reading, as follows:

To the State of South Carolina, $363,570 66⅔; to the State of Georgia, $584,367 33⅓; to the State of Alabama, $529,313 33⅓; to the State of Mississippi, $413,085 66⅔; to the State of Louisiana, $385,886 66⅔; to the State of Ohio, $1,567,089 33⅓; to the State of Kentucky, $713,695 33⅓; to the State of Tennessee, $669,498; to the State of Indiana, $904,875 33⅓; to the State of Illinois, $1,146,551 33⅓; to the State of Missouri, $761,127 33⅓; to the State of Kansas, $71,743 33⅓; to the State of Arkansas, $261,886; to the State of Michigan, $501,763 33⅓; to the State of Florida, $77,522 66⅔; to the State of Texas, $355,106 66⅔; to the State of Iowa, $452,088; to the State of Wisconsin, $519,688 66⅔; to the State of California, $254,533 66⅔; to the State of Minnesota, $108,524; to the State of Oregon, $35,140 66⅔; to the Territory of New Mexico, $62,648; to the Territory of Utah, $26,982; to the Territory of Washington, $7,755 33⅓; to the Territory of Nebraska, $19,312; to the Territory of Nevada, $4,592 66⅔; to the Territory of Colorado, $22,905 33⅓; to the Territory of Dakota, $3,241 33⅓; to the District of Columbia, $49,437 33⅓.

SEC. 9. *And be it further enacted*, That for the purpose of assessing the above tax and collecting the same, the President of the United States be, and he is hereby, authorized to divide, respectively, the States and Territories of the United States, and the District of Columbia, into convenient collection districts, and to nominate and, by and with the advice and consent of the Senate, to appoint an assessor and a collector for each such district, who shall be freeholders and resident within the same: *Provided*, That any of said States and Territories, as well as the District of Columbia, may, if the President shall deem it proper, be erected into one district: *And provided further*, That the appointment of said assessors and collectors, or any of them, shall not be made until on or after the second Tuesday in February, 1862.

Mr. POLK. I will dispense with the further reading, so far as I am concerned.

The PRESIDING OFFICER. The reading will be dispensed with. The question is upon concurring with the committee of conference in this report.

Mr. POWELL and Mr. SAULSBURY called for the yeas and nays; and they were ordered.

Mr. McDOUGALL. I wish to say, simply, that while I shall vote for this bill as a necessary war measure, I do not believe it is equality.

Mr. POWELL. I have steadily voted against all appropriations to carry on this war. I voted against the loan bill, and I have steadily voted against all war supplies. I cast those votes because I was opposed to the war; because I believed that the war was calculated to eternally sever the States of this Union, and that it would result in no good, but manifest evil to every interest of the entire country. Having cast the votes that I have, I cannot conscientiously vote for this bill. I knew that the heavy amount of war supplies that were being voted by Congress would necessarily result in the most onerous taxation of the people. Those gentlemen who voted for those war measures, I suppose, can conscientiously vote for this bill; for the votes which they have given lead directly to it. Those who vote for war measures and for war loans can properly vote for the taxes to raise the money to pay the debt. I, having opposed the war, having voted against the loan, having voted against the Army supplies, deem it my duty to vote against this bill, which I shall do.

Mr. WILKINSON. I do not like to vote against any measure which proposes to raise money for carrying on this war. I would give every dollar that I could raise to carry it on, so far as I am individually concerned; but I do not like to vote for a proposition which cannot be carried out practically. This tax is proposed to be levied according to the population in the several States. It is known to everybody that the capital, the wealth of this nation, is in the East and in the older States. You may take the State of Rhode Island, for instance, and compare it with the State of Minnesota. It pays but a trifle more than the State of Minnesota; and yet we have no money there. It will be utterly impossible, in my judgment, to raise this tax in the new loyal States of the Union. I do not see where the money can possibly come from. If the tax could, under the Constitution, be levied on the taxable property of the whole country, then I should certainly be willing to vote for it; but under the provisions of the Constitution, I do not suppose that such a law could constitutionally be passed. It seems to me, however, that it is unwise to pass a law which cannot from its very nature be carried into effect.

I am told by gentlemen that we must vote this tax or fail to sustain the Government in carrying on the war. I am placed in a very peculiar situation. I do not like to do either. I want to carry on the war with all the power there is in the Government, and yet I want to resort to such means as are within the power of the Government, such means as can be resorted to. Here we are resorting to means which I think cannot possibly be realized. Everybody knows that you cannot, in the present embarrassed condition of the country, go to the new States and raise the levy that is made by this tax law. At the same time I do not like to embarrass the action of the Government; and if this is the only way by which the Government can realize the means necessary to carry on the war, I shall be obliged to vote for the bill, though I do it very reluctantly indeed.

Mr. SIMMONS. I will say to the Senator from Minnesota, that before this tax becomes payable, Minnesota will have enough Treasury notes spent there for grain and provisions and cattle, to pay this tax ten times over. If it had not been for that, I should never have voted for it. We are going to buy these things in Minnesota.

Mr. TEN EYCK. Certain Senators who are loudest in urging the prosecution of this war, it seems to me, are the last to vote the necessary means for carrying it on; but we have got this stern and stubborn reality before us, and we have to "face the music" or give it up. Now, I say, for the State I represent, we are willing to "face the music;" we are willing to bear our equal portion of this direct tax, and that is the only thing we are equalized in; for we furnish an over-proportion of men for the Army, and receive no share or proportion of the officers of the Army. We are, nevertheless, willing to "face the music" and bear the brunt of this thing, and I am willing to stand or fall, so far as I am concerned, by it.

Mr. SIMMONS. I cannot allow the Senator from New Jersey to say that his State does not have a fair proportion of the officers, compared with my State. I expect the State of Rhode Island will not only pay its quota of the direct tax, but three times as much as any other State, in proportion to its people, of the income tax, and we do not expect a single officer.

Mr. McDOUGALL. I think the system of direct taxation will be oppressive in certain sections of the Union. I regret to meet with the necessity for direct taxation. So far as the tax assessed upon California is concerned, her people will meet it, and meet it cheerfully. Our condition on the Pacific coast is this: we have not a chance to embark in this controversy, as we would choose; we are too far distant. In voting for the tax, I wish to say that I regard it as a mere temporary expedient; that is, as a temporary means to maintain the war. I vote for it as a war measure. We must use all the power we have to carry on the war energetically. In looking over the list of assessments upon the various States, several of which I know, I have not seen that any assessment has been imposed which cannot be realized without any great burden on the people; and therefore, as a war necessity, I have made up my mind to stand by the measure. When it was proposed at first to assess taxes directly, my notion was to oppose them all; but I think we must meet the burden, even if it were greater than it is. While I am opposed to the principle of direct taxation, which places upon Illinois, for instance, a tax equal to the taxation of Massachusetts, where they have ten times the wealth, yet it is one of the systems of taxation, and we must raise

the money. I will vote for it. So I say of my own State; we shall pay a larger tax in proportion to our wealth than many States. We are a new people; we have accumulated but little wealth; and the tax is assessed on us according to our representation and population. But these are not the times to talk about questions of that kind. I think that whatever means we have to furnish funds to the Government should be applied. Therefore I submit to the bill as a matter of necessity.

Mr. WILKINSON. I shall vote for the bill, notwithstanding I believe it will operate very hard on the people of the new States, where it is well known they have no money; they are almost entirely destitute of it now. Since this condition of things has existed, it is still harder than it was before; but I am relieved somewhat from the embarrassments which seemed to press upon me as a representative of one of the newest States of the Union, by the provision of this bill in relation to an income tax, which seems to bear harder on the older States than the new. As I said before, I have advocated this war; I have been for it; I am for it now; and I will give every dollar of my own that I can raise to carry it on.

I have felt it necessary to make this statement, because my vote in relation to this matter might be misunderstood. Under other circumstances, and were it not for the provisions of this bill providing for an income tax, I should certainly vote against it.

Mr. KENNEDY. As gentlemen are explaining their votes, and many have put their votes on the ground that this is a war measure, and have said that they will vote for it only as a war measure, I feel myself constrained to say that, as a war measure, I shall vote against it. I am sure my State does not desire war, believing that war is an end of this Union.

Mr. CARLILE. I have not had an opportunity to examine this bill since it has been returned to the Senate; but I am instructed by my Legislature to vote to raise any amount of men and any amount of money that may be necessary to sustain the Administration in its effort to protect the Union against those who are engaged in a conspiracy to overthrow the republican institutions under which we have been born and reared. I should not myself vote for this bill in its present form, because my judgment does not approve of it, so far as I am able to understand it; but acting under instructions, I shall vote "yea."

Mr. THOMSON. As it is the fashion of the day for Senators to give the reasons for their votes, I will say that I shall vote for this bill very cheerfully, and shall vote for it as a war measure. I am in favor of puting forth the whole power of this Government for the purpose of crushing out the rebellion that exists in the southern States this day.

Mr. JOHNSON, of Tennessee. I wish to say, before recording my vote, that I vote for this bill because I believe it to be necessary to sustain the credit of the Government. It is now involved in a war brought upon it by conspirators, by traitors, by a set of men that have combined for the deliberate purpose of overthrowing and breaking up the Government, and changing its whole character. As to the details of the bill, in casting my vote for it I shall not commit myself to them; but I shall commit myself to the great proposition to sustain the Government in this crisis, and in this great emergency. I believe it necessary to the preservation and existence of the Government and its credit; and I shall therefore record my vote for it, without being committed to its details or to any particular principle that may be involved in it; but I shall vote for it as a measure to sustain the Government against an invasion, an unholy and unjust invasion, that is now being made upon it.

The question was taken on the report of the committee of conference by yeas and nays.

Mr. LATHAM. I rise merely for the purpose of saying that if my vote was necessary to carry this bill or confirm the report of the conference committee, I would give it. I would give it because the dominant party of the country ask it, and because I would not hamper its judgment by my vote. It is unnecessary, however, for the bill has passed this body, and I therefore shall record my vote against it, because I disapprove of the features of this bill in numerous particulars; and I think for the purposes of revenue it will be found wholly defective; and it will take, in my opinion, an army of a hundred thousand men to enforce and collect the revenue as laid down in the bill. I vote "nay."

The result was announced—yeas 34, nays 8; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, McDougall, Morrill, Rice, Sherman, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—34.

NAYS—Messrs. Breckinridge, Bright, Johnson of Missouri, Kennedy, Latham, Polk, Powell, and Saulsbury—8.

So the report was concurred in.

A message was afterwards received from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announcing that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on public debt, and for other purposes.

Mr. BRIGHT. I move to print a thousand extra copies of the revenue bill in the shape in which it has been passed to-day. It is a measure of very general interest. There will be many inquries in regard to it; and if we can send printed copies of the bill, it will supersede the necessity of answering a great many letters.

The PRESIDING OFFICER. The motion will go to the Committee on Printing.

Mr. BRIGHT. By unanimous consent, the Senate can make the order. ["Agreed."] Two thousand is named. It will not be too many. I make the motion.

The motion was agreed to by unanimous consent; and it was

Ordered, That there be printed for the use of the Senate two thousand copies of the bill (H. R. No. 54) entitled "An act to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes, as the same has passed Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a joint resolution (No. 7) expressing the sympathy of Congress with the bereaved families and friends of our soldiers who have fallen in defense of the Republic, in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes;

A bill (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores;

A bill (H. R. No. 59) for the relief of John C. McConnell;

A bill (S. No. 61) to amend an act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases;

A bill (H. R. No. 100) to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers;" and

A bill (No 3) providing for the better organization of the military establishment.

CONDOLENCE FOR THE FALLEN.

The joint resolution from the House of Representatives (No. 7) expressing the sympathy of Congress with the bereaved families and friends of our soldiers who have fallen in defense of the Republic, was read a first and second time by its title.

Mr. LATHAM. I ask that that be passed at once. It is not necessary to refer it. I think, after the Senate has heard it read, it will pass it at once.

The joint resolution was read at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we acknowledge the faithful services and loyal devotion of our soldiers who have fought and fallen in defending our flag and in vindicating the supremacy and majesty of the Republic. Whether successful, or compelled, by the overwhelming numbers of the enemy, to resign a victory already won, their graves are honored, and history invests their names with unfading renown. And while the national Legislature expresses the sympathy of the nation for their bereaved families and friends, we commend to a generous people and the Army, which is now eager to renew the contest with unyielding courage, the imperishable honor of their example.

Mr. LATHAM. I ask that the resolution be put on its passage.

The joint resolution was considered as in Committee of the Whole. It was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATIONS.

Mr. FESSENDEN. I am instructed by the Committee on Finance to report back the bill (H. R. No. 96) making further appropriations for the support of the naval service for the year ending June 30, 1862, and for other purposes. It is a bill of very few provisions; and I should like to have it acted on at the present time. I wish to say, however, that while I had the consent of the committee to report the bill, there are some members of the committee who do not agree to one provision in it, and did not wish to be bound by the report as members of the committee.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to appropriate $30,000 for the completion of the coal depot at Key West, Florida, and repairs of the wharf belonging to the same; $12,000 for the completion of the marine barracks at Charlestown, Massachusetts; $30,000 for the purchase of the right to manufacture and use Coston's night signals; $300,000 for the purchase of ordnance for the use of the Navy. The bill also provides that the Secretary of the Navy may change the names of any vessels purchased for the use of the Navy Department by authority of law.

Mr. HALE. The Senate will perceive that every clause in this bill relates to naval affairs; and there is in it an appropriation for the purchase of Coston's night signals, which is a matter that peculiarly belongs to the consideration of the Naval Committee, and which has been before them for a year or two. It has been before them this session, and there has been a good deal of deliberation upon it. I think, as a matter of propriety, it should be submitted to their examination at the present time. I have no feeling upon the subject.

Mr. FESSENDEN. I hope it will not be submitted to their examination, because it is entirely unnecessary to do so. I stated, when I reported the bill, that certain gentlemen were opposed to the clause referred to by the Senator, and would make their objections known. I alluded to the Senator from Ohio, who is a member of the Naval Committee, [Mr. SHERMAN.] It is hardly necessary to refer the bill to that committee. There are but half a dozen items in it, and they are easily understood. I supposed that the Naval Committee would state its views on the subject.

Mr. SHERMAN. As to all the items in the bill except the one which has been alluded to, there is no controversy. I trust the Senate will strike that out. It is an appropriation of $30,000 to purchase a patent right. In my judgment, an appropriation of this kind ought never to be introduced in a general appropriation bill. I am informed that it was offered in the House of Representatives as an amendment from the Naval Committee of that House, and was not reported from the Committee of Ways and Means. This is not the proper place for it.

I will further state that this matter was examined thoroughly by the Committee on Naval Affairs of the Senate, and I believe unanimously rejected. It is deemed a very improper time to expend $30,000 for the purchase of a patent right. There is no difficulty in the Government buying these night signals and using them, like a person engaged in the merchant service. They can be bought, and the patent right in that way incidentally paid for; but it seems to me this is no time to appropriate $30,000 for the purchase of a patent right. I move therefore to strike out so much of the bill as relates to Coston's night signals.

Mr. HALE. I do not know how I shall vote on this motion; but I want the Senate to vote understandingly on it. Whether it is a meritorious measure or not, it is a matter of some considerable consequence. It is the opinion of the Secretary of the Navy, of Commodore Paulding, Commodore Smith, and some other gentlemen who have high position in the naval service, that this thing, in the present situation of affairs, is almost

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st SESSION. MONDAY, AUGUST 5, 1861. NEW SERIES.....No. 26.

indispensable, for the purpose of enabling the naval vessels to make signals in the night. There has been heretofore a system of signals for communicating by day, which I believe answered very well for the purpose; but latterly there has been a great desire—and it has been considered a great thing to obtain—to enable vessels to communicate to one another by night signals. This is a measure by which these communications are made by a series of colored lights, a combination of which, with the signal book, enables a vessel at any distance to communicate any information. It was submitted to the examination of a board of naval officers, some year or two since, who reported in the very highest terms in favor of it. An exhibition of these signals was given the other evening—I do not know whether the Senator from Ohio was present or not—by which their capacity for communicating intelligence was tested, one of the parties being on Arlington Heights, and the other in front of the Capitol. I am told that another examination was made before that, when communications were made between Alexandria and the President's House, and the result was very satisfactory. The thing itself is very simple; so simple, that I have been astonished that it has not been invented long before. It is certainly very useful, and it is simply perfected by a system of colored lights, or pyrotechnics in colors.

One great difficulty that has heretofore existed in regard to such lights is, that they damage by going to sea; damage by exposure; and there has been a difficulty in separating the lights, so that they might not fuse into one another. This invention consists in burning a fuse, or whatever it is called, that, in the first place, gives you a white light, and then a red light, and then a green light. There are but three of them; and by various combinations, first the white, the red, and the green, and then the white, the green, and the red, and so on, they can communicate, it is said, at the distance of twenty-five miles, on a dark night, at sea, so that one vessel may know another, and the ordinary communication between vessels may be kept up. It is said by those who are conversant with it, that it is the best thing there is in the world. It has been introduced into the French navy, and, I think, into the English navy.

I made the same suggestion to one of these naval gentlemen that the Senator from Ohio has just made, that the Government might go on and buy these lights, and use them as they are wanted. The gentlemen connected with the Navy Department think it would be a great thing to enable us to manufacture these lights in our own laboratories, at the navy-yards, so that we can have them when we want them, and as many as we want; but now it is difficult to get them manufactured in such numbers as we want.

I have thus stated the whole case to the Senate, and I leave it with them.

The PRESIDING OFFICER. The Senator from Ohio moves to amend the bill by striking out so much of it as makes an appropriation for the purchase of night signals.

Mr. McDOUGALL. My attention has been called to this matter, and it would seem that if the Navy Department pay for the signals which they require, it will cost upwards of ten thousand dollars a year, if the subject is treated as a matter of business. I think that, as a matter of policy and expediency, we should buy the patent. Commodore Paulding and some other officers of the Navy have represented that it is needed for the service, and this is not the time to hesitate about furnishing facilities that are required for the Government service. I am for the appropriation. This is not a time to question it. Commodore Paulding made a special request that we should furnish the Navy with these signals; and this is not the time, I say again, when we should talk and delay about these matters. Besides, the amount asked is not an unreasonable one, in my judgment.

Mr. SHERMAN. I have but one word to say. I know it is very difficult to resist these matters, and especially where a lady is in the case. I have no doubt at all that if the Government undertook to make these night signals, it will cost them twice as much as the entire expense of purchasing them, including the patent right. We all know this. If we appropriate the $30,000, that is gone; and what have we? We have the patent right, and then we go to work to manufacture these night signals. How much will they cost? If they cost four dollars a box, or four dollars a light, now, including the patent right, it will cost us ten dollars to manufacture them after we have the patent right. We know that very well. I never have voted, and I think I never will vote, for purchasing any patent right. As a citizen, I would not. I would not buy a patent right if I wanted a patented article. If any of us want such an article in our business, we go and buy the article, and do not buy the patent right unless we want to engage in the Yankee business—in our country it is generally carried on by eastern people—of selling patent rights. I never knew a man yet who bought a patent right, scarcely, but was taken in in some way or other; yet we buy thousands of patented articles. In my judgment, this Government ought never to engage in that kind of business, and I think it has been more frequently cheated in the purchase of patent rights than in anything else, and that is saying a good deal. I trust that in this time of war, when we are laying direct taxes, when the whole power of the Government is stretched forth, we will not give $30,000 to buy that which will be of no value to us after we have bought it.

Mr. McDOUGALL. I want to ask what signals are needed for, if not for the use of the Government; and when a great invention has been made and developed as this is, for whose benefit is it but for a country and a Government? Individuals do not want signals; it does not belong to private individuals.

Mr. SHERMAN. Will my friend allow me to answer? I am very willing that the Government should avail itself of these signals. All I wish is that it should buy the signals when they are made and manufactured. If its costs $10,000 a year, very well. These $30,000 will be the entire expense for three years; and I hope that is as long the war will last. But if we buy the patent right now, we have then to manufacture signals, and it will cost us more to manufacture them than we can buy them for, including the patent right.

Mr. McDOUGALL. This is a particular war business, belonging most especially to the Navy. In it, the Government is immediately concerned, and the Government should take charge of it, and possess it absolutely, and use it for its purposes.

Mr. SIMMONS. I think the Senator from Ohio is usually right in his general proposition, that in regard to patents for articles of general consumption, the interest of private individuals will be better subserved by going into the market and purchasing them; but who will manufacture these signals for the Government? There is nobody to do it. Nobody wants them but the Government. He will not get that competition, he will not get that energy bestowed on it which he wants. The only way you can do is to make them for yourselves; and this is an appropriation to get the right to make them. No individuals have any interest in manufacturing signals. This is a very slight appropriation, and if the Government cannot manufacture its own signals, I should like to know what it can manufacture.

Mr. FESSENDEN. I wish simply to say that I think my friend from Ohio makes a distinction which cannot stand. I do not know but that it has been entirely shown by my friend from Rhode Island, but I did not hear all he stated, being otherwise engaged. The owner of this right is a woman; she does not want to go into the manufacture of these articles herself. She has neither the means nor the inclination to do so; but she is the widow of the inventor; she is the owner of the right. It is to be a Government matter entirely. Now, what the Senator from Ohio says is, let her go on and manufacture, and let the Government buy. If nobody wants it but the Government, why should not the Government make it? It saves nothing by buying it, and it is quite as well, in my judgment, to obtain the right at once, and manufacture the signals for ourselves.

The PRESIDING OFFICER. The question is on amending the bill, by striking out the appropriation for night signals.

Mr. SHERMAN called for the yeas and nays; and they were ordered.

Mr. HOWE. I should like to inquire of the chairman of the Naval Committee when this invention was patented?

Mr. HALE. I do not know.

Mr. FESSENDEN. It has not been more than a year. It has only recently been completed.

Mr. HOWE. Is it in the knowledge of the Naval Committee what these lights cost now?

Mr. FESSENDEN. None of them have been made.

Mr. HOWE. They have been used in the Navy, I understand, for some time.

Mr. SHERMAN. This lady only has a partial interest, and a very small one, I am told. A set of lights costs four dollars. That is what we are told by Commodore Paulding. The Government can purchase any quantity of them at four dollars for a box of lights. So Commodore Paulding says; I know nothing more about it.

Mr. GRIMES. I suppose that there cannot be any controversy as to the value of these Coston signals. It is the universal testimony of every naval officer who has had an opportunity to examine them, that they are of very great value to the Navy, and will be to any navy. About a year ago, the Secretary of the Navy, Mr. Toucey, appointed a commission of three persons to test them here. One of them with whom I remember to have conversed, was Commander John Rodgers, one of the best officers connected with our service. They all made a favorable report. In order to test their endurance in different climates where our vessels might be sent upon cruises, boxes of these signals were put upon different vessels, and were sent to the different squadrons. They were used upon these squadrons, and some of them were brought home from each, and after a long sea-voyage they were as good as they were when they left our ports. After a cruise in warm and humid climates, they were as good when they returned as they were where they were sent out.

Now, I understand from some of the most eminent naval officers connected with our service that they may be the means of saving not only one vessel, but a whole squadron. One vessel can communicate with another at a distance of thirteen or fifteen miles, or, if they ascend the mast, a much further distance, and in a foggy night. The present method of signals at night is merely by lanterns covered with different colored cloths, or else with different colored liquors inserted within two different glasses; but this conveys a most intense light, and is arranged as has been stated by the Senator from New Hampshire. Now, sir, when this amendment shall be voted down, as I trust it will be, I am going to move to reduce the amount from $30,000 to $20,000. That is the amount which was agreed upon by the Committee on Naval Affairs at the last session.

Mr. KENNEDY. My friend from Iowa will allow me to ask him a question. Was not the amount agreed upon at the last session of Congress, some ten or fifteen thousand dollars?

Mr. THOMSON. Twenty thousand dollars is what the Committee on Naval Affairs agreed upon.

Mr. KENNEDY. My impression was that it was less.

Mr. HALE. I have heard three Senators make a statement, and neither of them has the exact truth. I remember it. There was no sum agreed on in committee. Thirty thousand dollars was asked, the same as it is now, and the Senate refused to accede to it; and then, at the very last of the session, just as we were going to break up, I think, Mrs. Coston said, that rather than have the

thing entirely abandoned, she would take $20,000. That, if my recollection serves me aright, is the exact history of the case.

Mr. GRIMES. I think that is it. We should have incorporated it in the bill, had we been informed that she was willing to take $20,000. We did not know it at the time. Now we are approaching a season of the year when fogs are to prevail along our coasts, and when I am told by naval officers it will become very important to the service to have these signals. It has been stated by the Senator from Ohio, that if we undertake to make these signals ourselves, instead of having them made by other persons, and buying them as he proposes, they will cost us a great deal more than it will cost to buy them. That may be so, though I do not comprehend how it can be so; but I am told that the fact is, (and I have it from the Chief of the Bureau of Yards and Docks, who has spoken to me on this subject, and feels very much interest in it,) that neither Mrs. Coston nor anybody else has now the ability to make them, because the parties who are instructed in the method of maufacturing them, the artists she has employed, are now, three of them, in the Army. We have got to buy her right, therefore, in order to avail ourselves of the signals.

Mr. SHERMAN. Allow me to ask the Senator if we have to employ Mrs. Coston to manufacture the articles afterwards?

Mr. GRIMES. I suppose that Mrs. Coston will communicate in writing to the person whom we may delegate to receive the information from her, or that she will instruct those whom we may employ; but the artists whom she has employed are now engaged in the Army. That, at any rate, is the argument that is urged by the Chief of the Bureau of Yards and Docks.

Mr. DIXON. It seems to me, Mr. President, that notwithstanding the condition of the country, which imposes on us necessarily very great expenses, we are going on with the most lavish expenditures, purchasing patents and things of that sort. I have determined, for myself, to vote against everything of this description which is not absolutely indispensable. This looks to me very much, without disrespect to any one, like a job. I desire to vote against this appropriation.

The question being taken by yeas and nays, resulted—yeas 21, nays 22; as follows:

YEAS—Messrs. Bayard, Bingham, Browning, Carlile, Cowan, Dixon, Harlan, Johnson of Tennessee, Johnson of Missouri, Kennedy, King, Latham, Pearce, Polk, Powell, Rice, Saulsbury, Sherman, Thomson, Wilkinson, and Wilmot—21.

NAYS—Messrs. Anthony, Breckinridge, Bright, Clark, Collamer, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Howe, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Simmons, Sumner, Trumbull, Wade, and Wilson—22.

So the motion to strike out did not prevail.

Mr. GRIMES. I move to strike out "thirty" and insert "twenty," so as to make the appropriation $20,000.

Mr. HALE. I hope the Senate will not do that. If they are going to buy these signals, I hope they will be liberal, fair. I will state the case of Mrs Coston as I understand it; I may not state it strictly. This was the invention of her deceased husband, who I believe was an officer of the Navy, but I may be mistaken about that. She is a widow, and the right belongs to her, and she is a widow of small means. This improvement has been very highly recommended both here and in Europe—in France and in England. She came here and asked us $30,000, and the officers of the Navy to whom it was submitted say that it is a reasonable sum, and some of them go further and say that we ought to pay more than three times that sum if we cannot get it for less. That was the estimate they put upon it. After she had been here at the last session of Congress awaiting the action of Congress, and found that she could not get the $30,000, she then, as a matter of coercion, against which so many gentlemen contend here, consented at the last moment to take $20,000; but then the proper bill had gone from us and she did not get it. Since then, she has been subjected to still additional expense and additional delay; and a gentleman who has furnished her funds to carry on this great improvement so far, and to whom she is under many obligations for these advances, has been compelled, from the uncertainty of realizing anything from it, to increase his demands upon her for the percentage which he is to receive for his part of the work. The Senator from Ohio was mistaken in regard to the amount of her interest. I think if the thing had been done at the last session of Congress—I have no minutes before me, I only speak from my recollection—Mrs. Coston was to have had two-thirds of what we paid, and the other third was to have been given to the man that manufactured them and furnished the means; but as he had furnished her funds so long, and she had lived upon his credit while she was perfecting this thing, the uncertainty of obtaining anything from the Government was so much increased by this delay that Mrs. Coston was compelled to enter into an engagement with him, by which a half was to be given to him or the whole thing was to be abandoned; and that is the situation to which she has been reduced by her necessities and our delays.

Now, if, acting upon the judgment of those who have examined it, we think that it ought to be incorporated into the naval service, and that we ought to buy it, I do hope the Senate will not cut the amount down to the sum that is proposed.

Mr. DIXON. It seems from the speech of the Senator from New Hampshire, that a large portion of this money is to go to a sort of third person, a hard speculator, or something of that sort. It appears to be, what I supposed it was, a sort of job.

Mr. SHERMAN. I hope the reason given by the Senator from New Hampshire will induce us to reject the matter at once. It seems this has got into the hands of some hard speculator, who is driving a hard bargain with a widow. I believe we ought to get rid of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, to strike out "$30,000," and insert "$20,000."

The amendment was agreed to.

Mr. RICE. I have an amendment to offer, to come in at the end of the first section:

For repairing the quarters and outbuildings at Fort Abercrombie, $7,000.

Mr. FESSENDEN. I ask my friend from Minnesota where that comes from? I do not think it comes within the rule.

Mr. RICE. I will state to the Senator that it comes from the Committee on Military Affairs. I will call his attention to an amendment that was reported from that committee to the Army bill at the last session, appropriating $29,000, and the honorable chairman of the Committee on Finance thought it was rather a large sum, and proposed $10,000. I sent to the War Department to know the smallest amount that could be used during the season, and I think the Secretary of War wrote down to me that $7,500, perhaps, would answer to make the quarters comfortable and to enable the troops to remain during the winter. I showed it to the Senator from Maine, and he assented to it; but the bill had gone out of the possession of the Senate before I got the reply of the Secretary of War. My attention has just been called to it again, by receiving, to-day, a letter from the commander there.

Mr. FESSENDEN. I make no further objection.

The amendment was agreed to.

Mr. WILSON. I propose an amendment to the bill on the authority of the Committee on Military Affairs, with the consent of nearly all the members that I have consulted:

For collecting, drilling, and organizing volunteers under the acts authorizing the President to accept five hundred thousand men, $20,000,000.

Mr. FESSENDEN. I should like to hear an explanation of that.

Mr. WILSON. We have had within the last hour from the Government, a request for an appropriation of $20,000,000 for the purposes indicated in the amendment. The letter is not now in my possession, as I sent it to the chairman of the Committee on Military Affairs of the House of Representatives. I sent for it a few moments ago, but he had placed it in the hands of the Committee of Ways and Means of the House of Representatives. The proposition is simply to appropriate $20,000,000 for the purpose of collecting, drilling, and organizing the volunteers that we have called out. Heretofore the volunteers have been collected, organized, and made ready for the Government, by the cities, or town, or States, and their bills are against the Government. Now in calling out the force that the Government is summoning into the field, they need means for that purpose. Experience shows that it is absolutely necessary to have the money, and the Department comes here and asks for this appropriation. They will use, of course, only what is absolutely necessary for them to use.

Mr. KING. I will state in addition, that the States from which volunteers have heretofore come, have, by appropriations from cities and States, paid the expense of gathering the volunteers. The expenses of the call will be undoubtedly expected to be repaid by the Government, and we intend to make this appropriation large enough to cover whatever the expense may be.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question is on concurring in the amendments made as in Committee of the Whole.

Mr. McDOUGALL. When the vote was taken on the amendment to insert $20,000 instead of $30,000 for the signal lights, I misunderstood the question. Therefore I move to reconsider that amendment, if it is in order to do so.

The PRESIDING OFFICER. It can be excepted from the other amendments. Will the Senate concur——

Mr. SHERMAN. Is the bill open to amendment? If so, I move to strike out the appropriation for Coston's night signals.

The PRESIDING OFFICER. The first question will be on concurring in the amendments of the Committee of the Whole, with the exception of the one indicated by the Senator from California.

Mr. McDOUGALL. I withdraw the request.

The PRESIDING OFFICER. Will the Senate concur in the amendments?

The amendments were concurred in.

Mr. SHERMAN. I now submit the motion, and ask for a vote by yeas and nays on striking out the appropriation for Coston's night signals.

Mr. FOSTER. I submit that that is now not in order. We have just concurred in the vote adopting that amendment.

Mr. SHERMAN. It was expressly excepted.

Mr. FOSTER. It was not excepted; the Senator from California withdrew his exception; and all the amendments were voted on together, without exception.

The PRESIDING OFFICER. The Chair understood the Senator from California to withdraw his exception.

Mr. SHERMAN. If there is any difficulty about it, I will move to reconsider. I move to strike out those words, if I am in order in making the motion.

The PRESIDING OFFICER. The Senator from Ohio moves to reconsider the vote by which the Senate concurred in the amendments made as in Committee of the Whole.

Mr. HALE. No; only one. I suppose he means the amendment for Coston's signals.

The PRESIDING OFFICER. I suppose the whole vote that was taken must be reconsidered.

Mr. SHERMAN. I ask a vote upon the adoption of that clause of the bill relating to the Coston night signals. I am not very familiar with the rules of the Senate, but I think I have the right to that vote. I will therefore move to reconsider the vote by which the Senate concurred in the amendments made as in Committee of the Whole, in order that I may reach in an indirect way, what, it seems to me, ought to be promptly granted by a direct vote.

Mr. KING. As I understand the proposition, the motion of the Senator from Ohio to reconsider is not necessary. I concur with him in his purpose. That single clause was excepted.

The PRESIDING OFFICER. The clause was not excepted. The Senate have concurred in all the amendments made as in Committee of the Whole.

Mr. KING. I understood that clause to have been excepted. If it was not, the Senator from Ohio is right.

Mr. TRUMBULL. I think I understand how this was. There was a motion made to strike out this $30,000 appropriation. That motion failed. Then a motion was made to reduce it from $30,000 to $20,000. That is not what the Senator from Ohio desires to get at. He desires to get at the first vote, if I understand him, and

to strike out the whole $30,000. In order to give him an opportunity to get at it, as I voted against striking out $30,000, I move a reconsideration of that vote. Let the Senator from Ohio have an opportunity to vote directly on striking out the appropriation of $30,000.

The PRESIDING OFFICER. The bill is still open to amendment, and in the opinion of the Chair it is competent for the Senator from Ohio to move to strike out the clause to which he objects.

Mr. SHERMAN. I understood the Chair before to decide that it was not competent for me to do so.

The PRESIDING OFFICER. The Chair decided that the Senate had concurred in the amendments made as in Committee of the Whole; but the bill is before the Senate, and still open to amendment.

Mr. SHERMAN. Then I move to strike out the appropriation for the Coston signals; and on that I ask for the yeas and nays.

Mr. McDOUGALL. I rise to resist the motion. I was in the Committee on Naval Affairs in consultation with Commodore Paulding and other men belonging to the naval service, who gave their opinion as to the value of this improvement, and to the fact that it was a necessary thing, and that the claim made was a reasonable claim. I believe myself that when persons invent valuable things that are only valuable for Government service, the Government should compensate them, and compensate them well and fairly. I take the opinion of men who are conversant with these things. Signals cannot be made marketable and sold among merchants. They are useful for Government purposes. If they are really valuable, if the Government needs them, the Government should regard first the skill of the person who has invented them, and then their value in use. I say these things should be regarded, and, in the opinion of the best informed men connected with the service, the claim made is a fair and just claim. I do not believe in ignoring these things. It has been too common in our country to ignore valuable improvements, treating them as mere Yankee inventions, that ought to be trusted only to the common field in the ordinary way of circulation. I say that when a great improvement is made in arms, or in anything that belongs to the Government service, this Government should recognize the improvement, and should pay a just and fair compensation for it; and it is the opinion of the best informed men in the country that this is a fair and just compensation. I am opposed to reducing it below $30,000, as passed by the House of Representatives.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, to strike out the clause making an appropriation of $20,000 for the purchase of Coston's night signals.

Mr. SHERMAN called for the yeas and nays, and they were ordered; and being taken, resulted —yeas 16, nays 24; as follows:

YEAS—Messrs. Bayard, Bingham, Browning, Carlile, Dixon, Harlan, Johnson of Tennessee, Johnson of Missouri, Kennedy, King, Polk, Powell, Rice, Saulsbury, Sherman, and Wilkinson—16.

NAYS—Messrs. Anthony, Breckinridge, Bright, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Howe, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Sumner, Ten Eyck, Trumbull, Wade, Wilmot, and Wilson—24.

So the motion to strike out did not prevail.

The amendments were ordered to be engrossed and the bill to be read the third time. The bill was read the third time, and passed.

GOVERNMENT CONTRACTS.

Mr. FESSENDEN. I have a resolution to offer in connection with a motion that I made this morning:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the message informing the House of Representatives that the Senate had agreed to the amendments of the House to the bill of the Senate (S. No. 43) "to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government."

The resolution was agreed to.

Mr. FESSENDEN. The motion which I have just submitted is simply to notify the House of Representatives of our recall of the bill. I have made a motion to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 43; and I suppose if I leave the matter in its present condition, not calling up the motion to reconsider before the end of the session, the bill will be lost; but I do not exactly approve of that mode of doing business. I prefer to notify the Senate of what I am doing, and have a full understanding of the subject. I do not wish to take any advantage of anybody. I therefore submit the following order, merely in reference to the reconsideration:

Ordered, That the vote of the Senate agreeing to the amendments of the House of Representatives to the bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with making of contracts for the Government, be reconsidered.

Mr. TRUMBULL. Unless there is some reason for the reconsideration, I do not see why we should agree to it. We had the question up yesterday and decided it.

Mr. WILSON. I send to the Chair a letter from General Meigs, which I think will give the Senator the information he desires.

The letter was read, as follows:

WASHINGTON, *August* 2, 1861.

SIR: I perceive by the morning papers that bill No. 43, styled a bill to prevent frauds by officers intrusted with making contracts, has passed the Senate, certain amendments not specified, made by the House of Representatives, having been concurred in.

I know the responsibility attaching to any Government officer who volunteers to argue against a bill whose object is stated as the prevention of frauds; but it is my duty to say to you, that if the conditions in regard to contracts imposed by the bill become law, the country may as well at once yield to the southern rebels all they ask.

They are directed by one mind and will; prompt, strong, determined, bold. They are not distracted by divided counsels; are not restrained by rules, regulations, laws, customs, precedents, and all the paraphernalia which the good sense of the people has designated as red tape.

Just such regulations as this bill imposes starved the British army with cold and hunger, while ship loads of stores and of provisions lay till they perished in Balaklava bay.

Every purchase, every order to purchase or deliver, if accepted, is a contract. These orders are sent by telegraph. Contracts are thus made with persons a thousand miles away. If we are to trammel every purchase with new conditions of writing, of record, of affidavit, no human brain will be capable of conducting the business of the great supply departments of the Army.

The Quartermaster's department contains many officers who are, in this time of public extremity, taxed to the limit of their energies in providing the means of moving the Army—wagons, horses, mules, forage, tools, tents, and clothing, for the thousands who are actually suffering for want of it.

If, in addition to these duties, they are called upon to record in writing every verbal contract; to put it upon a certain piece of printed paper of a certain shape; to go before a magistrate and take in every case a certain oath; delay, irresolution, inefficiency, will take the place of promptness and energy; suffering, discontent, and defeat, will attend our armies.

All expeditions which should be secret will be made known to the public, and the life and strength of military operation will be gone.

As a protection against fraud, he who will steal will not hesitate to shield himself from detection by violating an oath made as common as a custom-house oath.

Some confidence must be reposed in human agents. The officers of the Government endeavor to do their duty. If a dishonest man finds a place among them, no mere forms and certificates of record will prevent his stealing. The greater the fraud the more perfect the papers.

The law of 1861, chapter eighty-four, section ten, in regard to public contracts, contains all that is really needed to secure the public. More legislation will merely embarrass and delay the public service.

I am, respectfully, your obedient servant,

M. C. MEIGS,

Brig. General and Quartermaster General U. S. A.

Hon. HENRY WILSON, *United States Senate.*

Mr. FESSENDEN. I think that General Meigs, in coming out so openly and boldly and strongly against a bill the purpose of which is to prevent frauds in his own department, to fix rules and regulations for the government of its officers, &c., has manifested a degree of moral courage which adds to the very high estimation in which I held him before. Few men would have the courage to do it. Everybody knows, who knows anything about that officer, that his reputation for perfect integrity is unquestioned, and his reputation for ability is high. He came to the Senate Chamber this morning to see about this matter, and he satisfied me, as he did the Senator from Vermont, [Mr. COLLAMER,] who supported the bill yesterday, that it was inexpedient to pass it at the present time. He said it would be absolutely impossible for him in his own office to go through the duties of the day, with that bill in operation. "Why," said he, "I make a hundred contracts sometimes in a day; and if I must go to a magistrate and swear to each of them, and go through the forms prescribed by the bill, I might as well give up; the Government must appoint a magistrate to stand by me to administer the oath." What it is in regard to him, it is in regard to many of his officers scattered over the country. He said, moreover, that it introduced an entire new system, made a new set of books necessary, provided for a new bureau, and involved the matter in so much detail that it would be absolutely impossible, with the large duties he has to perform, to get through with the business in any shape. He spoke, for instance, of one gentleman that he had, I think, at Cincinnati, who did an immense amount of business per day, that he could not possibly do in the state of things in which this bill would leave him. He said that the bill which was passed by Congress, drawn with great care by Mr. Davis, when he was Secretary of War, has all the guards that can well be put upon these matters. He added also, with regard to the new quartermasters, of whom there is so much fear, that no money whatever is put in their hands; they have no opportunity to cheat; they make contracts, but as to putting money in their own pockets in the mode that was spoken of by the Senator from Vermont, they have no chance to do it, for they handle no money. The money that is paid is paid under the direction of the officers who are paymasters in the regular Army; they, and they alone, supply the money to pay.

I cannot attempt to remember the whole argument that he adduced; but it was such as to satisfy me, in his own strong language, that we might as well give up the contest, so far as his department was concerned, as attempt to make this bill applicable, for it would not only embarrass, but prostrate the business of the department to such an extent that it would be impossible for him to carry it on. I have the most entire reliance upon his word as an officer and a gentleman; and I have, moreover, the most entire reliance upon his judgment and good sense; and as he has taken the responsibility of saying what he has said with reference to it, relying upon his own high character to protect him at this crisis when he has so much to do, I am decidedly of opinion that the vote passing the bill ought to be reconsidered.

Mr. TRUMBULL. I listened somewhat attentively to the reading of that letter. It states that the Government cannot be carried on if this bill passes; but it fails to state why. It is a general letter. I have a very high opinion of General Meigs also; but, for my life, I cannot see how the operations of this whole Government are to be stopped because the men who are to spend this vast amount of money that we are appropriating here, as if we had the whole wealth of the world at our command—appropriating $20,000,000 in a few lines, as we have just done here to-day—I cannot, for my life, see how it is to embarrass the operations of the Government to direct them to keep an account of what they do. That is the whole of it. All that he has to do is to return his accounts. He can swear to five hundred at once. The idea that because copies of the accounts or contracts are to be returned——

Mr. FESSENDEN. If the Senator will allow me, I will state to him that, under the law as it is, every account is filed in the department now; every contract that is made is filed there now; and they are to be certified by the paymasters on the honor of an officer. The only difference is, that the bill introduces this new and embarrassing and intricate system, which cannot at the present time be carried out.

Mr. TRUMBULL. Then, Mr. President, this is not much more detail than we had before. Every account was filed before, and every one certified by a paymaster. Now, you are only going to file them in another place, and let the public have access to them. The chief feature of this bill is, that it subjects these contracts to the examination of the public. Anybody can go and examine them; and it makes a place of deposit for them. If every contract that is made is certified to and filed now, that is all there is in this bill. It does not prevent any contract being made by telegraph. It does not prevent the moving of any army. These are general declarations. It is not pointed out specifically wherein there is any defect. If there is any defect, I cannot see it. I do not see it, now that the Senator from Maine has stated it. It is usual, I know, in general declamation, to declare that the war cannot go on if this measure is passed, and to tell us what was

done at Balaklava, and how provisions were suffered to waste and spoil there. All that is general declamation; but in what specific particular is it that you cannot execute this bill? It certainly is not because the contract is to be filed. You say that is done now.

Mr. GRIMES. Do you not require it to be filed in another place?

Mr. TRUMBULL. Yes, sir; it is to be filed in another place. Is that any great inconvenience to him?

Mr. GRIMES. Under this bill, would not additional clerks be required to each one of the quartermasters?

Mr. TRUMBULL. No, sir. The only clerk it requires is a clerk to keep these papers and file them away, so that the public can have access to them. It is true, the officer who makes the contract is to make an oath; but you may put forty of these contracts together, and make an oath to the whole of them at once. You need not swear to every item.

Really, sir, it seems to me the bill ought not to be reconsidered. I think it a very valuable one. I believe it will save millions of dollars to this Government. In our zeal and anxiety to do everything to clothe the Government with the necessary power to suppress this rebellion, we should not forget, at the same time, that it is necessary to throw around the expenditure of this vast amount of money all the checks which can properly be done with due regard to the public service.

Mr. McDOUGALL. Mr. President, I think it is a matter of great regret that we should have been justly subjected to the criticism of the head of the Quartermaster's department; and I rose simply to state my opinion on that point.

Mr. POWELL. This bill was prepared with great care by the Committee on the Judiciary, and I do not think it obnoxious to any of the objections which have been taken to it by Senators who are in favor of reconsidering this vote. Neither do I think it subject to the criticisms contained in the letter of the head of the Quartermaster's department. This bill does not prevent a contract being made by telegraph. It does not necessarily require the articles purchased to be retained and not sent forward until the contract is reduced to writing and the oath taken as required by the law. It is obnoxious to none of those objections. The Quartermaster can make his contract under this bill for a thousand horses or a million barrels of pork in this city, and ship it all if necessary, and to-morrow that contract could be reduced to writing and the oath required by law be taken, and the contract filed.

Mr. GRIMES. Suppose he bought a thousand horses in my country of the farmers: what would be the details? How many clerks would it require?

Mr. POWELL. It would require no clerks at all. The agent of the Government who purchased those horses would have to make a detailed statement of the horses purchased, the price paid for each, and the party from whom purchased. He is to return this account of purchase to the proper department to be recorded, and to make affidavit that that paper justly sets forth the price paid to the party from whom he purchased. That is all the bill requires. If the law is, as the Senator from Maine stated, at present, that there must be a certified statement on the honor of the officer of all those things, then this requires no more time, no more delay than that.

In my judgment, sir, this bill ought to become a law. It should not be reconsidered by the Senate. I am very confident it will be embarrassing to but one description of persons, and that is to thieves and plunderers. I wish to embarrass them, and that was the very object for which the Judiciary Committee framed the bill. That was the object, I suppose, of the Senate in passing it; and I hope the vote on its passage will not be reconsidered.

I do not wish to be understood as making any reflection on General Meigs. I have no doubt he is a most worthy and honorable gentleman; but, sir, from the facts contained in that letter, I believe he wholly misunderstands the import of the bill.

Mr. FESSENDEN. Mr. President, I am not surprised that my friend from Illinois should adhere to his particular views on this subject, for I really think he does not believe anybody can understand the business of his own department as well as the Senator does; and if he does not see exactly the reason, everything is idle declamation. Now, I declare to you, upon my honor, I cannot see any declamation in the letter, and nobody ever suspects me of declamation under any circumstances. I was endeavoring to state facts. Here is one single fact: that, just at this crisis, this gentleman who does understand the business of his department insists upon it that he cannot carry it on under this bill. I have myself tried once or twice to impose further obligations on the Quartermaster's department, and I have always met the argument on that side of the Chamber from the former chairman of the Committee on Finance, (Mr. Hunter,) who certainly was as careful as any man, that it would be impossible, he had satisfied himself, to hamper the Quartermaster's department in that way. It could not be done even in time of peace, and we never did it.

Now comes in this bill at this time, and we have the word of this gentleman that the department cannot be carried on under it. I say, I am not surprised at my friend from Illinois, therefore, for insisting upon it, because he has his own views upon the matter, and he cannot see how the head of that department can understand his own business. I believe he can. But I am a little surprised at my friend from Kentucky. He has avowed here openly over and over again that he is opposed to this war, and that he votes against every appropriation for it. It is quite natural that he should vote against a proposition which goes to relieve the department which carries on the war principally from being hampered by regulations which would prevent it from doing anything.

Mr. POWELL. If the Senator will allow me, my opposition to the war certainly would never lead me to cast a vote for the purpose of embarrassing the department. I trust I oppose the war upon higher, nobler, and better grounds than that.

Mr. FESSENDEN. If I was opposed to the war, and thought everything about it was bad and unjustifiable, and would vote against any appropriation, I think I would carry it out by voting for anything that would tend to bring it to an end, that is to say, bring it to the end that I desired to be effected.

Mr. POWELL. I think differently from the Senator. I think there is but one proper mode of procedure, and that is, openly and directly standing in my place opposing it, and giving reasons why the war should not go on. I think a resort to measures to embarrass the Quartermaster's department would not be right or proper. It is a kind of indirection which I never have been, and I hope I never shall be guilty of.

The truth is, Mr. President, all this bill requires is, than when an officer of the Government makes contracts, those contracts shall be put in writing; the sum to be paid for the article to be set forth; and the officer making those contracts is to put his affidavit in writing upon it, that it sets forth the truth. If it should be found at any future time that he has not told the truth in that affidavit, he is subject to the pains and penalties of perjury. It does not require the contract to be reduced to writing at the moment the article is purchased; but it is to be done within a certain time; and it requires those contracts to be placed in a book to be kept by a clerk, provided for in the bill, and to be subject to the inspection of any citizen. The object of allowing any citizen to inspect it is to let the whole public see whether the public officers have given larger amounts for supplies, or anything they have purchased, than others have offered to sell them for. It requires the bids, if any are made in writing, to be spread there for the inspection of the public. That is all there is in the bill; and I cannot see how it can possibly embarrass the Government. As I before said, I think it can only embarrass really one description of persons—peculators and public plunderers. I hope the motion to reconsider may not prevail.

Mr. HARRIS. I earnestly hope that this vote will be reconsidered, and that this measure will not become a law. If there has been one appointment in the executive department of the Government which has met the emphatic approbation of the public, it is the appointment of General Meigs at the head of the Quartermaster's department; and he has in this communication, in my judgment, shown a fearlessness and fidelity which is admirable. He has furnished us with a guarantee of his fidelity to the Government; and I am convinced upon his statement, taking his judgment as better than my own, that this measure will be impracticable.

I came here, sir, and I presume every Senator came here, with the intention of voting for all the means and supporting all the measures necessary or calculated to aid the Government in carrying on this war. I will not, in any instance, vote for any measure or any law that will be calculated in the slightest degree to embarrass the Government in their operations; and believing that this bill—whatever might be my own judgment in reference to it; founding my opinion now upon this statement of General Meigs—will tend to embarrass the Government, I will not vote for it; I will not support it; and I believe it is the duty of the Senate to reject it.

Mr. BROWNING. I should be very unwilling to vote for any measure which was needless, and which would tend to embarrass the operations of the Government; and I should be alike reluctant to vote against a measure which was necessary for the protection of the Government and the public interests. I acknowledge I am not sufficiently conversant with the operations of the War Department to know whether this is precisely the bill that ought to be passed or not; and I am very willing to yield my own judgment to a great extent to the more matured and better judgment of other Senators; but as far as the letter which has been read to us is concerned, the argument which it contains is not so much an argument against any single provision of the bill we have passed, as was properly remarked by my colleague, as it is an argument against any guards or restraints whatever upon those who are connected with the Subsistence department—or whatever its proper designation is—of this Government.

Now, sir, in my judgment, it becomes us to guard in every possible way we can the Treasury of the country; and especially in this time when it is our duty to economize our means to the greatest possible extent, it becomes us to guard, by every possible measure that we can devise, the Treasury of the Government from waste by improvident officers, or from robbery by dishonest ones; and if there is not a large amount of dishonesty in some branches of the service connected with the expenditure of money, there is a vast amount of groundless and malignant slander propagated against them. Which it is, I do not know.

That General Meigs deserves all the encomiums that have been pronounced upon him, I will not not deny. I know nothing about him. I apprehend he is honest; but we know, however honest he may be, it is but a very limited amount of the details of these transactions that can pass through his hands or fall under his immediate notice. I acknowledge I am not able, for one, to perceive how the passage of this bill will in any way embarrass the operations of this Government. The Senator from Iowa inquires whether an officer is to stop to make a separate contract for every separate horse that he may purchase in one of the western States? That contract may be contained in three lines. "Bought of A B, one horse at the price of $150," for which he paid and took a receipt. That is a contract.

Mr. GRIMES. It must be sworn to.

Mr. BROWNING. Yes, sir, it is to be sworn to; but it no more embarrasses the Government, so far as I am capable of perceiving, than it embarrasses and delays the Government to require the party who purchases the horse to make an account for it.

Mr. GRIMES. Then the Senator will observe there is another similar account to be certified to by the same officer upon his honor, and filed in another bureau, for the same horse.

Mr. BROWNING. That is not the preëxisting law?

Mr. GRIMES. Yes, sir.

Mr. BROWNING. Well, I do not pretend to say that the law which we have passed is the best one that could be passed; but I do assume to say that it is a high and sacred duty we owe to the country to guard, by every means we possibly can, the treasure of the country from being pilfered. Now, I do not know that such things

happen; but if the reports that are all through the world, and which have shaken the confidence of the country in the management of some portions of the administration of the Government, have any truth whatever in them, if there is any foundation for them, there is reason, and strong reason, why we ought to act on this subject, and throw around the Treasury of the Government every guard that we possibly can, and impose upon those who handle our money every restraint that we possibly can. If all men were honest, there would be no necessity for the passage of a law at all. We are not passing the law to operate upon General Meigs, or because there is any distrust of his integrity or his fidelity. But, sir, we do know that there are many persons connected, and will be connected, in the various ramifications of business that arise in this emergency, who are not honest, and who are there for the sole purpose of accumulating money at whatever cost, or whosesoever cost it may be.

For one, I would be not only willing, but I would be anxious to enact a law imposing upon any man, high or low, connected with the Administration, or not connected with it, the severest possible penalties for any dishonesty in pilfering either of the Government or of the soldiers; and I would not stop to carry that penalty to the extremity of death against any officer of the Government who, in such a time as this, would be so lost to the principles by which we all ought to be governed as to seek a position in any department of the Government, for the purpose of his own pecuniary advancement at the sacrifice of the interests of the public. I do not know that this bill is exactly as it should be; but we ought to pass some bill with severe penalties, and exact those penalties. If we were to shoot one or two of the rogues, it would have a more salutary effect in putting an end to the pilferings that are alleged than all other measures we could adopt.

Now, sir, the argument of that letter is not so much an assault upon any single provision of the bill, as it is an argument against attempting to devise any measures by which the doings of those who manage the affairs of the Government can be laid open to the light, and inspected and tested as to their honesty and integrity; and I think I shall not vote for the reconsideration.

Mr. WILSON. I am sure that General Meigs will not object to the passage of any act through this Congress that shall visit, with the severest penalties, any man who undertakes to rob the Government of the United States, or to defraud the Government. I do not believe any Senator here would object to such a bill; and if the Senate will reconsider this bill, and in place of its machinery, which it is believed will embarrass the administration of the Government, some Senator will bring forward a bill visiting with the severest penalties any man who defrauds the Government, I think we would all vote for such an act as that, and it would be hailed and welcomed by the country. I suppose there is no disagreement here in regard to the criminality, in this crisis of the Government, in defrauding the Government of the United States. The man who has anything to sell that the Government wants, who asks more for it than he would ask his neighbor, is at heart a dishonest man, and I would as soon see him punished as I would any rebel in the land. The officer of the Government who will defraud it, who will cheat the Government in making purchases, deserves the blasting and withering scorn of the country, and be placed for life in the penitentiary.

But, sir, this bill, in the form in which it now exists, it is believed, will embarrass the administration of the Government; and for that reason, and that only, it is opposed by General Meigs and others, who are interested in the prompt administration of the War Department of the Government. For myself, sir, I say to the Senator from Illinois, if we reconsider this vote and put this bill in a shape to be amended, or bring in a bill visiting with severe penalties any person who shall defraud the Government, he shall have my vote most cheerfully for it.

Mr. BROWNING. Will the Senator permit me to say this: I am very much in the habit of acting upon the suggestions of chairmen of committees; I have the highest possible respect for his opinion upon these subjects; and in accordance with the suggestions he has made, I will vote with him for the reconsideration of this bill; for I do not desire to vote for any bill that will embarrass the Government, and I will do it with the hope that it will then be recommitted to the Committee on the Judiciary and perfected.

Mr. POWELL. Mr. President, so far as the suggestion made by the Senator from Massachusetts goes, we have statutes now inflicting the heaviest punishments for defrauding and swindling the Government. The object of this bill is to give us the means by which we can detect these pilferers. The statutes now punish as felons those who swindle this Government, and we want the ways and means by which we can detect these peculators and thieves. This bill was framed for that object. It requires the articles furnished to be set forth specifically, the price paid to be set forth, and then the officer to take an oath that that is correct. It then requires a public record to be made of them, which is to be kept open for the inspection of the public. What harm can there be in that? Why, sir, if a person engaged in buying horses, if you please, goes out and buys one hundred horses from A, B, C, and D, and he returns that he has paid $150 for them, when in fact he paid only $100, and thus swindled the Government out of full fifty per cent., what means have we of now knowing that fact? But if that contract is placed on the record and open to the inspection of everybody, if suspicion should attach to this officer, you have only to call on the person from whom he made the purchase, and prove the fact if he is guilty of any fraud. That is the object of the bill. It requires the officer who makes the purchase to make oath that the statement is correct, and visits him with the pains and penalties of perjury in case he makes a false statement.

I know that the actings and doings of those who supply the Army are kept very much from the country. Some ten days ago I introduced a resolution, which passed the Senate, directing the Secretary of War to cause to be laid before the Senate the contracts he had made, the articles purchased, the persons from whom he purchased, and the prices paid. No response has yet been made to that resolution. Why is it that we have not that information?

Mr. FESSENDEN. If the Senator will allow me, I will state that General Meigs alluded to that this morning. He said that, in answer to it, he might take one half the force he had and apply them to that for three months successively, and they could not do it.

Mr. POWELL. Yes, sir; and I want to relieve General Meigs from that trouble. I want these contracts properly written out, properly certified, and made a public record to the country—open to the inspection of all. It is well known that the newspapers have charged, and I have heard privately, that contracts have been made for Army supplies that are very wrong; that two or three prices have been paid for some articles. All these rumors will be hushed at once when there is a public record open to the inspection of any person who chooses to look at it. It strikes me, sir, that honest officials—those who wish to discharge the functions of their office with integrity and with honesty—would have no objection to state their contracts in writing, and to swear that they had properly discharged their duty, and make public record of them.

If this law had been in existence at the commencement of this unfortunate war, there would have been no necessity for the resolution of inquiry that I proposed. I could have gone to the clerk in charge of these books and had them opened to me at once. The books should all be properly indexed, so that if we hear of a contract being made by any contractor, we can go and ask the clerk to open his book, and there read it and see the whole of it. You can ask him if there were any other bids for that contract, and inspect them, if there were any, and see if the lowest responsible bidder obtained the contract.

The Senator from Iowa [Mr. GRIMES] must see the necessity for these things now. Why, sir, the head of the bureau says to the Senator from Maine that it will take three months to give us the information called for by my resolution. I tell the gentleman that this law ought to stand. In my judgment, it is the very best law we have passed this session. We all know how much this Government has been plundered by these contractors in every war we have had. Even in the little Seminole war there was a great cry of plunder, and I have no doubt justly; and in this war, which is carried on on a more magnificent scale than any ever before in the country, the plunder will be on a more magnificent scale. Those who really wish to promote the public good, will desire this thing to be stopped, if possible. This bill, in my judgment, will have much to do with making these public functionaries honest; and if they are dishonest, will give us the means of bringing them to condign punishment.

Mr. McDOUGALL. I wish merely to say this: I do not think the Senate should take counsel of a Senator whose right on this Senate floor is questioned.

Mr. POWELL. What is the charge? I did not hear you, sir.

Mr. McDOUGALL. I said I thought this Senate should hesitate to take counsel of a Senator whose right on this floor was questionable.

Mr. POWELL. On what ground does the Senator make such an assertion? How is my right here questioned?

Mr. McDOUGALL. I question it.

Mr. POWELL. You question it!

Mr. McDOUGALL. I do.

Mr. SHERMAN. I call the gentlemen to order.

Mr. POWELL. I wish no personal collision with the Senator from California; but I should like to know the ground on which he questions my right here?

Mr. McDOUGALL. I will say this to the Senator from Kentucky——

Mr. FESSENDEN. Mr. President, I hope this will be stopped at once, just where it is.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) This discussion is out of order.

Mr. McDOUGALL. I make no personal assault on the Senator——

Mr. FESSENDEN. I beg my friend from California not to say anything more on the subject.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the Senate agreed to the amendments of the House to the bill (S. 43) to prevent and punish fraud on the part of the officers intrusted with the making of contracts for the Government.

Mr. BRECKINRIDGE. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. BRECKINRIDGE. I call for them.

The yeas and nays were ordered.

Mr. KING. Mr. President, I consider the condition of our country one in which its existence depends upon its strength. Its life depends upon the result of a collision of force with its enemies; I therefore have been disposed to grant to the executive department of the Government all that it asked, that it might direct the force of the country against its enemies. I have voted for some bills which I would have preferred to avoid. I voted for this bill because I believed it to be a means of securing us against extravagances that might not be necessary. But, sir, we are compelled to go forward with a confidence in the Administration, and in the men who direct our power against the enemy. They have come here through the pen and mouth of one of the best and most honest men in the country, and have said that the regulations in relation to these contracts imposed by this bill will retard and embarrass their action. I yield to that statement. I do not myself see how it would do so; but it is enough for me that the executive department of the Government states it. I will withdraw this guard which I had desired to throw around the expenditures, which are to be so immense. I will leave this matter entirely in their discretion, to bring the force of the country against the enemy, so as to use that force most promptly and most efficiently. But, sir, they may expect, and I here declare that they must expect, that the country will hold them to a strict accountability for the manner in which they exercise this discretion Congress confers upon them. In this, I do not express, in any way, distrust of them; for, as I said, I am prepared to place the entire power of the Government in their hands. We must do so for the protection of our country; and whatever risk of life or property is necessary to defend and preserve our country, I am willing should be taken, and it must be taken.

The question being taken by yeas and nays, resulted—yeas 30, nays 6; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Rice, Sherman, Sumner, Ten Eyck, Wilkinson, and Wilson—30.

NAYS—Messrs. Breckinridge, Harlan, Powell, Saulsbury, Trumbull, and Wade—6.

So the motion to reconsider the vote concurring in the amendments of the House was agreed to.

Mr. FESSENDEN. I now move that the bill be laid upon the table.

Mr. BROWNING. If the Senator will permit me, I will move to recommit it to the Committee on the Judiciary.

Mr. TRUMBULL. It is not before us. You cannot recommit it. The bill has passed the Senate long ago; it has passed the House, and comes back to the Senate on a couple of verbal amendments, and this is a motion to reconsider the vote agreeing to the House amendments, which are merely verbal ones.

Mr. FESSENDEN. No, sir; the vote by which the bill was passed.

Mr. TRUMBULL. That could not be done.

Mr. FESSENDEN. I made the motion, and claim to know what it was.

The PRESIDING OFFICER. A motion to lay on the table is in order.

Mr. TRUMBULL. The motion before the Senate is a motion to reconsider the vote of the Senate agreeing to the House amendments. If the Senator from Maine made a motion to reconsider the passage of the bill, it is out of order; he could not make such a motion; and for once in his life, the Senator from Maine is mistaken.

Mr. FESSENDEN. It is not the first time. I have been mistaken a thousand times.

Mr. BROWNING. Is a motion, then, to recommit out of order?

Mr. TRUMBULL. Undoubtedly.

Mr. FESSENDEN. I move that the bill be laid on the table.

Mr. TRUMBULL. That motion to lay on the table, I apprehend, is not in order. The question now is on concurring in the amendments of the House, which are verbal amendments.

The PRESIDING OFFICER. The motion to lay on the table takes precedence.

Mr. TRUMBULL. I suppose he can make a motion to lay the whole subject on the table.

Mr. FESSENDEN. Very well, sir; that is the motion I make.

Mr. BRECKINRIDGE. Mr. President——

Mr. FESSENDEN. A motion to lay on the table is not debatable.

Mr. BRECKINRIDGE. The Senator from Maine moved to lay the bill and amendments on the table. He is correct, sir; it is not debatable.

The motion was agreed to; there being, on a division—ayes 26, noes 9.

EXPENSES OF INVESTIGATING COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance to report back to the Senate House bill No. 99, to which I suppose there will be no objection, with an amendment, and to ask that it may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate, appointed the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government. The bill appropriates the sum of $10,000, to pay the expenses of the investigating committees of the Senate and House of Representatives appointed at the first session of the Thirty-Seventh Congress, and also the expenses of the commission authorized to examine and report as to the compensation of all officers of the Government.

The Committee on Finance reported the bill with an amendment, to add at the end of the bill the following:

Said sum of money to be drawn from the Treasury as a part of the contingent expenses of the House of Representatives, and to be disbursed in the mode provided by law for such expenses.

Mr. WILSON. I want to ask the Senator from Ohio for what this money is to be expended?

Mr. SHERMAN. As I understand it, the House have a special committee in regard to contracts, &c. There are two or three special committees in the House, and it is necessary to provide more money to pay their expenses. At least so I am informed. These committees are to continue during the recess.

Mr. HALE. I have no doubt the amendment is all right, but I did not hear a word of it. Let me have the curiosity to hear it.

The PRESIDING OFFICER. Does the Senator desire to have the amendment reported.

Mr. HALE. Yes, sir; slowly and distinctly.

The Secretary again read it.

Mr. SHERMAN. I will state to the Senator from New Hampshire, that that is to check the disbursement of this money, so as to prevent its disbursement except in the mode provided by law. As the bill stood originally, there was no person charged with the disbursement of the money, and there were no checks upon it at all.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time and passed.

SENATOR FROM KANSAS.

Mr. FOSTER. The Committee on the Judiciary, to whom were referred the credentials and memorial of Frederick P. Stanton, claiming a seat on this floor from the State of Kansas, have instructed me to make a report. I ask that it be printed.

The motion was agreed to.

Mr. LANE, of Kansas. The Committee on the Judiciary have reported in the case of Mr. Stanton. There are some papers that I received from the different Departments of the Government, that were before the committee, but which were withdrawn again to be returned to the Departments, which I desire to have printed with the report of the committee. The Senator from Indiana [Mr. LANE] introduced a resolution the day before yesterday calling upon the President for information as to my appointment and acceptance of a brigadier generalship. I should like to have the answer of the President to that resolution, when it comes in, printed with the report of the committee, so that the whole matter may come before the Senate.

Mr. FOSTER. There will be no objection, I presume, to any course suggested by the Senator of that description. The report of the committee, however, is complete in itself, and I ask that that be printed. These documents, when they come in, will be printed if necessary, if the Senator wishes it.

Mr. LANE, of Kansas. I desire the papers that went before the committee, and the message of the President, to be printed in the same pamphlet with the report. That I think I am entitled to, and I would be glad to have that done, so that they may all go to the country together.

Mr. FOSTER. With great deference to the gentleman, it seems to me that the answer of the Executive to a communication addressed to him by this body, since the Judiciary Committee were charged with the duty imposed upon them, after the credentials and memorial were referred to them, and after their report has been completed, as it was, it would be a little out of course to have that report held back, and a reply made by the Executive, not connected with this subject at all, introduced and voted into the report by the Senate. The Committee on the Judiciary make their report, and I ask that it be printed. If there is anything else connected with the subject, introduced before or since, which the Senator from Kansas requests to have printed, I presume the Senate will indulge him. I certainly shall vote in the most liberal manner for printing any document he may wish; but I suggest, and submit with all deference to the Senator, that a report from a commitee of the Senate, when made, is ordered to be printed, as a matter of course; and that I ask.

Mr. LANE, of Kansas. With the indulgence of the Senate I desire to state that, from an over modesty, I did not go before the Judiciary Committeee until after they had decided this question. I do not blame the committee; I blame myself. Sir, this is an interesting question to the people of Kansas, one upon which, in every county, there is an unquestionable majority in my favor. Taking into consideration the fact that I was not before the committee until after the question was decided, I think I am not asking too much when I ask of this Senate that the panacea shall go with the disease, that the information called for by the Senator from Indiana [Mr. LANE] from the President of the United States, who should know whether I am a brigadier general or not, and the evidence I laid before the committee and withdrew, from the fact that I was compelled to return that evidence to the Departments, shall be printed with the report of the committee.

I desire to say, Mr. President, that had there been no difference of opinion in the honorable committee to which this subject was referred, I would not, for the people of Kansas, interpose a single objection to their verdict being ratified by the Senate. I feel that I have done no act to impair my right to this seat, conferred upon me by the representatives of an intelligent and gallant people; that no error has been committed by me as a representative, to affect in the slightest degree my right to this seat. I do not want that people for one moment to suppose that their representative, even in his zeal to serve his bleeding country, has thrown the slightest shadow upon his right to that seat.

Sir, the information which is communicated to the country from the Judiciary Committee is information that will surprise the people of Kansas. Had you been at the seat of government of that State a few weeks ago, you would have found this contestant and myself candidates before the Legislature for a seat upon this floor. With a unanimity seldom known, they conferred this honor upon me, and rejected him, although the Governor of the State was the leader of the van in opposition to me. I do not design to assail the report of the Judiciary Committee; but I do desire to say this: if that report is ratified by the Senate, they will do that which the people of Kansas refused to do. They will reverse the decision of that people, oust me, and give the place to the man whom they rejected. Sir, I ask, if a majority of this Senate had the heart to do this, could they not empty every seat on this floor by the same process, if the Governor of the State wishes that the people be thus—not outraged, I will not say that—but those foisted here whom the people do not want? Could they not collude together and defeat the wishes of the people of the State in every instance?

Sir, with a belief that when all this evidence comes before the Senate each and every Senator will come to the conclusion that I have done no act to cast the slightest doubt on my right to a seat upon this floor, I ask that the evidence that was before the committee and the answer to the resolution of the Senate may be printed in the same pamphlet, in order that they may all go to the people of Kansas together.

Mr. BRECKINRIDGE. I am not a member of the Committee on the Judiciary; and if any member of the committee had risen, I should not have sought the floor.

Mr. FOSTER. If the gentleman will excuse me for one word——

Mr. BRECKINRIDGE. Certainly; I give way.

Mr. FOSTER. I will suggest that the Committee on the Judiciary have made a report, and requested, as is usual, that the report be printed. If there be no objection, I wish the question to be taken on the motion to print.

The PRESIDING OFFICER. The question has been taken, and decided in the affirmative. The Senate have ordered the report to be printed.

Mr. FOSTER. I would ask, then, what motion there is before the Senate on the subject?

The PRESIDING OFFICER. There is no motion before the Senate.

Mr. BRECKINRIDGE. I know nothing of the merits of the controversy between the contestant and the sitting member——

Mr. GRIMES. Does the Senator from Kentucky rise to a personal explanation?

The PRESIDING OFFICER. The Senator from Kansas rose to make a personal explanation.

Mr. GRIMES. But there is now no motion before the Senate.

Mr. BRECKINRIDGE. The motion is that the report of the Committee on the Judiciary and the accompanying papers be printed.

Mr. GRIMES. That question has been decided.

Mr. BRECKINRIDGE. And then the Senator from Kansas moved——

Mr. GRIMES. The Senator from Kansas rose to a personal explanation.

The PRESIDING OFFICER. The Senator from Kansas rose to a privileged question.

Mr. LANE, of Kansas. To make a motion.

The PRESIDING OFFICER. The Chair did not understand the Senator from Kansas to make a motion.

Mr. BRECKINRIDGE. The Senator from Kansas, as I understand, rose for the purpose of requesting of the Senate that the report and the accompanying papers of the Committee on the Judiciary might not be published until the answer of the President to the resolution of the Senator from Indiana [Mr. LANE] should come in, so that all might go together in the same pamphlet. That was my understanding of his motion.

Mr. LANE, of Kansas. My intention was to have the items of evidence which I had borrowed from the archives of the War Department, and the answer of the President to the resolution of the Senator from Indiana, published in the same pamphlet with the report of the committee. I thought I had made that motion.

Mr. COLLAMER. I fancy that the Senator will secure his object only in one way regularly, if I understand his purpose, and that is by having the report recommitted for the purpose of adding to it the papers which he suggests, as an appendix to it; and then they will come in with and constitute part of the report and be printed together. I fancy he can hardly get at it in the way he proposes.

Mr. BRECKINRIDGE. I assume, then, that the motion of the Senator from Kansas is, that the report be recommitted to the Committee on the Judiciary, his object being to keep it there until the answer of the President comes in to the resolution of the Senator from Indiana, [Mr. LANE;] and upon that I will make a single remark.

I know nothing whatever of the merits of this controversy, and of course desire to do justice, being, in my official capacity, indifferent between the contestants. It occurs to me, however, sir, that the report of the Committee on the Judiciary should not be recommitted to that committee, but should be printed for the use of the Senate; and if, at any time before the decision of the Senate is made, the answer of the President should come in, of course it should be printed, and be one of the elements of the judgment of the Senate; and if, there is reason to believe that the response of the President would affect the merits of the controversy, of course it should not be decided by the Senate until that response comes in. That is just to the Senator from Kansas.

I do not agree, however, with the Senator from Kansas, in supposing that the action of the Senate upon this subject, whatever it may be, will be any reflection upon the people of the State of Kansas in electing him to the Senate. It is true that he and the gentleman who now contests his seat, as I understand him to say, were candidates before the Legislature, and he was chosen over that gentleman. If, however, at any time since, it shall turn out to be the fact that he has accepted an office, or has done anything else which makes it improper for him to remain here as a Senator, it is no reflection on the people of Kansas that the office shall be vacated by his own act, and that whoever shall be appointed by the proper authority of Kansas to succeed him, shall take his place. However that may be, of course I know not.

Mr. LANE, of Kansas. Will the Senator permit me to interrupt him?

Mr. BRECKINRIDGE. Certainly; I yield to the Senator.

Mr. LANE, of Kansas. The people of Kansas, I owe it to myself to state, are opposed, unanimously opposed, with a few exceptions, to my giving up the seat in the Senate for a brigadier generalship. They are anxious that I should command their brigade, and I am anxious to command it; but they do not desire me, and have protested from the north to the south, and from the east to the west, against my giving up my seat in the Senate for that position.

Mr. BRECKINRIDGE. I do not doubt that the Senator is correct. I have no right to doubt it. The unanimity with which he informs the Senate that he was elected Senator is an indication of the ardent desire of the people of Kansas that he should represent them here. At the same time, in the nature of the case, and under the Constitution of the United States, it is impossible that he should be both brigadier general and a Senator from Kansas. It is a mere question of fact, which the Senator, of course, understands as well as I do; and I suppose he understands perfectly well that he has not a right on this floor, or elsewhere, which I would not only be disposed not to take from him, but would be prompt to give him. It is a simple question of fact. Whatever is the desire of the people of Kansas, if, in fact, he has accepted an office incompatible with the office to which they elected him, of course he cannot have both. The acceptance of the second is the vacation of the first; and although every county from the northern to the southern boundary of that State should desire him to be both Senator and brigadier general, as long as we respect the Constitution of the United States he cannot be both. If, sir, he is not brigadier general, he is Senator, and ought to be Senator, and I want to keep him a Senator. If, however, he is a brigadier general, and has accepted a commission, and is now in the service of the United States, he is not a Senator, and cannot be a Senator.

My opinion is, that the report of the committee ought to be printed for the information of the Senate. If, when the subject comes up for action in this body, the Senator from Kansas will say that, in his opinion, the response of the President to the resolution of the Senator from Indiana bears on the merits of the case and is important to him, no one will be more prompt than myself to give a reasonable time for that response. I think this is fair, just, and equitable all around, and therefore I shall vote against the motion to recommit the report to the Committee on the Judiciary.

Mr. TRUMBULL. I concur very nearly with what the Senator from Kentucky has said. I think it would be a singular practice to recommit the report with a view of attaching something to it. The committee make such a report as they please. The report which has been made by the committee is not entirely concurred in by me; and I should have presented my views in the shape of a minority report had I thought it material to do so. But in the view which I take of the case, the facts presented by the majority will bring before the Senate sufficient for my purposes; and therefore I did not think proper to embody my own views, so far as they may differ from those of the majority, in a written statement. The committee have made their report; that is an entirety; they ask to have it printed; and it seems to me the committee is entitled to have it printed; and if you recommit it, the committee will make such a report as they please; and they may not embody anything else in it. If somebody else on on the committee, or if the Senator interested, desires other papers to be printed, do doubt the Senate will print them at the suggestion of a member of the committee who may think them necessary for the consideration of the Senate, or at the suggestion of the Senator.

I do not see how you would accomplish, by recommitting it, the object that seems to be contemplated; and I think the proper course is to order the report to be printed, and also any other papers——

Mr. FOSTER. The order to print has been made.

Mr. TRUMBULL. Then I have nothing to say.

EXECUTIVE SESSION.

Mr. WILSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 2, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

BULL'S RUN.

Mr. COX. I ask the unanimous consent of the House for leave to introduce a joint resolution expressing the sympathy of Congress with the bereaved families and friends of our soldiers who have fallen in defense of the Republic.

There was no objection; and the resolution was read a first and second time by its title.

Mr. COX. I ask that the resolution be now put on its passage.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That we acknowledge the faithful services and loyal devotion of our soldiers who have fought and fallen in defending our flag, and in vindicating the supremacy and majesty of the Republic. Whether successful, or compelled, by the overwhelming number of the enemy, to resign a victory already won, their graves are honored, and history invests their names with unfading renown; and while the national Legislature expresses the sympathy of the nation for their bereaved families and friends, we commend to a generous people and to the Army, which is now eager to renew the contest with unyielding courage, the imperishable honor of their example.

The resolution was unanimously ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FINAL ADJOURNMENT.

Mr. BINGHAM. I call for the regular order of business.

Mr. ROSCOE CONKLING. I rise to a privileged question. I offer the following resolution:

Resolved, That the House, provided the Senate consent thereto, adjourn *sine die* to-morrow at twelve o'clock, meridian: and further, that this House hereby consents that the Senate may adjourn also, at such time as it shall determine upon for that purpose.

Mr. Speaker, if I have the consent of the House, I would like to make a statement for a single moment about that resolution. I offer it with the assent of the chairman of the Committee of Ways and Means. The supposition seems to have been with gentlemen who have sent up resolutions for final adjournment, that this House and the Senate must necessarily, by the Constitution, adjourn simultaneously; and I want to bring to the attention of the House, if I am right, that the Constitution makes no such requisition upon us. There is at least a question whether such is necessarily the interpretation of the constitutional provision. The language of the Constitution is, that "neither House shall, during the session of Congress, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

Now, sir, I learn from the chairman of the Committee of Ways and Means that after a bill, which will be called up presently, be passed, there is from that committee no other business to be reported. We know, from experience, that we have no general business to keep us here. The Senate may have executive business which it is important to consider. The object of the resolution is to obtain the consent of the Senate that we may adjourn to-morrow at twelve o'clock, meridian, and at the same time to give to them what the Constitution says they must have; to wit, our consent that they may adjourn at such time as they shall determine for that purpose; which resolution the House may think complies with the constitutional provision, because we then adjourn with their consent, and they adjourn with our consent—the two Houses exchanging consent.

Mr. HUTCHINS. Does not the word "consent," in that clause of the Constitution read by the gentleman from New York, [Mr. ROSCOE CONKLING,] refer to an adjournment from day to day of one House, during the session of Congress, instead of to a *sine die* adjournment of Congress? Will the gentleman from New York answer? Is there any precedent for this action?

Mr. ROSCOE CONKLING. As to the last question, I am entirely unable to answer it. I think the probability is that there is no precedent for it, for I can scarcely suppose the case ever arose before. The only example of a session like this is that of 1812, when the facts and circumstances, in a variety of respects, were different from those now surrounding us. Now, as to the first question he puts, I do not, I think, apprehend him; for, if I do, he asks a question in the teeth of the Constitution. The Constitution provides that neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days.

Mr. SPAULDING. That has reference, not to a final adjournment, but an adjournment over

for more than three days during the session of Congress.

Mr. VANDEVER. When we adjourn, then, is not Congress adjourned for all purposes of legislation?

Mr. ROSCOE CONKLING. My friend, as I understand him, asks whether, when this session is closed by the adjournment of this House, the session of Congress is not closed for the transaction of all legislative business? Yes, sir, the legislative functions of Congress would cease, but then the session of the Senate would be for the consideration of executive business, or any other business which the other House has the power without us to consider and determine.

Mr. BINGHAM. I want to say to the gentleman, that I desire to report from the Committee on the Judiciary two bills, which the House may deem it important to consider, and to take some time for that purpose; and I desire to state further that that committee will desire to report one or two other bills to-morrow.

Mr. ROSCOE CONKLING. For what purpose is this request made by the member from Ohio? I want to know for what purpose he asks me to yield.

Mr. BINGHAM. My desire is to suggest to the gentleman from New York that he had better substitute Monday for to-morrow.

Mr. ROSCOE CONKLING. That is a matter within the pleasure of this House, which I have no particular care about. My desire is to arrive at some point——

The SPEAKER. Does the gentleman yield for the amendment to substitute Monday for Friday?

Mr. ROSCOE CONKLING. I cannot yield for that purpose. My object is to arrive at some mode, if the Constitution allows us to do it, in which, when we have finished, and completely finished, all the business before us, we shall be allowed to adjourn instead of assembling day after day to consider questions which I must say, with great deference, have little to do with the interests of the Republic.

Mr. EDWARDS. If the gentleman will allow me a moment, I will say a word. I understand the purport of this resolution to be to enable the House to make a final adjournment, whether the Senate continue in session or not. Now, sir, I supposed that we were being detained here, not by reason of any general legislation that was desired by the Senate, and which required time, but to enable the Senate to act on executive business in relation to appointments, which would fail unless the question of confirmation was determined while both Houses were in session, or, in other words, while Congress was in session. If that construction be correct, then we should endanger the proper performance of the public business by the adjournment of the Houses separately. How this will be, each gentleman will judge according to his interpetration of our powers as to whether the Houses have power to adjourn separately. It seems to me that the question propounded by the gentleman from Ohio was very pertinent; and if it had been addressed to me, I should have been constrained to answer that, in my judgment, the provision of the Constitution adverted to applies wholly to temporary and not final adjournments. Either House has the power, during the session of Congress, to adjourn for one day or two days by separate action, and it would seem that the adjournment of one branch for more than three days by the consent of the other, is through a power only to be exercised during the session of Congress, that is within and between both the *termini* of a session and not through a power to make a *terminus* to the session. If, then, this provision relates only to temporary adjournments between the *termini* of a session, where, I ask, is there any provision which contemplates a final adjournment of one House by consent of the other, or, what is the same thing, the termination of a session of Congress by the withdrawal of one branch by consent of the other? None such is to be found; and I submit to the House, that one House can terminate a session of Congress as well without the consent of the other as with, unless such consent shall be to the final adjournment of both Houses at the same time. The gentleman's interpretation I understand is opposed to all precedents up to this time; and if we are to prejudice the public business by the adoption of the resolution, or if we are under the circumstances under which this session has been called to exercise a doubtful power, it seems to me that the action now proposed is highly objectionable. It is certainly incumbent upon the gentleman from New York to show clearly and satisfactorily to the House that we possess this power, and also that it is proper to exercise it under the circumstances; and unless he shall do so, most surely the resolution ought not to be adopted.

Mr. ROSCOE CONKLING. I understand two points to be presented by the gentleman from New Hampshire. In the first place, that commissions will fail unless confirmed, which commissions have been issued for appointments required by the Constitution to be made by the President, by and with the advice and consent of the Senate at the first session thereafter.

Now, the gentleman's point is, that this provision means that the confirmations must be made during the session of both Houses. Let me put to the gentleman one single proposition in reply. When the President appoints his Cabinet officers, and makes other chief appointments, a called session of the Senate takes place—never of the House—and those confirmations are made by the Senate, the Senate sitting alone, and the other branch of Congress not being in session at all. It seems to me that there are precedents every four years in reply to the suggestions of the distinguished gentleman from New Hampshire.

Then he says he thinks that, under this clause of the Constitution, the power of this House to adopt this resolution is doubtful. I want to say, that I have not said that it is not doubtful. I have not attempted to be at all confident in asserting the construction implied by the resolution. I will say, however, that it is, as I understand, the opinion of some of the best legal minds in the Senate, and also in this House, that such a construction is warranted; but I have not stated my opinion upon the subject, deeming it sufficient to present the question to the House. But I wish to submit to the gentleman, if these words, "during the session," have the significance he supposes, they might as well have been omitted altogether, because every adjournment must be during some session of Congress, of course; and if it cannot adjourn and cannot fix the time of adjournment, then there is no time for its adjournment in its lifetime. I consider the use of these words purely restrictive. In the absence of them, either House, like any court of justice, could adjourn at pleasure; but there being a counterpoise between the two Houses, therefore, they said that neither House, without the consent of the other, should leave the other working alone for more than three days—of course, during the session; because, if it had not been confined to the time which transpired during the session, it would have been an unnecessarily extended provision.

Mr. EDWARDS. Suppose this House should adjourn separately, by consent of the Senate, to-day, and the Senate continue three or four days longer, by consent of the House: I ask whether Congress would be in session after to-day?

Mr. ROSCOE CONKLING. That is the very point I have been endeavoring to present to the distinguished gentleman, and to others; and, if I may answer it after the fashion of a Yankee, I would like to put a question exactly on the other side. On the 4th of March, when the Senate assemble here, under the call of the President, to confirm the officers of State and the chief envoys to the Courts of Europe, I would like to know whether Congress is in session?

Mr. EDWARDS. I do not so regard it.

Mr. ROSCOE CONKLING. Nor do I, in the significance of that phrase at large; and, as I unswered the gentleman from Ohio, I suppose Congress is in session *pro hac vice*—that is, that one half is in session to do all the business belonging exclusively to it; but I suppose the session of Congress, in the broad signification of that term, that is, for the transaction of legislative business, expires on the final adjournment of this House.

Mr. KELLOGG, of Illinois. I desire to amend by inserting "Monday" in the place of "Saturday;" and I wish to state, in a word, the reason for it.

Mr. ROSCOE CONKLING. My friend will allow me a moment; if he knows any reason satisfactory to him, I will accept the amendment with pleasure.

Mr. KELLOGG, of Illinois. Very well.

Mr. VALLANDIGHAM. I have not examined this question with reference to authorities, or made it a subject of reflection. My first impression is that the power of adjournment, as contemplated by the resolution, is conferred by the terms of the Constitution. There is, however, this difficulty in regard to it: when the Senate meets, as the gentleman from New York says, upon the 4th of March, *Congress* is not in session—but only one branch of it—and that branch is limited, of course, to the transaction of business peculiar to itself. The Congress of the United States consists of the Senate and House of Representatives. Now, if we adjourn in the manner proposed in this resolution, with the consent of the Senate, to the first Monday of December, Congress is still in session in point of law, or within the idea of the Constitution, and it is competent for the Senate to prosecute all the business of Congress just as though the House were in session, and just as if we adjourned for three days or less; and all agree that in that case the Senate may still proceed with its business.

If this position be correct, this House ought not to consent to one branch of the Legislature passing important public measures of legislation and prosecuting business of that character, while the Representatives peculiarly of the people are not in session. But for this consideration, I should be inclined very cheerfully to support the resolution; for, in common with almost every other member, I am anxious to bring this session to a close. Believing, then, upon a hasty examination and without desiring to be committed to a definite opinion upon the subject, that the House has the power to adjourn over with the consent of the Senate, still, inasmuch as the effect would be to leave the Senate in session for all purposes, I oppose the resolution. It would be a bad precedent to establish, and one which the House, in consideration of its dignity and importance, ought not to consent to. I submit these suggestions to the consideration of the gentleman from New York, and of the House.

Mr. KELLEY. Would not the effect of such an amendment as proposed be, that the nominations made during the recess, and during this session of Congress, would all fall, and have to be remade by the Executive? Would not an adjournment of the House be practically an adjournment of Congress? On the 4th of March, every four years, Congress expires, and the Senate is reconvened for special business—the confirmation of nominations important to be made, and for other business peculiar to themselves. I understand that the effect of this resolution would be to let fall every nomination made during the recess, or during the present session.

Mr. LOOMIS. I merely wish to reply to the suggestion made by the gentleman from Pennsylvania by calling his attention to a clause of the Constitution at the end of section two:

"The President shall have power to fill all vacancies that may arise during the recess of the Senate by granting commissions which shall expire at the end of their next session."

That is, the session of the Senate. The only question would be, whether a session of the Senate must expire at the same time that a session of Congress would expire. The Constitution only names a session of the Senate, and it seems to me that their session might be construed as continuing until their final adjournment, without regard to the adjournment of the House.

Mr. ROSCOE CONKLING. I am afraid this debate has become irksome to the House, and certainly it has extended much further than I intended; but if the House will bear with me, I will say I take great confidence by what has been said by the gentleman from Ohio [Mr. VALLANDIGHAM] and the gentleman from Pennsylvania, [Mr. KELLEY,] and, I think, with good reason; because they doubt the power asserted in the resolution, for exactly opposite reasons. The gentleman from Ohio thinks the session does not expire at all for any purpose; that the Senate have the right to go on and transact all sorts of business. The gentleman from Pennsylvania fears not only that the session expires, but that, for all purposes of existence, the Congress dies upon the adoption of this resolution. I think these are the two extremes of this question; and I think that the point which avoids both, is apparently the

construction of this clause of the Constitution. Certain commissions which are issued do fall at the expiration of the session of Congress thereafter. Now, I do not see how any gentleman can make an argument to show that because this House adjourns with the consent of the Senate, it does not leave the Senate in session. The words of the resolution expressly contemplate the continuance of the session of the Senate.

On the other hand, I do not see that the gentleman from Ohio makes a suggestion as cogent as his suggestions usually are, when he says there is an impropriety or danger in allowing the Senate to go on after the House adjourns. Surely, the Senate can do nothing, even upon the gentleman's theory, in the way of legislative business, except to consummate that which has already been passed upon by the House; and if they initiate new business, it is inchoate until it comes here and passes through this House, which cannot be until the first Monday of December, unless, during that interval, the President calls another extra session.

Mr. VALLANDIGHAM. That I grant; but I only refer to the appearance before the country of an adjournment of the Representatives of the people, leaving the Senate in session, which sits much in secret session.

Mr. ROSCOE CONKLING. Then, as a matter of appearance, I submit to the gentleman from Ohio that nothing will appear better than for us to finish, in the shortest proper deliberate time, the legitimate business before us, and then adjourn and betake ourselves to such other lawful employment as individually we have. I now yield to the gentleman from Illinois.

Mr. RICHARDSON. I would suggest to the gentleman from New York that there are various difficulties presenting themselves to my mind in reference to this question of adjournment. I do not concur with the gentleman from Ohio [Mr. VALLANDIGHAM] at all, that the Senate can go on and pass measures adopted by this House, and I would show him, I think, very conclusively, why this thing cannot be done. Suppose that after the House passes a bill, we adjourn, and the bill is afterwards passed by the Senate and approved and signed by the President: where does it go back to? It has to come back to this House; and if this House is not in session, does it become a law? There is a great number of questions growing up in this way.

Mr. VALLANDIGHAM. Do I understand the gentleman from Illinois to claim that there is any constitutional provision requiring the President to notify the House in which a bill originated, of the fact that he has approved and signed it? Is it anything more than usage?

Mr. RICHARDSON. That may be; but I am not for breaking down all the usages observed under the Constitution in regard to the intercourse between the Executive and the two Houses.

Mr. VALLANDIGHAM. Suppose, sir, this House adjourns to the utmost limit allowed by the Constitution, without the consent of the Senate; and suppose that in the mean time the Senate pass a bill already passed by the House: is it not perfectly competent for the President to sign it?

Mr. RICHARDSON. Undoubtedly; because the Constitution provides in express terms that one House may adjourn without the consent of the other House for that time. I desired to present to the gentleman from New York the difficulties in the way of this resolution.

Mr. WHITE, of Indiana. I would like to put one question to the gentleman from New York.

Mr. ROSCOE CONKLING. With pleasure.

Mr. WHITE, of Indiana. The section to which the attention of the House was called by the gentleman from Pennsylvania [Mr. KELLEY] has always, as I understand, received the interpretation that all appointments ceased with the next session of Congress. I infer that there is no affirmative clause of the Constitution regulating the adjournment of the two Houses, but I infer from the third section that one House cannot adjourn without the consent of the other; because in case of disagreement the President has power to adjourn both Houses himself. That implies, necessarily, as gentlemen learned in the law would say, *ex vi termini*, that the Houses cannot adjourn separately, or by separate and mutual consent, but only by concurrent vote; and, therefore, all those appointments on the vacancies existing before the session will necessarily expire at the time when either or both Houses adjourn. In my opinion, the case that is put to meet that objection—the case of executive sessions of the Senate—does not meet the difficulty; because, by the same third section, the President has power to convene separately either House of Congress. The House of Representatives may be convened separately, by the Senate, if you please, to find an impeachment. The Senate may be convened separately to try that impeachment. Being convened by the President for any purpose over which it has exclusive jurisdiction, it may exercise all those powers in their fullest latitude. For instance, it may ratify treaties, may confirm nominations, and those nominations run then for the full constitutional term. But I take it that neither House can adjourn without the other. The gentleman from New York has said that Congress may be divided into sessions, and that it is proper, according to usage here, to adjourn each session *sine die;* which means to a day certain fixed by law, either at the end of the Congress or at the end of any session.

Therefore I say that the Senate may be called for a special purpose, and may then confirm appointments. But suppose the President should to-day issue his proclamation: every officer now holding an appointment made since the last session, and not confirmed, would cease to be such officer. There would be a moment between the adjournment of Congress and the call of the extra session of the Senate, when all these offices would become vacant. I am not willing to run that risk. We have now generals in the field who hold their appointments in this way. It would not be wisdom on our part to run the risk of adjourning, but would be against all usage to do so, till we do so, not separately, but concurrently. That adjournment, I contend, must be simultaneous, by a fair interpretation of the third article of the Constitution, which is the only one actually governing the question of adjournment.

Mr. ROSCOE CONKLING. I would inquire of the Chair whether it would be more desirable to have the resolution fix an hour later than twelve?

The SPEAKER. If the President should have any communication to make to the House—twelve o'clock being the hour of meeting—it could not be received.

Mr. ROSCOE CONKLING. Then I modify the resolution, so as to make the hour of adjournment half past twelve.

Mr. HUTCHINS. I move to lay the resolution on the table.

The motion was agreed to; there being, on a division—ayes 55, noes 40.

So the resolution was laid on the table.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles:

A bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes;

A bill (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores; and

A bill for the relief of John C. McConnell.

ACT OF CONFISCATION.

Mr. BINGHAM, from the Committee on the Judiciary, reported back, with an amendment, in the nature of a substitute, Senate bill No 25, to confiscate property used for insurrectionary purposes.

The substitute was read. It provides that whenever hereafter, during the existence of the present insurrection against the Government of the United States, any person held to labor or service under the laws of any State shall be required or permitted, by the person to whom such labor or service is due, or his legal agent, to take up arms against the United States, or to work or be employed in or about any fort, navy-yard, armory, dock-yard, ship, or in any military or naval service, against the Government of the United States, or as the servant of any person engaged in active hostilities against the United States, then the person to whom such labor is due shall forfeit all claim to such service or labor, any law of any State, or of the United States, to the contrary notwithstanding; and, in case of a claim for such labor, such facts shall be a full and sufficient answer.

Mr. BINGHAM. The substitute reported is the instruction of the majority of the committee, from which I dissent myself, and for which dissent I desire briefly to state my reasons.

Mr. SHEFFIELD. I desire to know to whom this right of property is to be forfeited?

Mr. BINGHAM. I will answer the gentleman's question, although, as I have already indicated, I was not myself favorable to the substitute. The forfeiture is simply, as the bill itself indicates, a forfeiture of all claim, under any State laws or under any laws of the United States, of the person so offending, to any person hitherto held to service by him.

I desire, Mr. Speaker, to call the attention of the House to the fact, that that portion of the Senate bill which is struck out by the report, is a provision whereby all property, all movable property, employed in any insurrection against the United States by its owner or his agent or employé, in aiding such insurrection, shall become the subject of lawful prize and capture, subject to condemnation as such in the courts of the United States having jurisdiction thereof. That is the provision which the majority of the committee have instructed me to report to this House, as originated by them. It is a provision simply relating to persons held to service or labor, as a substitute for the Senate bill.

I desire to say, without intending to detain the House by a formal speech upon this subject, that the power of the Congress of the United States to make "rules concerning captures on land and water" is one of the express grants of power in the Constitution, as I have just stated. I desire to say further, that I am opposed to the non-exercise of this power upon the part of the Government. It does seem to me, that if a time can ever arise when it becomes the duty of the Representatives of the people to exercise this power expressly conferred upon them by the Constitution, in my judgment, for wise purposes, that time has now come. If this House consents to strike out these provisions of the Senate bill, the House will thereby make proclamation to the world, that we so tenderly regard the property of these rebels in arms, in their rifled cannon, in their bullets, in their powder, in their sabers, in their horses, in their mules, with which they blow out the brains, or cut out the hearts, or trample out the lives, of the loyal people of the United States, that we are unwilling to exercise the power conferred upon us by the terms of the Constitution, to dispossess them or interfere with their control thereof. That provision of the bill, I will further remark, provides for the condemnation of this property according to the requirements of the law in the courts of the United States having cognizance thereof. There is nothing therefore, I suppose, in the form of the bill, which is seriously objectionable, and the opposition to the bill must be to the substance of it.

Now, sir, having made this statement of the substitute reported by the majority of the committee, I hope that substitute will be rejected by the House. The question will then recur upon the Senate bill as it came to the House. I call for the previous question upon the passage of the substitute and upon the third reading of the bill.

Mr. KELLOGG, of Illinois. I desire to say to the chairman of the Committee on the Judiciary that there are some amendments that it was understood should be offered. I have one which I desire at the proper time to offer to this bill. I hope the previous question will not now be called.

Mr. BINGHAM. If it is competent for me to call the previous question upon the substitute, and leave the bill open to amendment in case the substitute is disagreed to, I will call it only on the substitute.

The SPEAKER. The previous question, if ordered, will not exhaust itself until the bill shall have been read a third time.

Mr. BINGHAM. It cannot be made to apply to the substitute?

The SPEAKER. No, sir.

Mr. BINGHAM. Then, if the gentleman from Illinois can introduce his amendment at this time, I have no objection to it, and will withdraw the demand for the previous question for that purpose.

Mr. KELLOGG, of Illinois. I propose to offer an amendment to the original bill, in its fourth section; and I suppose it is in accordance with parliamentary proceeding to move to perfect that before taking the question on the substitute. I

propose to strike out, in the fourth section, all after the sixth line, as follows:

"And the person whose labor or service is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding."

And insert in lieu thereof as follows:

And such claim to service or labor shall be confiscated.

Mr. PENDLETON. In the Committee on the Judiciary, when this bill was considered, it was understood—and my colleagues on the committee will bear witness to the truth of the statement—that, in case the substitute should be defeated, and the question should come up on the passage of the Senate bill, it was desirable that amendments, some verbal, and some important, should be presented.

Mr. BINGHAM. My colleague will notice that I have endeavored to carry out that arrangement. It was for that purpose that I asked the Speaker whether the previous question could not made to apply only the substitute.

The SPEAKER. The Chair, on referring to the rules, as revised at the last Congress, finds that, by a special provision, the previous question may be called on an amendment simply.

Mr. BINGHAM. Then I will call the previous question upon the substitute simply.

Mr. PENDLETON. Will that preclude amendments to the original bill, if the substitute shall be rejected by the House?

The SPEAKER. It will not.

Mr. KELLOGG, of Illinois. I desire to suggest this point of order: whether it is not proper to perfect the original bill before the substitute is voted upon, and hence whether my amendment is not now strictly in order to be voted on before the question is taken on the substitute?

The SPEAKER. The Chair does not understand how that can be done, if the previous question is ordered upon the substitute.

Mr. BURNETT. I submit the question to the Chair, whether the substitute is not to be voted on under the parliamentary law, after the original bill shall have been perfected; in other words, whether the original bill is not now before the House?

The SPEAKER. The gentleman from Ohio reported the original bill from the Committee on the Judiciary, with a substitute, and called the previous question on the substitute. If the previous question is seconded, the vote must first be taken upon the substitute.

Mr. BURNETT. Then I appeal to the gentleman from Ohio to withdraw the demand for the previous question, to enable me to submit a few remarks upon this bill.

Mr. BINGHAM. I suppose the gentleman from Kentucky will be satisfied, if the substitute is rejected, to submit his remarks upon the original bill?

Mr. BURNETT. My objections go equally to the bill and the substitute; and I should be glad to say what I have to say at this time.

Mr. BINGHAM. I must decline to withdraw the demand for the previous for the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. WICKLIFFE. I have not been able to ascertain what has been going on. I desire to ask the chairman of the Committee on the Judiciary whether it is the design of this bill to confiscate the property of citizens in persons described there where they may be found at labor of any description which can be connected with war, except the carrying of arms? Suppose my negroes—I being a national man and a Union man—are taken without my leave and against my consent, to drive teams and carry provender to the rebel army: are my negroes to be confiscated?

Mr. BINGHAM. I will state, in reply to the inquiry of the gentleman from Kentucky, that this bill is drafted—the original bill as well as the substitute—in such a manner as expressly to preclude such a construction; because both the original bill and the substitute limit the penalties prescribed to such persons as are engaged in this rebellion by their own act.

Mr. BURNETT. Exactly. Let me ask the gentleman a question.

Mr. BINGHAM. I yield the floor for that purpose.

Mr. BURNETT. I could only gather, from hearing the substitute read, what are the terms on which it is drawn. I do not know that I distinctly understand it. Now, let me ask the gentleman from Ohio whether the Senate bill does not apply to all slaves who may be owned by persons now in this rebellion, and to their services in any wise used in aiding this rebellion, without limitation?

Mr. BINGHAM. I state, unhesitatingly, that the Senate bill does no such thing, for it has limitation—that such services must be by the direct act of the owner himself; by the direct act of the owner, or by the act of his agent or employé.

Mr. BURNETT. That is the point to which I wish to call the attention of the House.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed a joint resolution (No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer, in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed House bills of the following titles:

A bill (No. 80) authorizing the construction of twelve small side-wheel steamers; and

A bill (No. 100) to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers," the latter without and the former with an amendment, in which he was directed to ask the concurrence of the House.

Also, that the President *pro tempore* of the Senate had appointed Mr. SHERMAN of Ohio, and Mr. CLARK of New Hampshire, commissioners on the part of the Senate, under the act providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes, approved July 31, 1861.

CONFISCATION ACT—AGAIN.

The question recurred on the substitute proposed by the Committee on the Judiciary, and it was rejected.

Mr. BINGHAM. I offer the following amendment in lieu of the first section of the Senate bill:

Whereas the President of the United States has declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give, any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting the present insurrection or resistance to the laws, or to aid any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned.

I demand the previous question on the amendment.

Mr. VALLANDIGHAM. I rise to a question of order. The point of order I make is this: that this bill is excluded by the terms of the resolution of the gentleman from Indiana, [Mr. HOLMAN.]

The SPEAKER. The gentleman will recollect that all questions of a judicial character are included from the operations of that resolution. This, the Chair takes it, is a judicial measure.

Mr. VALLANDIGHAM. Is everything of a judicial character which comes from the Committee on the Judiciary?

The SPEAKER. The Chair will have the resolution of the gentleman from Indiana read.

The Clerk read, as follows:

"*Resolved*, That the House, during the present session, will only consider bills and resolutions concerning the military and naval operations of the Government, and the financial affairs therewith connected, and general questions of a judicial character."

The SPEAKER. The Chair thinks that this bill is one of a judicial character.

Mr. VALLANDIGHAM. But not a judicious one.

Mr. BINGHAM. I desire to make a single explanation of this amendment, so that it may be fully understood by the members of this House. The original bill, Mr. Speaker, as it came from the Senate, and was referred to the committee, applied alike to all cases of insurrection or rebellion against the lawful authority of the United States; but the effect of the amendment which I have just offered, and upon which I ask a vote of the House, is to limit the operations of the bill, by express terms, to the present insurrection or resistance to the laws of the United States. Those words have been inserted as a part of my amendment, thereby limiting the operation of the bill to the present insurrection, leaving every other insurrection to be taken care of by itself. I demand the previous question.

Mr. KELLOGG, of Illinois. I call for the reading of the fourth section of the bill.

The fourth section of the Senate bill was read, as follows:

SEC. 4. *And be it further enacted*, That whenever any person claiming to be entitled to the service or labor of any other person, under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit him to be so employed, he shall forfeit all right to such service or labor, and the person whose labor or service is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding.

Mr. KELLOGG, of Illinois. I hope I may have an opportunity to move to insert, after the word "that," where it first occurs in that section, the words "during the present rebellion."

Mr. BINGHAM. I have no objection to letting that amendment come in.

Mr. KELLOGG, of Illinois. It will make the section more clear and definite.

Mr. BINGHAM. I insist on my demand for the previous question on my amendment to the first section of the bill.

Mr. BURNETT. I ask the gentleman to withdraw the demand for the previous question.

Mr. BINGHAM. I will make a brief statement. The Senate bill is a general sweeping declaration that—

Whenever any person claiming to be entitled to the service or labor of any other person, under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit him to be so employed, he shall forfeit all right to such service or labor, and the person whose labor or service is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding.

Mr. BURNETT. As I understand it, any person who shall employ slaves in aiding or promoting this insurrection, or in resisting the laws of the United States——

Mr. BINGHAM. There is no such language as that in the bill.

Mr. BURNETT. The use of a slave, by authority of the owner, in any mode which will tend to aid or promote this insurrection, will entitle that slave to his freedom.

Mr. BINGHAM. Certainly it will.

Mr. BURNETT. Now we understand each other. I ask the gentleman whether this bill is not to be construed by the executive authorities of the Government?

Mr. BINGHAM. No, sir; I undertake to say that this provision is like many others now standing upon our statute-books subject to judicial decision. It is simply an act which may become the subject of adjudication in the courts as between the owner of a person so employed and the person so claimed.

Mr. BURNETT. That is what the gentleman says, but does it not mislead the House? On a certain state of facts to be assumed, and they are to a certain extent set out in the bill, then the contingency occurs upon which the slave is entitled to his freedom. Whenever that question is settled by judicial procedure hereafter, the slave sets up the fact that he was used in any way——

Mr. BINGHAM. By his master.

Mr. BURNETT. Or with his consent, or the consent of his agent, in any mode whatever. Then that negro is entitled to his freedom.

Mr. BINGHAM. Yes, sir.

Mr. BURNETT. Then, that amounts to a wholesale emancipation of the slaves in the seceding or rebellious States.

Mr. PORTER. Does the demand for the previous question apply to the whole bill?

The SPEAKER. It does not; but merely applies to the pending amendment.

Mr. PORTER. At the proper time, I wish to offer a substitute for the entire bill, which, I think, will obviate all objection to this measure.

Mr. BINGHAM. One word in reply to the gentleman from Kentucky. In the first place, I undertake to say that this law, as I said before,

will be subject to judicial construction, as a matter of necessity. I undertake to say that no just court in America will ever construe this fourth section, if it becomes a law, to the effect that, because it happens that citizens of the United States residing in a seceding State hold slaves, this law amounts to an emancipation of their slaves. I deny that that was the intention of the law, or that it will bear any such construction by a court of justice. I assert, further, that the very words of the statute eschew any such construction. By the express words of the act it is limited in its effect to those persons who themselves, by their own direct acts, for the purpose of overturning the powers of the Government, employ, or consent that others shall employ, the services of their slaves to that end. Does the gentleman complain that the Congress of the United States shall provide by law that any person owning slaves within his own State of Kentucky, who shall feloniously employ them in insurrection within his own State against the combined authority of the United States and of the State of Kentucky, for the destruction of his own life, or the lives of his kindred and friends, shall be so tenderly cared for that he shall not forfeit his control over his slaves? I aver that a traitor should not only forfeit his slave, but he should forfeit his life as well. A traitor justly forfeits both life and property.

Mr. BURNETT. The gentleman propounds to me the question whether I am willing that the slaves shall be used against the authority of the United States? This is what I object to: that when you pass a law in reference to property, you should take one species of property and put it upon a different footing from another. This Congress has no power, and the power exists nowhere in this Government, to set at liberty the slaves now held in bondage in the slave States; and when Congress undertakes to confiscate slave property, that species of property should be put upon the very same basis as all other property confiscated by the General Government. Let me state a case to the gentleman, and ask him a question.

Mr. McCLERNAND. I desire to ask the gentleman——

Mr. BURNETT. I cannot yield now.

Mr. McCLERNAND. The gentleman from Kentucky wishes the indulgence of the House to go on; and he should extend that indulgence to others.

Mr. BURNETT. The gentleman should allow me to finish first what I have to say.

Mr. McCLERNAND. I want the gentleman from Kentucky to do to me as the gentleman from Ohio has done to him.

Mr. BURNETT. I am a citizen of the State of Tennessee, which is now one of the rebellious States; I own slaves; I use those slaves upon my farm in the culture of tobacco, wheat, and the usual products of that State; they make corn and wheat and hay; and I take those things, the products of slave labor, and sell them to that rebel army. Now, the gentleman is a lawyer, and will he say that, by the provisions of this bill, my slaves are not entitled to their freedom?

Mr. BINGHAM. I think, when the gentleman sells his produce to the rebels, he ought to forfeit all he has.

Mr. BURNETT. Exactly; and that is this bill.

Mr. MAY. Will the gentleman allow me——

Mr. BINGHAM. I cannot withdraw the demand for the previous question, but I am willing to yield for a brief statement.

Mr. LOVEJOY. I object.

Mr. MAY. I would inquire whether gentlemen upon the other side of the House are to have the privilege of expressing their views, and then they will not grant the same privilege to a member of the Judiciary Committee.

The SPEAKER. The gentleman from Ohio cannot yield if any member objects.

Mr. BINGHAM. I must insist upon the demand for the previous question, if any gentleman objects to my yielding.

Mr. CRITTENDEN. I am but slightly acquainted with the rules of the House, but I supposed the previous question had been, substantially, withdrawn by the gentleman who made it, by entering into an argument with half a dozen gentlemen upon the subject.

The SPEAKER. The Chair would state that unless the demand is withdrawn, no debate is in order.

Mr. KELLOGG, of Illinois. I ask the unanimous consent of the House to permit the gentleman from Kentucky to proceed.

No objection was made.

Mr. CRITTENDEN. I shall occupy the time of the House but a very few moments. Mr. Speaker, it has been conceded in all time, I believe, that the Federal Government, the Congress of the United States, had no power to legislate upon the subject of slavery within the States. It has been conceded that that was a subject for State legislation only. Does war change the powers of Congress in this respect? It is the absence of all power upon the subject which has prevented your legislation. Absence of all power of legislation in time of peace must be the absence of the same power at all times. The constitutional power of this House does not come and go with a change of circumstances. That is a fixed rule of Congress, permanent, immutable, and made to govern Congress. Now, sir, if you can legislate in regard to slavery in this instance, and if you can, upon certain conditions in time of war, destroy the right of the master to his slave, why cannot you, upon conditions, in time of peace do the same thing? You do it here because the slave is employed to aid the master in the commission of a great crime, that is, the uniting in a civil war. Could you not apply the principle to times of peace, and make the conditions then? If a master uses his slave to aid in the commission of a trespass, or it may be a murder, can you declare that to be a sufficient cause for the liberation of the slave? Why can you not? Because you have now power by your Constitution to touch slavery at all.

Mr. McCLERNAND. Will the distinguished gentleman from Kentucky allow me to ask him a question? I ask him whether, according to the laws of war, it would not be competent for the Government to forfeit the ownership of a horse found in the use of the enemy in war?

Mr. CRITTENDEN. You are making a positive law here which the gentleman says may come, and probably will come, before the judiciary for interpretation; and the first question which will arise there is, "is the law consistent with the Constitution?" and that is the question I am discussing now. Whether there is a more latitudinous power given by a state of war, is not the question now.

Mr. McCLERNAND. I would inquire if a law which would forfeit the ownership of a horse would not forfeit the title to a negro found engaged in military service?

Mr. CRITTENDEN. I am speaking to a particular question, and not answering suppositious cases. I say, in relation to slavery, that Congress never had any power of legislation within the States; and, no longer ago than last session, this body and the Senate, by a majority of two thirds, were willing to make that a provision of the Constitution, when nobody had ever demanded it.

Now, sir, I am not inquiring, nor am I prepared to make an argument, as to powers in a state of war, as to national law, world-wide law. I am interposing a positive statute, and I say if there is no power to do this thing in time of peace, there is no such power at any time.

Mr. KELLOGG, of Illinois. The gentleman from Kentucky knows my high appreciation of his judgment and opinion, and I wish to make this suggestion: while we concede that there is no power to interfere with the right to hold slaves in Kentucky, I suggest to him whether it is not competent to forfeit the claim that a man has to his slaves for treason in the master, in the same way that he would forfeit his claim to his horse, and yet not at all conflict with, or abrogate the law that authorizes the holding of slaves? I deny any disposition on my own part to interfere with the laws of the States in reference to holding slaves, but I insist upon our power to make a forfeiture of the right to service or labor of a person or the title to a horse, when the master of one, or the owner of the other, has become a traitor to his country, and uses that property or right for the destruction of the Government. I wish the gentleman to make a distinction between the right a master has, and the idea of abrogating the State law of Kentucky, for instance, allowing him to hold slaves; and that is the point to which I wish to call his attention.

Mr. CRITTENDEN. The gentleman knows how highly I appreciate him and his good opinion, and his opinion on this and all other subjects. But I answer the gentleman in the same general terms in which he argues his case. If you have no power, there the question ends. Well, have you a power, to legislate concerning a slave in Kentucky, as to his rights present or future? Have you a right to impose any terms or conditions on the master, in time of peace, on which the slave shall be entitled to his liberty?

Mr. KELLOGG, of Illinois. My idea on that point is simply this: that the citizen of Kentucky, like the citizen of any State, by an infraction of law—of the highest law of the country—is liable to penalties and forfeitures. It operates on the person to forfeit his right by his own crime, and does not at all attack or invalidate the right to hold slaves or abolish slavery in Kentucky. It operates as a forfeiture on the person for his crime in precisely the same way as it operates as a forfeiture on other kind of property.

Mr. CRITTENDEN. I will proceed to make the few remarks which I intended to do on this subject. I say, if you have no power directly, no matter what the advantages of the exercise of that power would be, no matter how just, no matter how necessary to the preservation of the Union, you cannot legislate about it for want of power. That is my point. You cannot make a general law that shall regulate slavery, that shall regulate the rights of the master or the rights of the servant in a State of this Union, in time of peace. That will be admitted, I think. You cannot punish any crime in the State; that is for the State. It is a part of its interior police. It is the law, and you were willing to put it in the Constitution as a thing never denied. Now, I ask my friend if this bill is not getting around that, making use of a state of war, of a state of things that highly excites us all? In adopting this indiscreet and unadvised legislation, are we not trying, under plausible circumstances, to insinuate our jurisdiction in a manner which, on the same principle, must apply to place the slavery of the South (and will it not be so understood) completely in the power of Congress?

Mr. KELLOGG, of Illinois. I appreciate the suggestion, that in times like these of very great excitement and great danger to our country, we are liable, and perhaps likely, to indulge in indiscreet legislation, and that that should be kept steadily in view. I have endeavored by my amendment so to modify the bill that it shall be understood by the country as not affecting the institution of slavery in the States. I repeat that we have no more power to legislate on the subject of slavery in time of war than we have in time of peace. If a citizen of the United States commits high treason, or any other great crime known to the law, it is competent for the United States Legislature, if the crime be within its cognizance, (and treason is,) to provide for the forfeiture and confiscation of the offender's property. And it is because he is a criminal before the law that I propose that his horses, his houses, his lands, his mules, his cannon, yea, his right to service in another, shall be confiscated; not annulling the law by which he holds it: for that is a matter which neither in war nor in peace can we reach. But because of the crime, we may either in war or peace impose the penalty of the confiscation of the offender's right to hold property, or of the right to the service and labor of another. This bill is put on the ground of confiscation, on the ground of forfeiture. It provides a penalty for crime, operating on the individual, not on the law; on the individual, not on the institution of slavery; on the individual, not on the policy of the State. So far as that is concerned, I do think that the right to hold slaves, the right to the labor or service of others, is no higher right in the State of Kentucky than the right to hold land or horses. The forfeiture works only as a penalty for the crime; and I think my friend from Kentucky will see the distinction between the infliction of a penalty on an offender, and the abrogation of a State law.

Mr. CRITTENDEN. Mr. Speaker, it is the crime against which we are legislating that irritates and provokes us to extremity in our legislation on this subject. We have a power in all cases within our jurisdiction to try persons in our courts for the crime alleged against them; and all the consequences which the law annexes under the Constitution follow the judgment.

Now, in reference to treason, which is the crime here. The Constitution defines what it is, and provides for its punishment. It declares that treason against the United States shall consist in levying war against them; and that no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court. It declares that Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the offender.

Now, sir, the crime declared by this bill, and for which this forfeiture is to take place, is treason—treason by its very definition. It is so considered in this bill. It is, so considered by my friend from Illinois. This law undertakes to deprive the owner of slaves of his entire property, and to give complete freedom to the slave. The Constitution says that even on conviction of treason, there shall be no forfeiture of property, of any description, beyond the lifetime of the offender.

Now, I ask my friends everywhere if it is not a plain breach of the Constitution that a man shall forfeit his slaves? Whatsoever of property he employs, or permits to be employed in a certain way in aid of treasonable purposes, he shall forfeit it absolutely, says this bill; and especially shall he forfeit his slaves forever. That is the language of the bill. The language of the Constitution is, that no tittle of his property shall be forfeited for longer than his life. In this, however else we may differ, there is an apparent unconstitutionality in this bill.

Sir, I will leave the matter with this single remark. This provision of the bill will be considered, and so interpreted abroad, as assuming to Congress a power over slavery. If you can, on conditions, in time of war, abrogate and abolish slavery, it may well be asked, whether you cannot do it in time of peace, on similar conditions of supposed future crime? Are we in a condition now, gentlemen, to hazard this momentous, irritating, agitating, revolutionary question? Is it politic to wage such a war as that? I know that it is forced upon you. Your capital is now threatened, and is within hearing of the enemy's cannon. You are bound to defend yourselves, and to defend yourselves like men. Shall we send forward to the field a whole catalogue of penal laws to fight this battle with? Arms more impotent were never resorted to. They are beneath the dignity of our great cause. They are outside of the policy which ought to control this Government, and lead us on to success in the war that we are now fighting. If you hold up before your enemies this cloud of penal laws, they will say: "War is better than peace. War is comparative repose." They will say, when they are subdued, or if they choose now to submit, "What next? Have we peace, or is this new army of penal laws then to come into action? Are these penal laws to inflict upon us a long agony of prosecution and forfeiture?"

No, gentlemen, it is not by such means that we are to achieve the great object of establishing our Union and reuniting the country. Sir, these laws will have no efficacy in war. Their only effect will be to stimulate your adversaries to still more desperate measures. That will be the effect of this army of penal laws. The experiment has been tried by other countries. England tried it upon Ireland, and she reaped the reward of it in hundreds of years of intestine war. And that is its natural product. These penal laws will prove to be the seed-ground from which will spring up new rebellions. Gentlemen, for the sake of our country, I ask you not to enter upon such an experiment. Your laws already declare what is treason; they define what shall be the penalties of that crime. They are sufficient, and I hope there will be no further action, such as this bill contemplates. You know, as well as I do, the peculiar sensitiveness which exists upon the peculiar species of property to which this bill especially applies. I state now, as I have stated more than once in the other end of the Capitol, that I do not appear here to plead the cause of the slaveholder. I am here to plead for my country; I am here to speak for my country; and with an honest, sincere heart, with all the earnestness of my nature, do I implore you to forego the passage of this bill, and to dismiss it from your deliberations. The eyes of the world are upon you. You are in the presence of events that will be of deeper interest in history than any that have occurred in a hundred years; of as great importance, it seems to me, as can occur to the human race. Then let us not be here employing our time and ingenuity in finding out penal laws that can only have their effect after the war is over. When that war shall be over, I want to see it succeeded by the blessings of peace; I want to see manifested that spirit of forbearance and forgiveness which alone can bring us peace. If we are to provide, and provide beforehand, for a code of penal laws, which is to visit the citizens of the rebellious States when they shall have laid down their arms, in their property, in their persons, and in every way, we shall have no peace.

Mr. Speaker, great scenes are before us, and I hope we shall so act our part that no discredit shall fall upon us, for all these events will be recorded in the historic page. The acts of which we are now the active agents in this greatest scene ever presented to the world, will be written with an impartial hand. The interests of mankind were never so deeply involved as in this strife that is now going on; and I repeat that the pen of the historian will lay all these things open before the world. Let us, then, act our part like men; let us look above these little means of penal laws which, give me leave to say, will furnish those in arms against the Government a pretext for misrepresenting the purposes and objects of this war. We have declared that this war is not for the subjugation of the South, not for the overthrow of slavery, nor for the overthrow of their social institutions, but simply for the noble purpose of restoring our country and preserving the Union. That is our object. Let the means with which we pursue that object be as noble and elevated as the object itself. Let us raise ourselves to that high level. But what will be the effect of these penal laws? Does any man suppose they will assist you in gaining a single battle? When we have before us the noble purpose of uniting our countrymen under a common Government and of restoring the supremacy of the Constitution, is it necessary to rake in the dust for these small, petty means of annoyance, the effect of which will only be to render those now in arms against the Government more bitter against us? Do you promote your cause by resorting to such means? If all the ends we aim at meet in the good of our country, and nothing but our country's good, let it be so, and let the means we employ show it. You must succeed, if you succeed at all, by means of power and magnanimity. We are not here a band of lawyers, to be getting up prosecutions against a man because his servant followed him to the war. Of what moment is that? What do you and I care? Does it weigh a single grain of sand in this great scale of war? Not a grain of sand. It is among the smaller matters, that are not necessary to be looked after here at all.

I do not intend to trouble the House, particularly after the indulgence which has been granted me to occupy the floor at this time. There is much more in this connection that I would say under other circumstances. I have spoken of what seemed to me to be of eminent importance in this crisis. I have said that this bill violates the Constitution, if in nothing else, in making the forfeiture of property complete, when the Constitution says that for treason—even for treason, the highest of crimes—there shall be no forfeiture beyond the life of the offender. And if not even for treason, certainly for no crime of less magnitude can the forfeiture be made perpetual. This bill, then, is a violation of the plain terms of that provision of the Constitution; and, Mr. Speaker, if it is passed, it will be misconstrued. It will be construed in the country as intending to carry out an object which I believe is not really intended. We shall be charged with making an anti-slavery war. I know it is not so intended; but this bill will be considered as giving an anti-slavery character and application to the war. It will be considered as specially aimed at that particular description of property supposed to be endangered. But is there any good to come from the passage of such a law, if it were not for that suspicion? Your consciences are free, I know, from all mere purposes of vengeance. In this national conflict, let us do no act that shall degrade this struggle from its national character.

No; depend upon it, when this war is over the whole nation will be content to hear no more sound or outcry of anguish in the land. It will desire perfect and uninterrupted peace; and we ourselves, if we succeed in bringing the struggle to that termination, will have more reason for rejoicing than any other nation on earth. I want to see that great and glorious consummation effected. I want to see this war prosecuted in that spirit, in a spirit of firm determination to accomplish your purpose; but to accomplish your purpose in such a manner as to show even those with whom you are now obliged to be enemies that it is in no spirit of hate that you are carrying on the war. Then, when this struggle shall have closed, we may have peace and harmony.

Mr. KELLOGG, of Illinois. With the indulgence of the House, I wish to occupy about two minutes on the constitutional question.

Mr. VALLANDIGHAM. If there is to be a debate, let there be an equality among members.

Mr. KELLOGG, of Illinois. I will not say anything that will lead to reply from the gentleman from Ohio.

Mr. BURNETT. I object. The other side refused the gentleman from Maryland, [Mr. MAY,] a member of the Committee on the Judiciary, permission to say a word when he requested the favor.

Mr. KELLOGG, of Illinois. I only desired to show that this proposition did not apply to this provision of the Constitution.

The SPEAKER. No debate is in order.

Mr. COX. Is it in order to move that this bill be laid upon the table?

The SPEAKER. It is.

Mr. COX. Then I make that motion; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 71; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cobb, Corning, Cox, Cravens, Crittenden, Diven, Dunlap, Dunn, English, Grider, Haight, Hale, Harding, Harrison, Holman, Horton, Jackson, Johnson, Law, Leary, Logan, May, McClernand, Mallory, Menzies, Moorhead, Morris, Nixon, Noble, Norton, Odell, Pendleton, Reid, Richardson, Robinson, James S. Rollins, Sheffield, Sheil, Smith, John B. Steele, Stratton, Francis Thomas, Vallandigham, Vibbard, Voorhees, Wadsworth, Webster, Chilton A. White, Wickliffe, Woodruff, and Wright—57.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Covode, Davis, Delano, Duell, Edwards, Eliot, Fenton, Fessenden, Franchot, Gooch, Granger, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, Mitchell, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Benjamin F. Thomas, Train, Trowbridge, Vandever, Van Horn, Van Valkenburgh, Verree, Wallace, Charles W. Walton, E. P. Walton, Albert S. White, and Windom—71.

So the House refused to lay the bill upon the table.

During the vote,

Mr. COBB stated that Mr. STEELE, his colleague, was detained at home by illness.

Mr. FOUKE (not being within the bar when his name was called) asked leave to vote.

Objection was made.

Mr. FOUKE would have voted to lay upon the table.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

A bill (H. R. No. 100) to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers;" and

A bill (S. No. 61) to amend an act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases.

CONFISCATION ACT—AGAIN.

The question was taken on Mr. BINGHAM's amendment to the first section of the confiscation act; and it was rejected.

Mr. BINGHAM. I understand that my colleague wants me to yield to him, and I do so.

Mr. PENDLETON. Mr. Speaker, I not only desire to move an amendment, but to submit some remarks on the bill now before the House.

Mr. LOVEJOY. I rise to a question of order. As I understand it, the chairman of the Committee on the Judiciary yields only for his colleague to move an amendment, and not for a speech.

Mr. BINGHAM. I want my colleague to move his amendment. It was agreed in the committee that opportunity should be afforded for the presentation of these amendments. But I hope my colleague will not branch off into a protracted argument.

Mr. PENDLETON. I shall not take up the time of the House by considering the general policy of the bill. The gentleman from Kentucky [Mr. CRITTENDEN] has done that already. The vote which was given just now on laying the bill upon the table shows the temper of the House; that it is determined in some shape or other to carry out the principle embraced in the bill; and I propose, without dwelling upon the question of public policy connected with the bill, to address myself to certain matters which I think ought to commend themselves even to those who are in favor of its general principles. Now, sir, for my part, I think that the whole policy of the bill is wrong. I think, by whatever name this affair be called, whether rebellion, insurrection, or war, that it is nevertheless a war, and that it is the duty of the United States to carry it on—as vigorously as gentlemen please—in accordance with those rules which Christian civilization has prescribed to mitigate the cruelties of war. I think, sir, it is necessary for us now to determine either that those men who are in rebellion against the United States are public enemies, so that they shall be treated by us in accordance with the laws of war as prescribed by the law of nations; or that they are citizens of the United States, subject to all of the penalties which attach to them by the law of treason, and likewise entitled to all of the benefits and guarantees which the Constitution of the United States prescribes for every citizen, however criminal he may be. I think we should enter upon the consideration of that question now; and having made up our minds to treat them in one capacity or the other, we should follow that determination to its logical and legitimate conclusion; that we should not hold them to be public enemies for one purpose, that is, to deprive them of the guarantees which the Constitution gives them; and hold them to be citizens, in order to inflict upon them the penalties which the law prescribes for a citizen. Sir, I said that I would not trouble the House with the discussion of that question, and with this single remark I leave it.

Mr. Speaker, I address myself to the consideration of this bill because it applies to the State in which I live, to the State of New York or Massachusetts, as well as it does to any of the southern States, the masses of whose people are said to be in rebellion. It is because it goes home to me and to you, and to every man here, whenever any of his neighbors may choose to suspect him of disloyalty, that I deem proper to consider it. This bill provides, sir, that any person who shall acquire or sell property, with intent to use it, or who shall permit his property of any kind to be used for the purpose of carrying on, or assisting to carry on—in aiding, or abetting, or promoting an insurrection and resistance to the law, shall—what? Be made the lawful subject of prize and capture. Will any gentleman tell me what that means? Do gentlemen understand what is the meaning of that language as it is interpreted by all the adjudications on the subject? Tell me who it is that can make the seizure of a lawful prize? Tell me who it is that has the right under language such as that, if it be carried into the statute-book, to seize property, the owner of which is suspected of having used it in aiding rebellion? Sir, I affirm it without fear of contradiction, that by the law recognized in the United States, as well as by the law administered in every prize court in Christendom, the seizure of lawful prizes may be made not only by public armed vessels, but by private armed vessels; and not only by private armed vessels, but by every private individual belonging to the nation which authorizes the capture. I say, sir, that every man belonging to the nation under whose authority the prize is made, has a lawful right to capture the vessel, if it be a vessel, or property of whatsoever kind, and carry it before a court for condemnation. I say, that if this bill is passed into a law, it will be competent under it for every man, for every private individual, whosoever he may be, who suspects his neighbor has property which he has allowed to be used to aid rebellion, to seize that property and a carry it before the district attorney, in order that he may commence proceedings of condemnation.

Now, I put it to gentlemen whether they are willing to pass a law which shall set every man, upon a mere allegation of suspicion, without or with good ground, without or with reason, to capture the property of his neighbor and carry it whithersoever he please, in order that it may be condemned by a prize court? But what else follows? The ordinary rights regulating prize captures are made for a condition of war. It is lawful for the party whose property is sought to be captured to resist. It is expected that he will resist. It carries no offense with it. I want gentlemen to determine whether, under the language of this bill, a man who is suspected of having used his property in aiding a rebellion is expected to resist the capture by a private individual; whether his property is to be seized, and he is to submit to its being seized, by every individual who chooses to do so? Is he to submit, or can he hold the captor as a trespasser, and as a trespasser can he repulse him, even though it may be to the death?

Mr. KELLOGG, of Illinois. I wish to indicate my purpose to the gentleman, and see if he will not yield. I think this is a matter which deserves great consideration and discussion, and I design to move to recommit this bill to the Committee on the Judiciary.

Mr. PENDLETON. An application was made to me by another gentleman that I would yield the floor to allow him to sudmit that motion; but, inasmuch as I am not certain that that motion will carry, I propose to conclude what I have to say, and when I have done I will yield to either of the gentlemen to submit that motion.

I am aware, sir, that there is a provision in this bill which says it shall be the duty of the President to cause the property to be seized, confiscaated, and condemned. But I say that the provision which gives to the President the power, or enjoins upon him the duty, does not deprive any individual of the right which he has under the general law regulating this subject, himself to execute it. Now, I want to know whether the House is prepared to pass a law which shall permit a citizen of the State of New York to enter upon the property of a neighbor whom he may choose to suspect of making arms for the rebel army, without warrant and without authority of law, and seize that property and carry it before a judge to have it condemned? And if it is not condemned, what is to be the result? After the owner has suffered loss and his property has depreciated in value, what is to become of it? It may be returned to him and that is all. It may be, or it may not be, that he has a remedy in damages; but at best the only remedy is against the captor. But is that any sufficient guarantee of the right a man has to retain his property until it shall be taken from him by due course of law? I say there is no reason—even admitting the principle of the bill to be correct, which I deny—if the law is to be executed in any loyal State, or in any State which shall not, by the President, be declared to be in rebellion, why it should not be executed in the ordinary mode—by warrant, supported by an affidavit of probable cause.

The amendment which I propose to offer, and which I shall offer, seeks to obviate these two objections. In all the States of the Union where the people are not in armed resistance to the United States, where the ordinary laws are in full force, where the courts are in full operation, there is no reason why the full guarantees of the Constitution should not be secured to citizens; and my amendment is intended to provide that no seizure shall take place except upon warrant.

It contains another provision, which I do not entirely approve of, but which I have added that it may not be said that I desire by indirection to defeat the bill entirely. That provision is, that in the States where the judicial tribunals are not in operation, where it may be said that warrants cannot be issued, the seizure shall only be made by officers appointed under the hand of the President and the seal of the United States. It is also intended to provide that even in those States private individuals shall not be permitted to execute a law of this kind, so liable to abuse, but that the seizure shall be made by responsible officers especially intrusted by the President with this power and duty. I now offer the following amendment by way of a substitute for the third section of the bill.

The amendment was read, as follows:

Strike out all after the enacting words of the section, and insert:

That no seizure under this act shall be made within any district not declared by the President in his proclamation in a state of insurrection, except upon a warrant duly issued as in other cases of arrest or seizure for offenses against the laws of the United States; and that no seizure under this act shall be made in any district so declared by the President in his proclamation to be in a state of insurrection, except by persons authorized by the President, by warrant under his hand and the seal of the United States; and immediately after such capture, it shall be the duty of the district attorney of the district in which such property may at the time be, to institute proceedings of condemnation by filing an information describing accurately the property, and setting forth the facts of the case, and the name of the owner. Notice of the proceedings shall be given to the owner by serving upon him personally a copy of the information, if possible; if that be not possible, then by publication for four weeks daily in a newspaper of general circulation in that district; and if at the trial the fact of such employment shall not be proven, the property shall be restored to the owner at the place where it was taken; if it shall be proven, the property shall be sold under an order of the court to the highest bidder, and one half of the proceeds shall go to the informer.

Mr. McCLERNAND. I desire to appeal to the gentleman from Ohio to yield me the floor.

Mr. PENDLETON. My colleague, [Mr. BINGHAM,] I believe, objects to my yielding the floor.

Mr. BINGHAM. I had no desire to cut off reasonable debate, and I yielded to my colleague for a particular purpose.

Mr. PENDLETON. My colleague objects to my yielding the floor to the gentleman from Illinois, or to any other gentleman.

Now, in order to accommodate two of my colleagues upon the Judiciary Committee, I move to recommit the bill to that committee; and upon that motion I demand the previous question.

Mr. DIVEN. I ask the gentleman from Ohio if he will not withdraw the call for the previous question, for the purpose of enabling me to make an explanation?

Mr. PENDLETON. If the House will consent that I shall hold the floor and hear the explanation of the gentleman, I will do so with pleasure.

Mr. KELLOGG, of Michigan, objected.

Mr. PENDLETON. If the gentleman will renew the call for the previous question, I will yield to him.

Mr. DIVEN. I will do so. I wish to say that I will not yield to any man in devotion to this Union. There is no measure for carrying on this war effectually, according to the usages of civilized warfare, but shall have my cordial support. If, sir, I know my own heart, I have no desire to survive this Union. If it go down in blood, may my blood mingle with that of those who fall! That, if I know my own heart, is my prayer to-day. But, sir, I complain of the chairman of the Judiciary Committee in seeking to place me in an attitude which is by no means enviable. The gentleman, in his remarks, said: "Shall the provisions of this bill be opposed—shall men be opposed to taking the guns, the powder, the rifled cannon, and the balls that are shooting down our brave men?"—thereby putting us who vote against this bill in the category of those who are opposed to seizing the cannon and munitions of war with which the enemy is fighting the nation. Sir, I vote against this bill, and yet I will not yield to the gentleman who reported the bill in a fervent advocacy of any measure for putting down this rebellion. Sir, I am for taking the cannon, the powder, and the balls, and everything which the enemy are employing in this rebellion. But how take it? Take it under the provisions of this bill? Do gentlemen consider the nonsense of the proposition? This is a civil law; to be executed, if executed at all, by civil process. Take rifled cannon by civil process! Take the bullets and powder and magazines of the enemy by civil process! Do you propose to send your marshals to the seceding States with process to seize and condemn the rifled cannon and munitions of war? Every man sees the absurdity of that proposition. These munitions of war, if taken at all, are to be taken by the force of war. War has its own laws. We cannot add to or diminish them by any civil enactment that we may make. We cannot affect them by any statutes we can pass.

I will go with my friend [Mr. BINGHAM] to-morrow, and do my part towards seizing rifled cannon and bullets and powder. I will do as much, and risk as much, as he will towards depriving the enemy of the means of prosecuting this war. But when he asks me to transcend what I regard the humane provisions of war, to add to the severities of war, I am not prepared to go with him. It has become the practice of modern warfare to render it as harmless as it can possibly be. The rigors of war are only resorted to where they promote the success of armies. Does any man believe that the passage of this bill will promote the success of our Army? Is there any man who thinks that the passage of a law authorizing the confiscation of property can promote the success of our Army? Why, then, do not other nations think so? When we were prosecuting our war against Mexico we respected the property of the enemy. When Garibaldi was prosecuting the war of independence in Italy, he respected the property of the Italians, without regard to what army they were giving their sympathies to. Have not the stern rigors of ancient law been relaxed in favor of justice? Why have we protested against indiscriminate piracy on the seas? Why has the custom been abandoned of giving up cities that had been besieged to the sack of the soldiery, as was once the universal usage of war? Did the sacking of cities promote the success of the besiegers? On the contrary, it stimulated the besieged to a more obstinate and determined resistance. If any man doubts it, let him read the wars of the Peninsula, where women, rather than undergo the rigors of such a code, fought and perished, till the streets reeked with their putrid bodies. No, sir. The attaching of such rigors and penalties to warfare only stimulates the resistance of the enemy. Let it be understood that all these southern States which may be regarded as in rebellion against the Government are to have their property all confiscated if we are successful in the war, and do you not see that they will fight the battle to the bitter end? Do you not see that there is no hope for them, no home, no hearthstone; and that they may as well conclude to die on the field of battle as to surrender?

Now, sir, if vengeance be the policy of this House; if this war is to be prosecuted for the purpose of vengeance, if the feelings of vindictive hearts are directing our arms, then confiscate, burn, ravage, lay waste. But if merely conquering and triumphing in the name of the Constitution of the country be the object, then resort only to such measures as will secure that success, and do not add to it any of the unnecessary rigors of warfare. Who can point me to an advantage that will be gained by the passage of this act? Do we expect our Treasury to be enriched by it? Is there a man here who thinks that we can pay any of the national debt which we are accumulating, by the confiscation of any of this property? Certainly not, I apprehend, by the confiscation of one kind of this property; for if I understand the determination of these United States, they do not contemplate going into the slave trade at all. They do not contemplate taking negroes employed against the country, and selling them in the markets—in the Cuban or any other markets. They do not therefore add to their wealth by this means.

But I may be asked "what would you do with negroes taken in actual arms against the country? What would you do with negroes found employed in building ships-of-war, fighting battles against the country, rearing fortifications from which shots are to be fired on the soldiers of the Union?" Why, sir, I would treat them as men in arms against the country. I would treat them as prisoners of war. Then I admit that a question, entirely novel in the usages of war, at once occurs. You have then got a species of men as prisoners whom the usages of war in no place that I have ever seen treat as such.

I proposed in committee, as a substitute for this bill, to relieve the Government and the war-power of the country from the attitude in which the seizure of these men thus employed against the Government would place them, by providing the simple penalty that any man taken in arms against the Government is taken as a prisoner of war, whether he be black, or white, or tawny, or whatever may be his complexion. Afterwards, when you come to determine on an exchange of prisoners you can determine on what terms they should be released. I would have a law by which our generals, when they come to settle on the release as to prisoners, shall make the release of those black men thus employed dependent on the masters losing all right to them. For such a law and such a bill I will go most cordially; but I will never lend my sanction to a bill that will send crawling all over Missouri, Virginia, Kentucky, Maryland, and many other communities, mercenary men who have but to bring the charge of treason against a man to entitle them to half his property. Those laws that set on foot the vile informer have never had, and—God granting me my reason—never shall, have my support. Pass that bill, and I could cross the river to-morrow, if I were base enough, and could seize horses and cattle, and swear, or, if my conscience were not quite pliable enough, get some one else to swear, that the owner of the property is in rebellion against the United States, and half of the property becomes mine.

Sir, is this in conformity with the great principles of civilized and humanized warfare? Is it not rather bringing back the age of barbarism, and inaugurating a barbarous instead of a civilized warfare? I know it will be said that this is a war against rebels. True, it is, "and pity 'tis 'tis true." But still, sir, rebels as they are, they are men. They have hearts. They have children. The ties of kindred draw around their hearts as they draw around the hearts of other men; and while I would spare nothing that will contribute to the success of our arms, I would forbear everything that is unnecessarily cruel.

Now, sir, I have given the House my reasons for voting against this bill. With these reasons I am content. If they are not sufficient for the constituency who sent me here, I think it will be their mistake and not mine. I now demand the previous question.

Mr. STEVENS. There have been so many speeches all on the same side, I trust the gentleman will withdraw the demand to permit something to be said in favor of the bill.

Mr. DIVEN. I will withdraw it if the gentleman will renew it.

Mr. STEVENS. I will. I am sorry, Mr. Speaker, the debate has been opened upon this bill, for I wanted to do some business to-day; but, as the talk has been so far pretty much all upon one side, I wish to say a single word upon the other. We are told that because the Constitution does not allow us to confiscate a certain species of property, therefore we cannot liberate slaves. Mr. Speaker, I thought the time had come when the laws of war were to govern our action; when constitutions, if they stood in the way of the laws of war in dealing with the enemy, had no right to intervene. Who pleads the Constitution against our proposed action? Who says the Constitution must come in, in bar of our action? It is the advocates of rebels, of rebels who have sought to overthrow the Constitution and trample it in the dust; who repudiate the Constitution. Sir, these rebels, who have disregarded and set at defiance that instrument, are, by every rule of municipal and international law, estopped from pleading it against our action. Who, then, is it that comes to us and says, "you cannot do this thing, because your Constitution does not permit it?" The Constitution! Our Constitution, which you repudiate and trample under foot, forbids it! Sir, it is an absurdity. There must be a party in court to plead it, and that party, to be entitled to plead it in court, must first acknowledge its supremacy, or he has no business to be in court at all. I repeat, then, that those who bring in this plea here, in bar of our action, are the advocates of rebels. They are nothing else, whatever they intend. I mean it, of course, in a legal sense. I mean they are acting in the capacity of counselors-at-law for the rebels; they are speaking for them, and not for us—who are the plaintiffs in this transaction. I deny that they have any right to plead at all. I deny that they have any standing in court. I deny that they have any right to invoke this Constitution, which they deny has any authority over them, which they set at defiance and trample under foot. I deny that they can be permitted to come here and tell us we must be loyal to the Constitution.

Mr. LOGAN. With the permission of the gentleman from Pennsylvania, I desire to ask him a question. I understand him to take the position that the rebels have no right to come here and set up the Constitution in bar of our action. Upon that I take no issue; but I wish to ask him to tell me how it is that members of Congress, who have come here and taken an oath to support the Constitution of the United States, can, in their own action, violate it, whether rebels complain of it or not?

Mr. STEVENS. They do not violate it when they are operating against men who have no right to the benefits of the Constitution.

Mr. LOGAN. What becomes of the oath to support the Constitution?

Mr. STEVENS. The law of nations is plain to those who have read it upon this point. The law established in the days of Cicero—*Inter arma silent leges*—is a law that has been in force down to the present time; and any nation which disregards that law is a poor, pusillanimous nation, which submits its neck to be struck off by the enemy.

Mr. MALLORY. I wish to make an inquiry of the distinguished gentleman from Pennsylvania, to see if I understand him. I understand him to admit that this bill is unconstitutional, but to place his defense for urging its passage upon the ground that during the existence of the rebellion, and while the war continues in operation, this Congress has the right to do an unconstitutional act.

Mr. STEVENS. I say that it is constitutional and according to the law of nations in time of war. [Laughter.] I admit that if you were in a state of peace you could not confiscate the property of any citizen. You have no right to do it in time of peace, but in time of war you have the right to confiscate the property of every rebel.

Mr. DIVEN. Will the gentleman allow me for a moment?

Mr. STEVENS. The gentleman from New York has already spoken the greater part of an hour.

Mr. DIVEN. I will not interrupt the gentleman again. I desire to ask him a single question. Will the laws of war be rendered any more rigorous in consequence of any civil act this legislative body may pass?

Mr. STEVENS. I say that the sovereign power must execute the law of nations. I deny the right of the Executive to carry into effect the law of nations in certain exigencies, unless the sovereign power gives him authority. The sovereign power of the nation can carry into execution, and ought to carry into execution, the laws of war.

Now, sir, what are the laws of war in contravention of municipal law? When a country is at open war with an enemy, every publicist agrees that you have the right to use every means which will weaken him. Every measure which will enable you sooner to subdue him and triumph over him, is justifiable on your part. If by taking from him every dollar of property which he has on earth will weaken his hands, will strengthen your hands, you are at liberty to fight him in that way instead of putting him to death. Vattel expressly alludes to a case such as we now have to deal with, and says we have the right to resort to these means. He further says that in time of war, if it be a just war, and there be a people who have been oppressed by the enemy and that enemy be conquered, the victorious party cannot return that oppressed people to the bondage from which they have rescued them. I wish gentlemen would read what Vattel says upon this subject. I wish the gentleman from New York, especially, would read the remark of Vattel, that one of the most glorious consequences of victory is giving freedom to those who are oppressed.

Mr. DIVEN. I agree to it.

Mr. STEVENS. You agree to it. Then how is it that if we are justified in taking property from the enemy in war, when you have rescued an oppressed people from the oppression of that enemy, by what principle of the law of nations, by what principle of philanthropy, can you return them to the bondage from which you have delivered them, and rivet again the chains you have once broken? It is a disgrace to the party which advocates it. It is against the principle of the law of nations. It is against every principle of philanthropy. I, for one, shall never shrink from saying, when these slaves are once conquered by us, "Go and

be free." God forbid that I should ever agree that they should be returned again to their masters! I do not say that this war is made for that purpose! Ask those who made the war what is its object. Do not ask us. I did not like the resolution of the distinguished gentleman from Kentucky, [Mr. CRITTENDEN,] because it looked like an apology from us in saying what were the objects of the war, when we had no business to be asking questions. Ask those who made the war what is its object—a war, sir, which has been contemplated for thirty years, and which we are now to apologize for, and to say that we shall make it for certain purposes, when we do not make it at all. Our object is to subdue the rebels.

But it is said that if we hold out this thing, they will never submit—that we cannot conquer them—that they will suffer themselves to be slaughtered, and their whole country to be laid waste. Sir, war is a grievous thing at best, and civil war more than any other; but if they hold this language, and the means which they have suggested must be resorted to, if their whole country must be laid waste, and made a desert, in order to save this Union from destruction, so let it be. I would rather, sir, reduce them to a condition where their whole country is to be repeopled by a band of freemen than to see them perpetrate the destruction of this people through our agency. I do not say that it is time to resort to such means, and I do not know when the time will come; but I never fear to express my sentiments. It is not a question with me of policy, but a question of principle. If this war is continued long, and is bloody, I do not believe that the free people of the North will stand by and see their sons and brothers and neighbors slaughtered by thousands and tens of thousands by rebels, with arms in their hands, and forbear to call upon their enemies to be our friends, and to help us in subduing them; I for one, if it continues long, and has the consequences mentioned, shall be ready to go for it, let it horrify the gentleman from New York [Mr. DIVEN] or anybody else. That is my doctrine, and that will be the doctrine of the whole free people of the North before two years roll round, if this war continues.

As to the end of the war, until the rebels are subdued, no man in the North thinks of it. If the Government are equal to the people, and I believe they are, there will be no bargaining, there will be no negotiation, there will be no truces with the rebels, except to bury the dead, until every man shall have laid down his arms, disbanded his organization, submitted himself to the Government, and sued for mercy. And, sir, if those who have the control of the Government are not fit for this task and have not the nerve and mind for it, the people will take care that there are others who are—although, sir, I have not a bit of fear of the present Administration or of the present Executive.

I have spoken more freely, perhaps, than gentlemen within my hearing might think politic, but I have spoken just what I felt. I have spoken what I believe will be the result; and I warn southern gentlemen, that if this war is to continue, there will be a time when my friend from New York [Mr. DIVEN] will see it declared by this free nation, that every bondman in the South—belonging to a rebel, recollect; I confine it to them—shall be called upon to aid us in war against their masters, and to restore this Union. I demand the previous question.

Mr. CRITTENDEN. Will the gentleman permit me to ask him a single question?

Mr. FENTON. I object, if the previous question be not withdrawn.

Mr. CRITTENDEN. I wish to ask a question.

The SPEAKER. Debate is not in order while the demand for the previous question is pending.

[Cries of "Question!" "Question!"]

The previous question was seconded, and the main question ordered.

The question recurred on Mr. PENDLETON's motion to recommit.

Mr. LOGAN demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. KELLOGG, of Illinois demanded tellers.

Tellers were ordered; and Messrs. FOUKE and DAWES were appointed.

Mr. THOMAS, of Maryland. Does not the previous question exhaust itself on a motion to recommit?

The SPEAKER. It does not. It is only exhausted with the third reading of the bill.

The House divided; and there were—ayes 69, noes 48.

Mr. FENTON demanded the yeas and nays.

The SPEAKER. They have already been refused. The bill is recommitted to the Committee on the Judiciary.

Mr. STEVENS. I move to reconsider the vote by which the bill was recommitted.

Mr. KELLOGG, of Illinois. I move that the motion be laid upon the table.

Mr. BURNETT. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 71, nays 61; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, Baker, George H. Browne, Burnett, Calvert, Cobb, Roscoe Conkling, Corning, Cox, Cravens, Crittenden, Delano, Diven, Duell, Dunlap, Dunn, English, Fisher, Fouke, Grider, Haight, Hale, Harding, Harrison, Holman, Horton, Jackson, Johnson, William Kellogg, Law, Leary, Logan, May, McClernand, McKnight, Mallory, Menzies, Moorhead, Morris, Nixon, Noble, Norton, Odell, Porter, Reid, Alexander H. Rice, Richardson, Robinson, James S. Rollins, Sheffield, Shellabarger, Sheil, Smith, John B. Steele, Stratton, Benjamin F. Thomas, Francis Thomas, Train, Vallandigham, Voorhees, Wadsworth, Ward, Webster, Whaley, Chilton A. White, Wickliffe, Woodruff, Worcester, and Wright—71.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Goldsmith F. Bailey, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Campbell, Chamberlain, Clark, Colfax, Frederick A. Conkling, Covode, Davis, Dawes, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Hutchins, Julian, Kelley, Francis W. Kellogg, Lansing, Loomis, Lovejoy, McKean, Mitchell, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Pomeroy, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sherman, Spaulding, Stevens, Trowbridge, Vandever, Van Horn, Van Valkenburgh, Verree, Wall, Charles W. Walton, E. P. Walton, Albert S. White, and Windom—61.

So the motion to reconsider was laid upon the table.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. PATTON, one of its clerks, notifying the House that that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill No. 5, to pay to the widow of Stephen A. Douglas the amount due him as Senator at the time of his death.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled Senate bill No. 3, providing for the better organization of the military establishment; when the Speaker signed the same.

ADDITIONAL REVENUE BILL.

Mr. STEVENS. I submit the following report of a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 54, entitled "An act to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from their amendments to the said bill.

The committee agree to the following as a substitute.

J. F. SIMMONS,
J. COLLAMER,
Managers on the part of the Senate.
THADDEUS STEVENS,
JUSTIN S. MORRILL,
ERASTUS CORNING,
Managers on the part of the House.

Mr. STEVENS. I think I can make the House understand what changes have been made, without reading the substitute. The committee took up the House revenue bill as the foundation of their action. They altered that in a slight degree by reducing the duty on coffee from 5 to 4 cents per pound; on cocoa, from 5 to 3 cents; on sugar, from 2½ to 2 cents; on chiccory, from 2 to 1 cent; and upon ground chiccory, from 4 to 2 cents. The committee have also added so much of the revenue or tariff bill of the Senate as referred to liquors, thereby adding 25 cents per gallon to brandy, making the duty $1 25 per gallon, and adding to the duty on other spirituous liquors 10 cents per gallon, and on wine 10 per cent. *ad valorem*, making that 50 per cent. *ad valorem*.

The committee then took up the House bill laying a direct tax. I may as well say here that, although this was done with reluctance by the committee on the part of the House, yet the Senate committee were of opinion that they could not get along well without uniting the two bills, and, as there was no particular objection to it, the House committee agreed to it. They took the direct tax bill as it was sent to the Senate, and made no essential alteration in it, confining themselves entirely to verbal amendments which were necessary. The committee then took up the income tax bill of the Senate. That income tax was not as burdensome as the House provision. Take a farm, for instance, and from the income thereof you deduct first all the taxes which are paid thereon, both national and local, before you reach the income upon which the income tax is to be levied; and then no income tax is to be levied upon incomes of less than $800. The House made it $600. After deducting the national and local taxes and the $800, we impose an income tax of three per cent. upon the residue. Where persons reside abroad who hold property in this country on which they derive an income, which they spend abroad, we have laid an income tax of five per cent. We thought it right that they should bear more of the burden of the country than those who spend their income in the United States.

We have provided that in all the States which shall assume the direct taxes as provided in the bill, there shall be none of the machinery which was required in the House bill; and even in those which do not, we have provided for putting into operation the system proposed by the Senate, which is, not to have a large number of office-holders appointed, but that, as the income tax is to be assessed upon a small number of persons in each State, the Secretary of the Treasury shall appoint one assessor and collector in each of the States, and he shall appoint such assistants as he thinks necessary, to collect the income tax. The compensation which is to be allowed to the principal assessor and collector is not to exceed $2,500 per annum, and that of the agents not exceeding $1,200. We thereby reduce the allowance which was proposed by the House.

Upon the whole, although it will be perceived that the House has thrown off a revenue of some four million dollars from what their bill would have produced, they have simplified the machinery and reduced the expenses of collection. Upon the whole, I think, it will be very satisfactory to the country.

I ought to state that the excise duty, which the House provided for, is entirely omitted in this bill. I move the previous question upon the adoption of the report.

Mr. VALLANDIGHAM. I desire to ask the chairman of the committee whether I understand this matter correctly. Does this conference report come in as a consolidation and compound of, and a substitute for the tariff and direct tax bills which passed this House?

Mr. STEVENS. That is so. It takes the place of both.

Mr. BAKER. I wish to know of the chairman whether any addition has been made to the duty on texile fabrics—on silk, for instance?

Mr. STEVENS. Ten per cent. was added on silk goods. That was the only texture that was touched at all.

Mr. BAKER. Is it in order to offer an amendment to the report?

The SPEAKER. No amendment would be in order to a report of a committee of conference.

Mr. WICKLIFFE. I desire to ask the gentleman to postpone a vote upon this report until to-morrow at twelve o'clock, in order, in the mean time, that the substitute may be printed. I do not understand it, and I have not been able to hear what the gentleman has said.

Mr. STEVENS. I doubt whether a quorum will be here to-morrow at twelve o'clock.

Mr. WICKLIFFE. I do not believe there is any danger of Beauregard being here before to-morrow night. [Laughter.]

Mr. ROSCOE CONKLING. In one of the bills, certain sections of which go to make up this bill, there was contained a section, which section repealed, I think, all the acts in relation to the surplus revenue, and discharged the States absolutely from all obligation to repay their quota of that revenue. I want to inquire whether this report preserves that section?

Mr. STEVENS. It is all out of this substitute.

Mr. BAKER. I wish to inquire of the chairman of the Ways and Means Committee whether

goods now in bond are to pay the rate of duties prevailing when they were bonded, or that which shall prevail when they are withdrawn?

Mr. STEVENS. All goods already imported, or which are now on shipboard, will come in under the duties which existed at the time that state of facts existed.

The previous question was seconded, and the main question ordered to be put.

Mr. VALLANDIGHAM called for the yeas and nays on the adoption of the report.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 89, nays 39; as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Joseph Baily, Baker, Baxter, Bingham, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Buffinton, Calvert, Campbell, Chamberlain, Clark, Cobb, Colfax, Frederick A. Conkling, Roscoe Conkling, Corning, Covode, Davis, Dawes, Delano, Diven, Duell, Dunn, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Gooch, Granger, Hale, Harrison, Horton, Hutchins, Julian, Francis W. Kellogg, William Kellogg, Lansing, Leary, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Shefficld, Shellabarger, Sherman, Spaulding, John B. Steele, Stevens, Stratton, Benjamin F. Thomas, Train, Upton, Van Horn, Van Valkenburgh, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Albert S. White, Windom, and Worcester—89.

NAYS—Messrs. Allen, Ancona, Beaman, Burnett, Cox, Cravens, Crittenden, Dunlap, English, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Logan, May, Mallory, Menzies, Morris, Noble, Norton, Odell, Pendleton, Reid, James S. Rollins, Sheil, Smith, Trowbridge, Vallandigham, Vibbard, Voorhees, Wadsworth, Ward, Webster, Chilton A. White, Woodruff, and Wright—39.

So the report was adopted.

During the vote,

Mr. ARNOLD said: Mr. Speaker, not being able to get a better law, I am compelled to vote for this. I vote "ay."

Mr. COLFAX. Will it be in order for me to say that I agree with the gentleman from Illinois, [Mr. ARNOLD?] I vote "ay."

Mr. STEVENS moved to reconsider the vote by which the report was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRINTING OF DOCUMENTS.

Mr. CLARK, from the Committee on Printing, reported the following resolutions; which were read, considered, and agreed to:

Resolved, That ten thousand copies of the opinion of the Attorney General, dated July 5, 1861, relative to the suspension of the writ of *habeas corpus*, be printed for the use of the members of this House.

Resolved, That twenty thousand copies of the action of the first session of the Thirty-Seventh Congress be printed in pamphlet form for the use of the members of this House.

Mr. WEBSTER. I move that the House do now adjourn.

Mr. BINGHAM. I ask the gentleman to withdraw that motion a moment that I may ask that a certain memorial be printed.

Mr. WEBSTER. I withdraw my motion for that purpose.

Mr. BINGHAM. I am instructed by the Committee on the Judiciary to ask the House to print the memorial of certain citizens of Baltimore, which was referred to the Judiciary Committee a few days ago.

No objection being made, the petition was ordered to be printed.

FORTIFICATIONS.

Mr. STRATTON asked the unanimous consent of the House to report from the Committee of Ways and Means a bill (S. No. 86) making appropriations for fortifications, and for other purposes.

The bill was read. The first section appropriates $100,000 for the contingencies of fortifications, to be used and applied under the direction of the Secretary of War. The second section provides that any commissioned officer of the Army, or Navy, or Marine Corps, who, having tendered his resignation, shall, prior to his receiving notice of its acceptance by the proper authorities, and without leave, quit his post and duties, shall be registered as a deserter, and punished accordingly. The third section abolishes flogging in the service. The fourth section appropriates $5,000, to be expended under the direction of the Surgeon General of the Army, in removing the stabling and other outbuildings from the grounds around the hospital or infirmary, in Washington, used for the sick of the Army.

Mr. COX. I object to the reception of the bill. It is too miscellaneous a bill.

Mr. STRATTON. I hope the gentleman from Ohio will withdraw his objection. It is the last business the committee has on hand, and they would like to get through with it.

Objection was not withdrawn.

ENGINEER CORPS.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, asked leave to report a bill to promote the efficiency of the engineer and topographical engineer corps.

The bill was read. It authorizes the President to add to each of the corps of engineers and topographical engineers, by regular promotion of its present officers, two lieutenant colonels and four majors, provided all vacancies created by such promotion shall be filled by graduates of the Military Academy, recommended for such promotion by the academic board of that institution; and provided further that said corps shall be hereafter known as the first and second corps of engineers. It also directs that there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of such corps, to have the same pay, &c., and to be subject to the same rules and articles of war, and to be governed in every particular in the same manner as the existing corps of topographical engineers.

Mr. HOLMAN. I object to the consideration of the bill.

Mr. ELIOT. I call for the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. WEBSTER. I move that the House do now adjourn.

The motion was not agreed to.

RECRUITING AGAINST THE UNITED STATES.

Mr. BINGHAM, from the Committee on the Judiciary, reported back, with amendments, House bill No. 86, to punish certain crimes against the United States.

The bill was read. It enacts that any person engaged in the act of recruiting soldiers or sailors in any State or Territory of the United States to serve in the army or navy of the rebellious States against the United States, or who shall open a recruiting station for the enlistment of such persons, shall be deemed guilty of a high misdemeanor, and shall, on conviction, be fined not less than $200 and not more than $1,000, and shall be imprisoned for not less than one year or more than five years. The second section imposes a fine of $100 and an imprisonment of from one to three years on persons so enlisted. The third section imposes a fine of from $100 to $300, and imprisonment from six months to one year, on those who shall by writing, word, or communication, advise the enlistment of such persons.

Mr. BURNETT. I desire to ask the gentleman from Ohio what he purposes to do with this bill?

Mr. BINGHAM. To pass it.

Mr. BURNETT. I submit to the Speaker whether this bill comes within the rule of the House adopted at the beginning of the session. In my judgment, it is not the sort of bill contemplated in the order.

The SPEAKER. The Chair thinks it comes in under the term of "questions of a judicial character."

Mr. BINGHAM moved the previous question on the third reading.

The previous question was seconded, and the main question ordered.

The first amendment was to strike out the words "to serve in the army or navy of the rebellious States," and to insert in lieu thereof the words "to engage in armed hostility."

The amendment was agreed to.

The second amendment was to strike out the third section of the bill.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BINGHAM moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. MALLORY called for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The question was taken, and the bill was passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

And then, on motion of Mr. WICKLIFFE, (at ten minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

SATURDAY, *August* 3, 1861.

The Journal of yesterday was read and approved.

MEMORIAL.

Mr. SUMNER. I have a memorial from citizens of Marlborough, in the State of Massachusetts, in which they ask that Congress will use all the means God and nature have put into their hands against those now in rebellion against the Government. The memorial concludes by this question:

"Must the rights of twenty millions of freemen be longer sacrificed to the false idea that property in human beings is sacred?"

I offer this memorial, and ask that it be received, and lie on the table.

The PRESIDENT *pro tempore*. It will lie on the table.

REPORTS FROM A COMMITTEE.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution to print three thousand copies of the Army Register, and fifteen hundred copies of the Navy Register, for the use of the Senate, asked to be discharged from its present consideration; which was agreed to.

He also, from the same committee, to whom was referred a motion to print the petition of citizens of the city of Rock Island, Illinois, praying for the establishment of an armory at that place, asked to be discharged from its present consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of citizens of Michigan, praying that the copy-right of works and publications compiled by M. F. Maury, late of the United States Navy, while in the service of the Government, may be annulled, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

PRINTING OF EXTRA NUMBERS.

Mr. ANTHONY. The same committee, to whom was referred the bill (S. No. 62) relative to printing extra numbers of messages, reports, and documents, have instructed me to report it without amendment, and recommend that it do pass, and to ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It directs that, after the close of the present session of Congress, no extra numbers of any message, report, or document whatever, shall be ordered to be printed by either House of Congress, except by joint resolution reported from the Joint Committee on Printing; and that all motions in either House of Congress to print extra numbers shall be referred to that committee.

Mr. ANTHONY. I will explain the bill in a very few words. It is the same bill that passed the Senate at the last session, but was not reached in the House of Representatives. Its object is to prevent the publication of extra numbers of documents by either House alone, as there is often a rivalry between the two Houses; but it requires that every resolution for the publication of extra numbers shall be a joint resolution passed by both Houses of Congress. The object is to prevent unnecessary expense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 86) to punish certain crimes against the United States; in which the concurrence of the Senate was requested.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. MONDAY, AUGUST 5, 1861. NEW SERIES.....No. 27.

CONTINUANCE OF BUSINESS TO NEXT SESSION.

Mr. FOSTER. I offer the following resolution; and if there be no objection, I ask for its present consideration:

Resolved, That all subjects before the Senate at the close of the present session, including those before committees, shall be continued to the next session, and shall then be proceeded with in the same manner as if no adjournment of the Senate had taken place; and the papers which have been referred to the committees, and may be in their possession at the close of the session, shall be returned informally to the Secretary, and by him restored to the committees when appointed at the next session.

It is usual to pass a resolution of this sort, and I presume there will be no objection to it.

Mr. HALE. I want to inquire if that is not provided for already by a joint rule passed some years since? I think it is.

Mr. FOSTER. It is not, as I believe. At all events it has been usual, I think uniformly, to pass at the close of the first session of each Congress, by the Senate, a resolution of this description. It certainly can do no harm.

Mr. HALE. I think the Senator is mistaken. I do not know of any such resolution ever being passed. I think there is a joint rule that controls the whole of it. I wish that the Clerk would read it from the desk.

The PRESIDENT *pro tempore*. Does the Senator call for the reading of the rule?

Mr. HALE. Let the resolution lie over until to-morrow.

The PRESIDENT *pro tempore*. It will lie over, objection being made.

RESOLUTIONS OF MARYLAND.

Mr. KENNEDY. I am requested to present sundry resolutions of the General Assembly of the State of Maryland. I ask that they may be read, laid on the table, and ordered to be printed.

The Secretary read, as follows:

Whereas Ross Winans, a member of the House of Delegates of Maryland, from the city of Baltimore, on his way to his home from the discharge of his official duties, on the 14th of May last, was arbitrarily and illegally arrested, on a public highway, in the presence of the Governor of this State, by an armed force under the orders of the Federal Government, and was forcibly imprisoned and held in custody thereafter, at Annapolis and Fort McHenry, without color of lawful process or right, by the command, and at the arbitrary will and pleasure of the President of the United States; and whereas sundry other citizens of Maryland have been unlawfully dealt with, in the same despotic and oppressive manner by the same usurped authority, and some of them have in fact been removed by force beyond the limits of the State of Maryland, and the jurisdiction of her tribunals, in utter violation of their rights as citizens, and the rights of the State, as a member of the Federal Union; and whereas the unconstitutional and arbitrary proceedings of the Federal Executive have not been confined to the violation of the personal rights and liberties of the citizens of Maryland, but have been extended into every department of oppressive illegality, so that the property of no man is safe, the sanctity of no dwelling is respected, and the sacredness of private correspondence no longer exists; and whereas the Senate and House of Delegates of Maryland, recognizing the obligation of the State, as far as in her lies, to protect and defend her people against usurped and arbitrary power—however difficult the fulfillment of that high obligation may be rendered by disastrous circumstances—feel it due to her dignity and independence, that history should not record the overthrow of public freedom for an instant within her borders, without recording likewise the indignant expression of her resentment and remonstrance: Now, therefore,

Be it resolved, That the Senate and House of Delegates of Maryland, in the name and on the behalf of the good people of the State, do accordingly register this their earnest and unqualified protest against the oppressive and tyrannical assertion and exercise of military jurisdiction, within the limits of Maryland, over the persons and property of her citizens, by the Government of the United States, and do solemnly declare the same to be subversive of the most sacred guarantees of the Constitution, and in flagrant violation of the fundamental and most cherished principles of American free government.

Resolved further, That these resolutions be communicated by the President of the Senate and the Speaker of the House, to Hon. JAMES ALFRED PEARCE and Hon. ANTHONY KENNEDY, Senators of Maryland in the Senate of the United States, with the request that they present the same to the Senate, to be recorded among its proceedings, in vindication of the right, and in perpetual memory of the solemn remonstrance of this State against the manifold usurpations and oppressions of the Federal Government.

By the House of Delegates, June 20, 1861. Adopted by yeas and nays.

By order: MILTON S. KIDD, *Chief Clerk*.

By the Senate, June 22, 1861. Adopted by yeas and nays.

By order: WM. KILGOUR, *Secretary of the Senate*.

Mr. KENNEDY. I move that the resolutions be laid on the table, and printed.

The PRESIDENT *pro tempore*. That will be done, if no objection be made.

Mr. WILKINSON. I move that these resolutions be returned to the honorable Senator, to be disposed of as he may see fit. ["No!"] They are an insult to this Government.

Mr. KENNEDY. I trust the honorable Senator will not press a motion of that sort. This is simply an expression of the feelings of the people of Maryland against what they consider a usurpation of their own individual rights. It is couched in respectful language. They stand here, simply as other States do, protesting against a usurpation of what they regard to be their rights; and I trust that the State of Maryland may not longer be subjected to the degradation that is now attempted by a majority in this country to be heaped upon her. Maryland is loyal to the Constitution; Maryland is loyal to this Government; but acts have been committed in Maryland without the warrant of law, and she only desires to have the facts stated and recorded amongst our proceedings here. I trust that no further indignity may be heaped on the State of Maryland by refusing to receive a protest that she sees proper, in her sovereign power, to present for the consideration of this body.

Mr. MORRILL. I have no objection to the resolutions being received and laid upon the table; but I do object to their being printed; first, on the ground that the language is not respectful. It is not respectful to the President of the United States; and, of course, it is not respectful to the body. In the second place, I am against their being printed—and this objection might lie against their reception—for I do not understand that they come from any body recognized by the Constitution or the laws of the State of Maryland; and, in this respect, must stand on the same ground with the resolutions of a convention. They are not from the Legislature——

Mr. KENNEDY. I beg pardon; they proceed from the General Assembly, the Legislature of the State, signed by the Speakers of the two Houses.

Mr. MORRILL. I understand that; but they are not approved by the Governor; they are not sanctioned by the Governor; they are not sent here by the Governor, who, I take it, is a branch of the Legislature. Then, they do not speak the language of the Legislature. They are not in the usual form. I doubt if there is any precedent here for the reception of resolutions in this way; I certainly know of none. This objection might go against the reception of the resolutions; but my objection is to their being printed, because the language is not respectful; and further, because I do not understand these resolutions to emanate from the people of Maryland. However loyal the people may be, and however we might be disposed to receive memorials from the people couched in respectful language, when a resolution comes here simply from the two branches of the Legislature, signed by the Speaker of the House of Delegates and the President of the Senate, and not sanctioned by the Governor, another rule applies; and if they are found not to be respectful, they may very well, unless we are disposed to extend the largest liberty, be rejected, standing upon precisely the same ground——

Mr. KENNEDY. Will the Senator suggest in what they are not respectful? I am not aware.

Mr. MORRILL. Because they call the President of the United States a usurper.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Maine as objecting to the reception of the resolutions?

Mr. MORRILL. Yes, sir. I do object to their reception.

The PRESIDENT *pro tempore*. Objection to the reception being made, the first question in order will be, "Shall these resolutions be received?" and that will take precedence of the motion of the Senator from Minnesota.

Mr. WILKINSON. I object to the reception of this preamble and these resolutions, because the language is not respectful to the Government of the United States, not respectful to this Senate; nor is it truthful. It is false; false in form, false in fact; and is an outrageous violation of the truth in every particular. It says:

"Whereas the unconstitutional and arbitrary proceedings of the Federal Executive have not been confined to the violation of the personal rights and liberties of the citizens of Maryland, but have been extended into every department of oppressive illegality, so that the property of no man is safe"—

It is a falsehood upon its face, known to be so by the very Senator who presented it here. I believe that the property of the people in Baltimore is safe, and that the rights of individuals are safe; and the fact that Ross Winans, a traitor and a rebel against this Government, has not been permitted to carry on his treason in the city of Baltimore, and manufacture guns and munitions of war, does not militate against my statement.

"so that the property of no man is safe; the sanctity of no dwelling is respected; and the sacredness of private correspondence no longer exists."

Now, sir, I am opposed to receiving any such paper as that.

Mr. KENNEDY. One word in reply to the honorable Senator from Minnessta. I do not feel disposed to vindicate the whole course of the Legislature of Maryland. I have been requested, as their agent in this body, to present a series of resolutions which do substantially set forth facts that are beyond dispute. Property has been taken, dwellings have been searched, without the authority of law. Parties have been arrested against whom no charges have been substantiated. In the case of the very gentleman who has been alluded to—Mr. Ross Winans—after having been arrested on his way home from the session of the Legislature, he was detained for a week or ten days; and no charge has ever been preferred against him except that guns were made in his shop by the order of private individuals, he being a manufacturer of them, without his knowing for what purposes they were designed. That is the whole extent of Mr. Ross Winans's treason that I am aware of.

I do not mean to stand here to defend the Legislature of Maryland, for I think it is competent to speak for itself. I do feel bound, however, to state that, so far as innocent persons have been arrested in Maryland by the officers of the Federal Government, it has been a gross ususpation of authority. In repeated instances persons have been arrested against whom no charge could be found to exist, and they had to be set free. It was only the other day that the house of one of the most conservative and thorough Union men in the State of Maryland—Mr. James Ridgely—was searched, and he a friend of the Administration, a friend of the Government. Upon his protest, the members of the other House of Congress from the State of Maryland made representations at the Departments, and an order was issued by General Scott in the next day's paper following that protest, that arrests of that sort should for the future be suspended. There was a perfectly innocent man—a man perfectly free from any taint of disunionism or disloyalty, whose premises were searched on the representation of some malicious person, and the privacy of his home and dwelling invaded without one particle of authority in any shape or form.

These resolutions merely set forth a state of facts, and I trust that the loyal sentiment of Maryland may not be further trampled under foot by treating them with indignity. Maryland is now staggering under a course of action that is working many of her people up to a point of desperation; and I give warning to Senators that those of us in that State who have heretofore stood between acts of this sort and the secession party of Maryland, may find ourselves borne down in the current of popular indignation, that before long may rise up to assert the rights of that State. I beg Senators to consider the position we are in. I think I have rights to demand upon this floor; and I appeal now, in just regard to that loyal sen-

timent which exists in the State of Maryland, that measures which tend to oppression, which tend to the destruction of individual rights, may no longer be persisted in; and that insults and injury will not be inflicted on the loyal people of Maryland any further. I hope that, at least, these resolutions will be received, laid on the table, and printed.

Mr. HALE. Mr. President, if these resolutions of the Legislature of Maryland be refused a reception here, I think it will be the first time in the history of the Government that such a step was ever taken. I think there have been occasions when the resolutions of the Legislatures of some of the States have been exceedingly offensive to a large party on this floor—a party which has usually controlled its proceedings.

Now, I desire to say a single word on the point which has been taken by my friend from Maine, that these resolutions do not emanate from the Legislature of Maryland, and therefore are not entitled to be printed as such. The honorable Senator may have noticed that all the States do not require their doings to be sanctioned by the Governor. In some of the States the Governor has no veto; and the Representatives of the State of New York upon this floor have usually been accredited and sworn in upon documents sent precisely in the form in which these resolutions come, certified by the President of the Senate and Speaker of the Assembly, without any intervention of the Governor.

Sir, if there be a question in this country which more than any other has agitated the public mind and rocked the foundation of the political party which controlled the destinies of this country so long, it is this very question of the right of petition; and if there be one thing which identifies the name and fame of John Quincy Adams with the history of his country, it was not in his brilliant diplomatic career, nor in the eminently just and patriotic history of his administration, but when, in the declining years of his life, he went into the Hall of Representatives—and his bald head shone there conspicuous amongst the contentions of parties—striving earnestly and successfully for this very right of petition. It was the infringement of that right that first called attention to the doings of that Democratic party which has lately been deposed. It was the denial of this very right that rocked the foundations of that party in all the free States, until at last they crumbled and fell.

Sir, I beg of those friends who stand here acting with me to-day to be careful, exceedingly careful, how they meddle with this great right. Are we going to reject it on the ground that it is not respectful? Sir, when did ever power receive a petition from a suppliant, that was disagreeable to it, that it did not pronounce it disrespectful? I trust we shall not take this step. It will be a dangerous step. It will be occupying the most defenseless position the old Democratic party ever occupied, and from which they have been driven as by a torrent of popular indignation.

Mr. President, I have been many years on the floor of this body. I was here when this question was brought up again and again. I remember a set of resolutions were introduced from your own State—the State of Vermont—which embodied, in pretty strong language, the moral sentiment of your people; and I remember when they were presented here years ago, that the very same ground that my eloquent friend from Minnesota takes now was taken against those resolutions of the State of Vermont. The question was debated here again and again and again; and I believe the result of it was they never came to a vote upon it; and offensive as those resolutions were to a majority of the body, I think I am not mistaken in saying that the late John C. Calhoun, of South Carolina, said it was due to the respect and the dignity of a sister State of this Confederacy that that solemn act of her people, authenticated by her Legislature, should be received.

When my late colleague, Mr. Bell, now deceased, presented certain resolutions of the State of New Hampshire, passed at the time of an occurrence which took place upon this floor, and which arrested the attention of this people and of the civilized world, I remember that the sentiments of our people, expressed by the Legislature, were conveyed in terms exceedingly offensive to many gentlemen who sat on the other side of the Chamber. A question about their reception was raised by some Senators; but, sir, when Mr. Butler, of South Carolina, and many gentlemen sympathizing with him, were here, the resolutions of that State were received, because they were the resolutions of the State, although they were vastly more offensive to a large party on this floor than anything that can be said in these resolutions.

Sir, I do not stand here to justify or apologize for the State of Maryland or her Legislature. They do not want it; they can speak for themselves. They have an abler and more eloquent representative on this floor than I am. But, sir, I stand here for this great privilege which we have stood by when we were a little band, when we were but one or two. Why, sir, if you had taken away from us—myself and two or three friends who first had seats on this floor—the capital acquired on the question of the right of petition, we should have had to go into bankruptcy at once; and I am unwilling, now that we are in power, now that we constitute a majority, to apply to the State of Maryland a rule we contended against so long, so strenuously, so earnestly, so zealously, and so successfully ourselves. Let the Legislature of Maryland speak just exactly what they think. If they think our acts are wrong, unconstitutional, arbitrary, and unjust, let them say so. They would be slaves if they did not say it. It may not be grateful to our ears; but, sir, it is grateful to my ears to have the Legislature of Maryland, or of any State in the Union, speak out fearlessly, plainly, and boldly, what are their convictions of public acts, and what they conceive to be public wrongs. If this Administration, or this Government, or any of its Departments, have entered upon a course of conduct that is to be shaken by the freest and and fullest discussion, it is time that that conduct and that course were abandoned.

Mr. President, I regret exceedingly that some of my earnest, impulsive, eloquent, patriotic friends have had their sympathies turned in this current, so as to induce them to take a stand against this right of petition. Sir, this paper is infinitely more respectful to us than it would have been if, with smothered phrases and honeyed phraseology, they had attempted to gloss over anything that should have concealed the real convictions of their understanding on this subject. Let us show, then, that we are not amenable to their censure; that we are not afraid of their protest. Let us receive and enter upon the Journal the resolutions they have sent; and let the pen of history, in the impartial record which it will make up for the judgment of the present day and of posterity, tell who is right and who is wrong in this controversy.

Mr. WILKINSON. Mr. President, I think it was the Senator from Vermont [Mr. COLLAMER] who very truthfully said the other day, that the Senate of the United States seemed to be very slow in appreciating the real condition of the country, and the circumstances that surround us. Now, sir, when I came here at the commencement of this session, I did not come here to talk. My judgment is, that the time for stump speaking and eloquent talking has gone by. We want fighting men, not talking men. I would suggest to the Senator from New Hampshire that John Quincy Adams never rose up in the Senate of the United States or elsewhere to justify the right of petition under such a state of things as now surround us. I think that John Quincy Adams never justified a falsehood being sent here—a resolution charging this Government with that which is utterly untrue—never! He was too truthful for that.

Now, sir, what fell from the lips of the Senator from Maryland does not militate against my charge that these resolutions are false and untrue. That an innocent individual, or two, or three, may have been arrested, is not strange at all. They are often arrested under civil process. But it does not follow from that fact that this wholesale charge can be made, that no man's liberties are safe in Maryland. It does not follow that no house is safe from search, or that the right of property is not respected.

For one, I am not willing to stand here in the Senate of the United States and vote to receive a paper of that kind, simply because I am afraid of interfering with this right of petition, or this idea of democracy and universal liberty that the Senator from New Hampshire talks about. The real truth is, the confederate army has one great advantage over the Federal Army, in consequence of just such drawbacks and just such speeches as the one the Senator from New Hampshire has made. If he and all the other talking men of our party will come up and put their hands on treason; if, instead of arguing and bandying words with traitors on this floor, they will crush it whenever it shows itself in this body, as they ought to do, I think that we will place the Federal Army high above that of the rebels. The Senator from New Hampshire had better be working for and looking after the success of our Army, rather than talking about this right of petition. I tell him the people are right enough, if he and others will stop clogging this Government; if he will stop throwing his fetters around the limbs of those who ought to be carrying on this war with more power and more energy and with more unity.

Mr. HALE. Will the Senator tell me what he means by my clogging the Government?

Mr. WILKINSON. Yes, sir, I mean just such speeches as the Senator has made here to-day. Instead of bandying words about the right of petition, when a paper like this is sent here by traitors, the Senator from New Hampshire ought to use his great power to crush all such things in the bud, nip them in their very commencement.

Now, sir, it is true that Ross Winans was arrested; and the great mistake was, we had too many just such sensitive men as the Senator from New Hampshire, and we let him go. He ought to have been hung for the part he took in manufacturing arms and munitions of war for the rebel army. The facts that have been stated to the country are greatly at fault; or else the Senator from Maryland is very much mistaken in his statements as to Mr. Winans. I think it has been pretty clearly demonstrated, at least to my mind, that this man was a rebel and traitor against the Government of the United States; that he was engaged in rendering aid and comfort to the enemy; that he was engaged in manufacturing arms and munitions of war for the southern army; and that his whole sympathies, and the whole power which he possessed by reason of his immense fortune, were turned in that direction. At least, great injustice has been done him by almost everybody, if this is untrue.

Sir, I think I am just as democratic as the Senator from New Hampshire; I believe I sympathize with the people just as much as he does; but I believe the people of this country are for carrying on this war, and they are for putting down everything like treason, not only in overt acts, but treason which may be uttered in words. This paper goes to justify, and uphold, and prop up these traitors who have been attempting to tear down your Government, and it censures the Government because it is trying to stop it by the arrest of such men. For one, I am not willing to receive such a paper, and I am not afraid that the people of my country, democratic as they are, will be troubled at all about our violating this right of petition. More than that, it is not a petition; it is a resolution of censure, and nothing else.

Mr. CLARK. I do not desire to enter into this debate at large; but on an examination of this paper, I find it not to be under the seal of the State, neither signed by the Speaker of the House, nor the President of the Senate, nor by the Governor. It is entirely unauthenticated.

Mr. MORRILL. Mr. President, when these resolutions were presented by the Senator from Maryland, he moved their reception, and that they be printed; thereupon the Senator from Minnesota objected to the reception of the resolutions. I rose to object to their printing. My objection was founded on two points: first, that they did not emanate from the Legislature, and were not authorized; and, in the second place, that they were not respectful, and for that reason I would not have them printed. I think so now. On further examination I am satisfied the resolutions ought not to be printed because they are not truthful. The resolutions, in their whole scope and intent, are an assault upon the acts of the Executive which passed under the consideration of the Senate yesterday, and received their sanction. We sanctioned, by a vote of the Senate, the very acts which are denounced in the resolutions as tyranny and usurpation; and therefore, I submit, it is not respectful to print now and send

to the country such criticisms upon the acts of the Federal Executive.

But there is another and still more substantial reason: they are not in harmony with the facts known to the country. They say that the Federal Executive has usurped authority; that he has put that State under military power; that the rights of the citizens there are all gone; that the citizens have no civil rights. That is the sense and meaning of the resolutions. Now, I object to the printing by the Senate, and sending to the country under their authority, such resolutions. Nothing was further from my purpose, in the outset, in any remarks I made, than to intimate that I was in favor of limiting the right of petition; but I believe these resolutions do not come here under such sanctions as authorizes the Senate to receive them.

Mr. KENNEDY. I will merely state that these resolutions were fully authenticated. They were sent to Mr. PEARCE and myself in a printed report. Finding that it would not be proper to present a printed report with them, we wrote back for the original draft of the resolutions themselves, and these have been sent to us.

Mr. CLARK. Do I understand the Senator from Maryland to say it is unnecessary for the resolutions to be signed by the Speaker and President and to be under the seal of the State?

Mr. KENNEDY. No, sir.

Mr. CLARK. Then they should be authenticated in that way, if a true copy.

Mr. KENNEDY. There is a letter from the Secretary of the Senate inclosing them to us in accordance with our request.

Mr. CLARK. It should be upon the paper itself. The paper is not authenticated.

Mr. KENNEDY. Well, it may not be; they may have omitted that; but I can vouch for the authenticity and entire accuracy of them, as well as my colleague, who has just come in.

Mr. CLARK. They are not signed by either of the presiding officers of the Legislature. They are certified to by a clerk as having passed by yeas and nays; that is all.

Mr. ANTHONY. Mr. President, the fact that these resolutions are presented by one of the Senators from Maryland, is sufficient evidence to me of their authenticity. I do not care to go behind that. That the resolutions are incorrect in their statements, I have no doubt; that they are disrespectful, I think; but for neither of these reasons shall I refuse to receive or to print the resolutions of a sovereign State. I hope they will be received and printed.

Mr. HALE. Let me read their authentication. These resolutions are certified as follows:

By the House of Delegates, June 20, 1861. Adopted by yeas and nays.
By order: MILTON S. KIDD, *Chief Clerk.*

By the Senate, June 22, 1861. Adopted by yeas and nays.
By order: WILLIAM KILGOUR, *Secretary of the Senate.*

That is the authenticity which they have.

Mr. TRUMBULL. I am sorry that any question is raised in regard to the reception of this paper, and I agree entirely with what the Senator from New Hampshire has said. This right of petition is intended to be guarantied to every person. The meanest subject there is, the most degraded human being that lives, may petition the great Ruler of the Universe. I am willing to receive these petitions unless they are insulting and intended to be insulting to the body. Of course, we are not about to receive papers of that kind. But when the papers are not presented with that intention, but to present what the petitioners believe to be facts—they may be ever so much mistaken in opinion; their judgment may be ever so erroneous; I care not—I am willing, and I think the Constitution of the country intended, that every person who believed himself aggrieved and wronged should have the right to present his petition and his memorial here. I remember how the State of Kansas was treated when she sent her remonstrance here on one occasion, and I have seen on other occasions this attempt to shut out the petitions and the cries of the people.

The Legislature of Maryland think, in their judgment, that what they set forth is true. Suppose it is not true in our judgments: shall we refuse to hear it? They give their opinions, which disagree with mine; but what of it? What is the right of petition good for, what is the right to remonstrate worth, if the party remonstrating and petitioning cannot state views counter to the power to which he presents his petition and his remonstrance; and, as my friend [Mr. WADE] says, they have a right to be spiteful, if they choose to be, so that it is not intended to be disrespectful to the body or to insult the body. I do not understand, from the reading of this paper, that that was the intention of the Legislature of Maryland. I do not suppose they design that; but they have presented what are their own views; what they believe. Now, sir, it matters not to me whether they agree with me or not. I do not agree with them in some of the views which they have set forth in that paper; but, nevertheless, I am quite willing to receive it and treat it respectfully.

The PRESIDENT *pro tempore*. The question is, "Will the Senate receive these resolutions?"

Mr. BAYARD. The question is on printing the resolutions, I believe. They were presented by one of the Senators from Maryland.

The PRESIDENT *pro tempore*. The question is on receiving the resolutions, objection being made to their reception.

Mr. BAYARD. I suppose it has always been heretofore our practice to print resolutions or remonstrances coming from the Legislature of a State of the Union. I cannot see anything in these resolutions, though I have read them but hastily, at all insulting to the body. They may differ from the opinions of many members of this body. Gentlemen here may consider the facts as set forth there, as not the facts as they represent them. The views taken of the acts complained of as to their unconstitutionality or oppressiveness, may differ from their own; but does that take away the right of the Legislature of a State to present their remonstrance either against the acts of the Executive or the acts of Congress, and to ask that it should be received and printed, as we do all remonstrances and all communications coming to us from the authorities of a State? I submit that because the resolutions may be distasteful, it is no objection to receiving and printing them. If there was any question for the Senate to decide as to whether they would adopt them, it would be another matter. No one could have a right to ask them to adopt that which was contrary to their own judgment, either in the statement of the facts or in the view of the law which resulted from those facts. But surely we are very far gone in the change of our form of Government, if one of the States of this Union, through its Legislature, cannot present a remonstrance either against the acts of the President of the United States or the acts of the Congress of the United States, if it is not in such language as is insulting in itself. I see nothing in the resolutions that could possibly be subject to that construction, unless you say that to differ, to dissent, and to express that dissent in a bold and manly way, from acts which they believe to be unconstitutional, is not respectful. I shall vote in favor of the printing.

Mr. PEARCE. Mr. President, these resolutions I received a few days ago——

Mr. WILKINSON; If the Senator will allow me one moment, I will withdraw the objection to the reception of these resolutions; but I object to the printing.

The PRESIDENT *pro tempore*. If there be no objection to the reception of these resolutions, the question will recur on ordering them to be printed.

Mr. PEARCE. Mr. President, when I received these resolutions two days ago, inclosed to me in a letter from the Speaker of the House of Delegates of Maryland, addressed to my colleague and myself, I placed them in my colleague's hands, being doubtful, in consequence of the condition of my health, whether I should be here the next day to present them. I was not present when my colleague presented them, and do not know what course the discussion in the Senate has taken, except as I am informed by others; but I understand that some objection is taken to the reception of the resolutions, perhaps it may apply to the printing too, because they are not authenticated properly; that is, as I understand, because they have not the Governor's signature to them. In Maryland we do not consider the Governor's signature of the slightest importance. The Governor is no part of the legislative power of our State. A law is none the less a law though the Governor does not sign it. He has no veto power; and the only purpose of his signing a law at any time is to authenticate it; and yet, though that may be the more perfect authentication, the law is not the less valid if he does not sign it.

I understand that another objection is, that the resolutions are insulting to this body. I thought I heard some such language falling from a Senator as I came in. That is an entire mistake. There is not a word in the resolutions in relation to the Senate or the House of Representatives of the United States. The complaint is of executive action, and I should like to know who can talk about the insolence of a State Legislature when it makes complaints in firm and manly language of executive action, which they think violative of their rights? Has it come to this, sir, that not merely an individual, but a State, cannot express its conviction of the injustice of the executive action towards that State, without being stigmatized as insulting? Sir, the insult is the other way. It is an insult to the State for one so to represent such action of theirs; and it is an insult which this Government cannot repeat forever without weakening the bonds of union. I trust, sir, we shall not set such an example of ill-temper, for it is nothing else. We have repeatedly, in this body, heard the reading and ordered the printing of legislative resolutions not at all agreeable to a portion of us, without seeking to deny to a State that courtesy which has almost ripened into a right.

We may differ as to the matter and the style of the resolutions; I find no fault with gentlemen who may condemn these resolutions as unjust to the Executive, as founded in mistake, or they may even think they are ill-tempered, and that they are affected by partisan feeling. I do not object to that; but surely, when we are told they shall not be printed because they are insulting to the Congress of the United States, whom they do not name, except to appeal to them for redress against what they conceive the unjust action of the Executive, surely the insult is the other way. Except as the denial of a courtesy never before refused, it is entirely indifferent to me whether they are printed or not. They are, nevertheless, the sentiment of the Legislature of Maryland addressed to Congress, and I think they ought to be treated with the same respect with which we receive the representations of any other State Legislature.

The PRESIDENT *pro tempore*. The question is on ordering these resolutions to be printed.

Mr. HOWE. As I find, upon consultation, that I have got to vote against the printing of these resolutions, when some Senators upon this side of the Chamber, I apprehend, will vote for the printing, I want to state, in two or three words, why I do it. It is not upon the ground that the Legislature of Maryland had not the right to pass the resolutions, not upon the ground that they insult the dignity of this body, but upon the ground that they make statements, they contain allegations, which I would not dare to make myself in reference to the conduct of an individual, for fear they were not true. Let me quote:

"Whereas the unconstitutional and arbitrary proceedings of the Federal Executive have not been confined to the violation of the personal rights and liberties of the citizens of Maryland, but have been extended into every department of oppressive illegality, so that the property of no man is safe, the sanctity of no dwelling is respected, and the sacredness of private correspondence no longer exists."

These allegations are contained here. Now I should not have dared to assert that of a constable in Baltimore; of any justice of the peace there; of any man having any authority whatever, for fear I should lay myself open to a prosecution for libel, or for slander, if it were merely verbal. If it is not true, is it any the less a libel when it is published of the First Magistrate of the country? If the Legislature of Maryland dares to assert it, the responsibility is upon the Legislature; but if we dare to print it and publish it, the responsibility of that measure is upon us. I am afraid that is not true; nay, more, I have no hesitation in saying that I believe it to be utterly untrue; and I do not wish to be a party to the publication of statements so false as I believe that to be, and therefore I shall vote against printing these resolutions. To the reception, I have no sort of objection.

Mr. BAYARD. I am somewhat surprised at the remarks of the honorable Senator who last addressed the Senate. The result of his doctrine

is, that if any petition that comes to you contains a statement which, in your judgment, is not correct, from your general information and knowledge, you are therefore to reject it, though it is respectful to the body; you are to inquire, or on your own opinion of the facts, you are to determine that these things are not true, and therefore refuse to receive the petition. Now, suppose the facts stated there are not correct; suppose the acts complained of have not been done: by their sending them here to us, we do not receive them as truth. We receive all memorials or remonstrances from a State, and print them——

Mr. HOWE. I wish simply to inform the Senator that he misapprehended my position. I do not object to the reception of this paper. I simply object to publishing what the paper asserts.

Mr. BAYARD. I understand him. The honorable Senator has not been quite as long in the Senate as I have been; but the usage has been invariable in this body to print a communication from the Legislature of a State, as of course. We are therefore taking no special order on the subject. It is a matter of course always to print it. It is the respect due, not to the particular communication, but to the character which the States hold in relation to the General Government, and that has been the invariable usage of this body since I have been a member of it, now some ten years; and I believe it was the usage long before. Therefore the objection to printing, in my judgment, will not hold.

The specifications of the honorable Senator were, that these resolutions contain statements which were not true in his judgment. Men may differ about that. I confess that I do think there has been great usurpation of power in the State of Maryland on the part of the Executive. He may have been misled by improper information, for aught I know, from her own citizens. I cannot say what has deluded him; but I consider that he has greatly exceeded his powers; and I can well understand that the Legislature of the State should remonstrate against acts of that kind. Beyond all question, there is no doubt that the right of search has been asserted there. It is no matter how often it has been done, for if it is done in one case, every man's house equally is open to him. The right to search for papers has been asserted there; nay, more, the right to arrest and to put at defiance, by military power, the writ of *habeas corpus*, has been asserted there by the Executive. No gentleman can doubt this. Have they not the right to remonstrate against that act, as a violation of the rights of the State? Further, there can be no doubt that the police commissioners of the city of Baltimore, duly appointed by the Legislature of Maryland, were removed from their municipal functions. I speak not of the marshal nor his arrest; but the commissioners of police were removed without even the scintilla of a ground for the act stated in the proclamation of the officer who did it. At the time that he chose to arrest the marshal, he also removed the police commissioners. The marshal, he said, had been accused of treasonable practices; but there was not a word whispered against the others, though he removed them from the exercise of their functions. Has not the State of Maryland a right to remonstrate against the removal of the municipal officers that exist under the laws of their own State for municipal purposes? They may have overstated the case, if you please, in some respects in their memorial; and it would not be unnatural if, feeling that sacred rights had been invaded, the statement should be a strong one; but no one pretends to say that it is disrespectful to this body. It is an assertion of what they believe to be the rights of the State, as against executive usurpation.

I do not know what disposition the Senate will make of this memorial; but I do think that it would have been far wiser, on the part of those who differ from the Legislature of Maryland as to the acts which have been spoken of in the memorial or remonstrance, to suffer it to be presented and take the ordinary course of all communications from a State—of being laid on the table and printed. That is the universal course of the Senate as to all communications coming from States. I think now that a refusal to print the paper cannot make the truth of these allegations, nor the inferences of law from the allegations, one particle less than they are. If they are false in fact, or erroneous in the conclusions of law, it will recoil with the public sentiment of the country on the Legislature that presented them; but if they be true in their main facts, and be true in their conclusions of law, where stands the Senate of the United States, when it refuses to print the memorial of a State protesting against executive usurpation of its rights?

Mr. FESSENDEN. I am very sorry to differ with some of my friends on the point before the Senate. I do not regard the game as worth the candle. I think it would have been better, as suggested by the Senator from Delaware, to print this paper without a word. There is no dispute about the fact that these are resolutions passed by the Legislature of the State of Maryland, such as that Legislature is. The right to scold, sir, is a right that pertains to everybody, especially to Legislatures. They have a prescriptive right to scold and grumble as much as they please. The matter strikes me as one that we ought to pass over in the usual form. I remember that, during the struggles we have had here since I have been in the Senate, resolutions have been passed by many of the northern Legislatures on certain subjects, very strong in their language, and offensive in their language to the majority on this floor, which was a large majority, (though I thought they took offense without cause,) and I do not remember an instance in which the printing of the memorial was refused. It was done as a matter of course. Within my recollection, it never was objected to at all; or, if it was, the objection was overruled or waived. I think it is infinitely better to take this course. What the Legislature of Maryland say does not commit us. The language is respectful to us; there is no attack on the Senate. We cannot object to it on that ground. It speaks, to be sure, of the Government. They have a right to speak of the Government in their own language; and if that language is improper, the consequences are upon them. It is addressed to us respectfully so far as we are concerned; and I see no sort of objection. I think the wise thing and sensible thing is just to let it be printed in the usual way; and I shall vote for that motion.

The PRESIDENT *pro tempore*. The question is upon ordering these resolutions to be printed.

The motion to print was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes;"

A bill (S. No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases;

A bill (S. No. 58) supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861;

A bill (S. No. 64) to reduce consular fees for vessels running to, or between foreign ports; and

A joint resolution (S. No. 5) to pay to the widow of the late Stephen A. Douglas the amount due him as Senator at the time of his death.

PAYMENT OF TROOPS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 88) providing for the monthly payment of troops, to report it back with a recommendation that it do not pass.

Mr. KING. This recommendation is a recommendation of a majority of the committee. My own opinion is, that some measure to facilitate the payment of the troops should be adopted by the pay department, if not by special act of Congress requiring it of them. I believe that by the law, as it exists, they may pay at shorter intervals than by their regulations they do pay. While I was in favor of the passage of the bill, the majority of the committee being against me, I suggested, and the committee authorized me to report, the following resolution:

Resolved, That it be recommended to the pay department to pay the volunteers accepted into the service of the United States monthly, whenever practicable; and that this resolution be communicated to the Secretary of War.

I suppose, however, the first question is on agreeing to the report of the committee.

The PRESIDENT *pro tempore*. The committee report back the bill adversely. Under the rule of the Senate, except by unanimous consent, that report must lie over one day before it can be taken up for consideration. The resolution of the Senator is therefore in order.

Mr. KING. Then I offer the resolution; which, I believe, received the unanimous consent of the Committee on Military Affairs and the Militia.

The resolution was considered by unanimous consent, and agreed to.

RETROCESSION OF ALEXANDRIA.

Mr. GRIMES. The Committee on the District of Columbia, to whom was referred a bill (S. No. 66) declaring the act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia, to be unconstitutional, and for repealing the same, have had the bill under consideration, and a majority of the committee instruct me to report it back to the Senate, with a recommendation that it do pass. Knowing, however, that Congress is soon to adjourn, I only ask that it may be printed, and laid upon the table, to be taken up at the next session.

The PRESIDENT *pro tempore*. The bill will be printed, as a matter of course, under the rules, being reported by a committee, and will go upon the Calendar.

COD-FISHERY BOUNTIES.

Mr. WILSON. I ask the Senate to take up for consideration the bill, reported yesterday, (S. No. 65,) to authorize an increase in the corps of engineers, and topographical engineers.

The motion was agreed to.

Mr. POWELL. I rise to a privileged question, which will take but a moment, and I wish the special attention of the chairman of the Committee on Commerce. A few days ago I introduced a bill for the purpose of repealing the bounties on the tonnage of vessels engaged in the bank and other cod fisheries; which was read twice, and referred to the Committee on Commerce. The printed bill, which has been laid on my table this morning, has this entry on it: "August 1, on motion of Mr. POWELL, committee discharged." I was really not aware that the committee had made any report on the subject; and I certainly made no motion to discharge the committee from the further consideration of this bill.

Mr. CHANDLER. The committee instructed me to report the bill back, and ask to be discharged from its further consideration. It is a clerical error. It was on my motion, by direction of the committee, that they were discharged from its consideration. The motion was not made by the Senator from Kentucky.

Mr. POWELL. I ask then to have the Journal corrected.

Mr. CHANDLER. It was on the motion of the Senator from Kentucky that the bill was referred to the Committee on Commerce.

Mr. POWELL. That is true.

The PRESIDENT *pro tempore*. The Chair is informed by the Secretary of the Senate that the error is in the printing. There is no such error in the Journal as indicated by the Senator from Kentucky.

Mr. POWELL. I ask now, if it is too late for me to move to take up the bill for consideration at some proper time? I do not wish to interfere with the motion of the Senator from Massachusetts. I make that inquiry, if I can do it under the rules?

The PRESIDENT *pro tempore*. There is a bill under consideration, but the Senator can move to postpone that and take up another bill.

Mr. POWELL. It is not my purpose to move to lay aside the bill taken up on the motion of the Senator from Massachusetts, but merely to inquire of the Chair, if at some subsequent time it will be in order for me to move to take up this bill?

The PRESIDENT *pro tempore*. The Chair will answer that question when the time shall come, and the Senator shall move to take it up. The bill now before the Senate is Senate bill No. 65.

FINAL ADJOURNMENT.

Mr. COLLAMER. I wish to call up the House resolution for the adjournment of Congress. I desire to have it passed upon directly, and that

we may do it now. I suppose the Senator from Massachusetts has no objection.

Mr. WILSON. I have none.

Mr. COLLAMER. I call for the consideration of the House resolution in relation to the adjournment of Congress.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the bill before the Senate, with a view to take up the resolution of the House of Representatives fixing the day of adjournment.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution of adjournment from the House of Representatives is now before the Senate, and will be read:

The Secretary read it, as follows:

Resolved, (the Senate concurring,) That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on Friday, the 2d day of August next, at twelve o'clock, m.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island.

Mr. SIMMONS. With the consent of the Senate, I will withdraw my amendment. I understand it is probable that we can get through by Tuesday, and there is no probability of our adjourning to-day; and we might as well dispose of the question now.

The PRESIDENT *pro tempore*. It is competent for the Senator from Rhode Island to withdraw, and he does withdraw his amendment to the resolution.

Mr. FESSENDEN. I would suggest to the Senator from Vermont that it might be as well to let this lie until a later hour of the day. I merely make the suggestion.

Mr. COLLAMER. From what I am informed in relation to the condition of the House of Repsentatives, if we fix a reasonable time, we may probably keep a quorum together until that time; but unless we fix some time, we shall not keep a quorum of that House.

Mr. FESSENDEN. I make no objection.

Mr. COLLAMER. I move that the period of time fixed in the resolution be Tuesday next, at twelve o'clock.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont is to strike out "Friday, the 2d day of August," and insert "Tuesday, the 6th day of August."

Mr. TRUMBULL. I have no idea that what I am going to say will change the vote at all. There is a disposition in the Senate, and we are told in the House of Representatives, to adjourn at once. I entirely disagree to that disposition which is manifested. I believe it is the duty of this Congress to remain in session, and mature all the bills which it is deemed important to pass in this crisis of the country's history. I think there is no excuse for Senators and Representatives, who receive an annual compensation, and who can remain here without expense to the Government, to leave their places, and say there is not time to mature bills, and that they must go over until December. However, I know that friends around me do not coincide in that opinion. I do not wish to take up time, or to delay action on upon this resolution. I suppose that what I say will be wholly impotent to arrest this impatient spirit to get away, and we are even told by the Senator from Vermont, that the House of Representatives will not stay, that they will break up and leave Congress without a quorum, unless we fix a day at once. Sir, I think this impatience is inexcusable. In my judgment there are measures pending before Congress, which it is its duty to mature and pass before it adjourns. But as I said, I only desire to express this view, and am willing that the vote shall be taken.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Vermont.

The amendment was agreed to; and the resolution as amended was concurred in.

ENGINEER CORPS.

Mr. WILSON. I now move that we proceed to the consideration of the bill which was passed over.

The PRESIDENT *pro tempore*. The bill (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers will be considered as in Committee of the Whole, as it was passed over for the purpose of considering the resolution which has been disposed of. It will be read at length.

The bill was read. It proposes to add to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors. It also proposes to add to the corps of topograghical engineers one company of soldiers, to be commanded by appropriate officers of the corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act "for the organization of a company of sappers and miners, and pontoniers," approved May 16, 1846.

The bill was reported to the Senate without amendment, ordered to be engrossed, and read a third time; and it was read the third time, and passed.

PUNISHMENT OF PIRACY.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy."

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides that any vessel or boat which shall be built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States, if found upon the high seas, or to be seized if found in any port or place within the United States, whether it shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted by it or not; and any such vessel or boat may be adjudged and condemned, if captured by an authorized vessel, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, to the use of the United States, after due process and trial, in like manner as is provided in section four of the act to which this act is supplementary.

The second section provides that the President is to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by the Congress of the United States, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States any vessel or boat, built, purchased, fitted out, or held, as in the first section of the act is mentioned.

The third section provides that the collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any and all vessels or boats so built, purchased, fitted out, or held, which may be found with their respective ports or districts, and to cause them to be proceeded against and disposed of as before provided.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT ATTORNEY AT NEW YORK.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (S. No. 59) in relation to the office of attorney of the United States for the southern district of New York, have instructed me to report a substitute in lieu of the bill which was submitted to the committee; and I ask for its consideration at this time.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was to strike out all after the enacting clause of the bill and insert the following:

That there shall be paid to the attorney of the United States for the southern district of New York, quarterly, a salary at the rate of $6,000 per annum, and such additional sum as shall be necessary, together with the costs and fees now allowed by law, to pay such amount as shall be fixed by the Secretary of the Interior for the proper expenses of the office, including salaries of assistants and clerks.

SEC. 2. *And be it further enacted*, That the accounts of said attorney from and after the 4th day of April last shall be adjusted and settled in the same manner as the same would have been adjusted and settled had this act been in operation on and after that day.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 101) to promote the efficiency of the engineer and topographical engineer corps; in which the concurrence of the Senate was requested.

The message further announced that the House had passed a resolution directing the message of the Senate, informing the House of Representatives that the Senate had agreed to the amendments of the House to the bill of the Senate, (No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government, to be returned to the Senate, agreeably to its request.

COURTS IN KENTUCKY AND MISSOURI.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the House bill No. 70, for the more effectual organization of the courts of the United States, in the districts of Kentucky and Missouri, have instructed me to report the bill back to the Senate, and recommended its postponement until the first Monday of December next. There was some diversity of opinion in the committee; but the majority of the committee instructed me to make that report.

Mr. LANE, of Indiana. I hope that bill will not be postponed until the first Monday in December next. I have conversed with a number of Representatives from Kentucky in the other branch of Congress, and they are exceedingly anxious that the bill should be taken up and acted upon now. It is a bill repealing the act creating Kentucky as a district court of the United States. At present, as I understand, the law requires the district court in Kentucky to be held at four points in that State: at Covington, Louisville, Paducah, and Frankfort. The bill which has passed the House of Representatives, and which it is now moved to postpone, repeals the law making Kentucky a district, and authorizes two districts in the State of Kentucky, and the holding of courts at two points in each district; and at the same time authorizes the holding of the district courts in Missouri at two other points.

The bill, when it passed the House of Representatives, received a very large vote, and was sent here several days since. It is now reported from our committee, and its consideration is asked to be postponed until December. I am unwilling that it shall be postponed; in the first place, because I think the convenience of the people of Kentucky will be better promoted by passing the the bill at present; and, in the next place, I will not disguise the fact that there may be another object contemplated by passing the bill, which is to repeal the law creating the district court, under which Judge Monroe has been appointed in the State of Kentucky, for the purpose of getting one more devoted and more loyal to the Union of the States. I know nothing whatever in reference to the present position and political *status* of Judge Monroe; but I have heard from gentlemen of the highest respectability that his loyalty was questionable, and that there is doubt whether any rebels or traitors in the State of Kentucky could be punished for treason while he holds court. I do not state this to be true; I know nothing about it myself; but I have been so assured by gentlemen of the highest standing in Kentucky who are now in this city. I disavow any charge against Judge Monroe. I have not met him for thirty years. I only knew him in Kentucky when I was a boy, as a gentleman of high character and of good standing as a lawyer. What may be his present position I know not; but it is at least questionable among Kentucky gentlemen of the very highest respectability.

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from Illinois, from the Committee on the Judiciary, that the further consideration of this bill be postponed until the first Monday of December next.

Mr. POWELL. I desire that the bill shall be postponed on the motion made by the chairman of the Committee on the Judiciary. I cannot conceive that any good can result to the public interests from its passage. So far as the State of Missouri is concerned, I think there was abundant evidence before the committee that two districts were required, nay demanded, by the public business there. I do not believe that the public interest requires the State of Kentucky to be divided into two judicial districts. We have heretofore had but one district, and the business in that court is not more than one judge can perform, and not be very heavily taxed at that. There is no necessity, then, for making two judicial districts in the State of Kentucky. It can result in nothing more, nothing less, than providing two judges and two marshals, and having the United States to pay an additional judicial salary. That is all it can result in. So far as the statement made by the honorable Senator from Indiana is concerned, that Judge Monroe is thought to be disloyal by certain persons now in this city, allow me to say that I never heard Judge Monroe's loyalty doubted. I know it was stated by a member of the committee that a citizen of Kentucky, now in this city, had stated to him that Judge Monroe's loyalty was doubted. I had never before heard his loyalty to the Government questioned, and I do not believe that he is disloyal. He has borne the reputation, for many years, of being a learned lawyer, and an attentive, honest judge. He now holds the courts at every point at which they will be held by the two judges, provided this bill shall become a law. He holds the courts at Frankfort, at Covington, at Louisville, and at Paducah, twice a year; and that is all that is provided in the bill shall be done by two judges, if the two districts be made by Congress. The public interests, then, cannot suffer by leaving the district of Kentucky as it now is.

I look upon it, sir, as a mode of getting clear of a judge, whose tenure under the Constitution is "during good behavior," by indirection—by legislation. I do not believe that such an instance has ever occurred in the history of this Government. I know that in Mr. Jefferson's time the laws creating certain judgships were repealed; but I do not think that other judges were put in; the existing judges were deemed unnecessary, and hence the law was repealed. I think it but due to Judge Monroe, one of our oldest and most respectable citizens, that he be permitted to meet these charges. There was before the Committee on the Judiciary a very small petition, asking this change in the district court of Kentucky. I happen to have in my pocket a copy of that petition, and I will read it to the Senate:

To the Senate and House of Representatives of the Congress of the United States:

Your petitioners, citizens of the State of Kentucky, for and on behalf of a majority of the people of said State, most respectfully ask the passage of an act abolishing the Kentucky district court, and the establishment of two other courts of similar jurisdiction in its stead.

W. H. HASKINS,	W. C. ANDERSON,
THOMAS K. LETCHER,	G. H. McKINNEY,
R. V. BOURN,	W. BROWN,
GREEN ADAMS,	J. E. HUFFMAN.
ALLAN A. BURTON,	

I do hereby certify that the above is a true copy of a paper filed with the Committee on the Judiciary of the United States Senate.

J. M. STANTON, *Clerk.*

These gentlemen, all of whom live in counties adjacent, in the northeastern part of the State, take the privilege of petitioning Congress, in the name and on behalf of the majority of the people of Kentucky. It seems to me that that petition is very modest, to say the least of it, that they should presume to speak for a majority of the people of Kentucky! That petition, which was the only evidence in writing before the committee, does not insinuate a charge of disloyalty against this judge. I do not think that the Senate should thrust aside a learned and a respectable judge, who has been upon the bench for over twenty years and borne an irreproachable character, upon the mere *ipse dixit* of outsiders. Why did not the intelligent gentleman from Kentucky, of whom the Senator from Indiana speaks, come before the committee and make his statement in writing against the loyalty of Judge Monroe? That, I should suppose, would be the mode of action of those that were disposed to be governed by the principles that should always characterize those who are actuated by high-toned and manly feeling.

I think it eminently proper that the action of Senate should be postponed. There is nothing set forth in the petition that reflects in the least upon Judge Monroe; and this was the only paper that was before the Judiciary Committee. I asked of the committee the postponement of this case until December next, and I believe the committee were unanimous in granting my request. I did it for two reasons. First, I knew that the public interest did not demand that Kentucky should be divided into two judicial districts. I knew that the business there could be done by one man, and he not heavily taxed with labor. I knew that the courts were already holden by the present judge at the four points, for the length of time prescribed in this bill. Besides, I thought it but justice to Judge Monroe, before he should be disposed of in this summary manner upon the *ipse dixit* of outsiders, that he should be permitted to lay his statement before that committee; and the moment that the Judiciary Committee agreed to postpone the case, I told the committee that I would advise Judge Monroe of the proceedings; and I caused duplicate copies to be made of the petition just read, one for my own use and the other for the use of Judge Monroe, and wrote to him that the bill would be postponed until December next, and inclosed him a copy of this petition, and informed him of the charge of disloyalty made in the committee. I did not suppose the chairman of the committee would report it until he asked to be discharged from the general bundle at the close of the session. The first whisper that I have heard against Judge Monroe's loyalty was yesterday. When it was announced by one of my colleagues on the committee that a gentleman from Kentucky had spoken to him of Judge Monroe as being disloyal, I said to the committee that I had not heard that charge before. I think it due to Judge Monroe that he should be permitted to meet it. I asked the postponement of the case, and the committee readily acquiesced.

I believe, Senators, if you put aside a judge in this way you infract the spirit of the Constitution, if not its letter. What will be the result if you set such a precedent as this? At every change of parties in Congress you will probably have every judge, the tenure of whose office is during good behavior, legislated out of office in this way. That would certainly be a very unfortunate precedent. Senators, I think it nothing but just to an honorable and a most respectable gentleman, whose legal ability, assiduity, and integrity, are not doubted, and whose loyalty heretofore has never been questioned, before you abolish his office and put this disgrace upon him, that you permit him to be heard; that you give him an opportunity to meet, face to face, those who accuse him of disloyalty to the Government whose commission he holds, and which he has served with loyalty, integrity, and distinguished ability, for a quarter of a century.

If there had been among the papers any charge against the loyalty of Judge Monroe, I should at once have informed him of the fact, in order that he might have made counter statements. There was none. It came in the form of a verbal statement, through a member of the committee. The committee, then, in order to give Judge Monroe an opportunity to meet these charges, postponed the case; and instantly on that being done, I, from my desk in the Senate yesterday, sent him a copy of this paper, and wrote to him that the bill would be postponed until the next session; and that a certain gentleman from Kentucky, in this city, had stated to the chairman of the committee that he was disloyal to the Union. I thought it proper to give him that information. I think now, Senators, that it would be an outrage on this man that he should thus be thrust out of his office without any formal charge, without any notice, because an individual—who may by possibility want his place; who may, for aught I know, be his personal enemy—makes these charges against him. I do not think it right or proper. I think the precedent most dangerous. It is wrong in every particular. The public interest certainly cannot suffer if this matter be postponed until December next, so as to give Judge Monroe an opportunity of meeting the charge.

I myself would not be disposed to consider charges that are made in the form in which this is presented. If a gentleman wishes to make a charge against the incumbent of an office, and to have him rejected upon that charge, he ought to put it in writing, sign his name to it, make the charge specific, in order that it may be properly met. That has not been done. So far as I know or have ever heard, until I heard it in the committee room yesterday, in the manner I have stated, I never heard any charge of disloyalty against Judge Monroe. He has been a faithful, incorruptible judge; and he has never within my knowledge, by word or by deed, indicated any disloyalty to the Government he has served. I believe the Senate owe it to him, owe it to themselves, owe it to the judiciary, owe it to their country, to give him a chance to meet the charges against him, and if they are false to say so. What Judge Monroe's peculiar views may be upon the questions that at present agitate the country, I candidly confess that I do not know. I live in a remote part of the State from him; but I have heard of no disloyalty on his part, and I think it but justice that he should be permitted to be heard. I hope that the motion to postpone, in accordance with the report of the chairman of the Judiciary Committee, will prevail.

Mr. TEN EYCK. As the Senator from Kentucky seems to misunderstand the true position of the Committee on the Judiciary, I feel myself called upon to say that, so far as I am concerned, he misapprehended my position. The inclination of my mind was in favor of the passage of this bill, and I so voted in committee at the time, although the Senator from Kentucky does not appear to remember or to be aware of it.

Mr. POWELL. The Senator from New Jersey will allow me to say that it was upon the motion to postpone that I thought the committee were unanimous.

Mr. TEN EYCK. No, sir; I voted against the postponement.

Mr. POWELL. Then I was mistaken, that is all.

Mr. TEN EYCK. As this is a delicate matter, and as the Senator from Kentucky so understood it and declared it, I feel myself in honor bound to say that I was opposed to the postponement and in favor of the passage of the bill. It was the inclination of my mind; it was the conclusion I came to, on the view of the case which I had before the committee. This bill embraces not only the district of Kentucky, but also the districts courts in Missouri. It is composed of two sections, and the sections propose a change in Kentucky, making two districts instead of one, and in Missouri making one district instead of two.

I am the last man in the world to trifle with judicial districts. I think they should be stable and fixed and certain, and they, and the judges who hold the courts in them, should be the last things to be interfered with needlessly or unadvisedly. A judge should be like Cæsar's wife, "above suspicion;" and especially in times like these. I would not strike at Judge Monroe in the dark. The evidence that was brought before the committee was sufficient to satisfy my mind that there was some doubt about his loyalty; and in these days, when treason goes with a rush and a run, I thought it dangerous to leave that court in the hands of a man who was subject even to suspicion. If it should turn out, as I hope in God it may, that he is entirely free of any charges of this kind, I should be in favor, if this bill passes, of his nomination for one of the districts; and I would sign in his favor.

Mr. POWELL. If the Senator will allow me to interrupt him for a moment, as I do not wish to trouble the Senate further, I will say that I have known Judge Monroe a great many years, from my boyhood; and from his high standing as a gentleman of honor, a lawyer of high attainments, a man of unimpeachable integrity, I do not believe that he would fail to decide every case brought before him in obedience to the Constitution and the laws of his country. I am confident, from the high character that he has borne in his office for over a quarter of a century, that he would never so degrade himself as to give any other decision than that which he thought was in obedience to the laws of the land; and I have no idea that he ever will. In my judgment—and I form that judgment from the character of the man—if he did not intend to be true and loyal to the country, he would resign the office. He would hold no

office under a Government that he did not intend to be loyal and true to.

I bear this testimony cheerfully and willingly to this absent man, who has no chance to meet his accusers, and perhaps has no knowledge now that there is any charge of disloyalty against him, for it was only yesterday, after it was made known to me, that, from my desk here, I wrote to him that there was such a charge, and I wrote to him further, that the case would be continued till December next. I did that upon the belief that I understood it to be the intention of the committee not to report this bill until upon the eve of the adjournment, we asked to be discharged from the mass of unfinished business at the end of the session. I did not even suppose the bill would be reported with the recommendation of the committee to postpone it until December. My understanding was that the committee would ask to be discharged from all these cases in the general bundle at the close of the session.

Mr. TEN EYCK. It gives me the most unfeigned pleasure to hear the noble tribute and testimony which the Senator from Kentucky bears to this honorable judge. It may be, and I doubt not he does firmly and conscientiously believe in the loyalty of Judge Monroe. There cannot be a shadow of a doubt about his belief, from the earnestness and frankness of his manner; but other highly respectable gentlemen from that State think the contrary; and if there should be a doubt about the question, is it not dangerous, perilous to the safety of this Union, that a judge presiding in this district should have control of that court under such circumstances? I would not touch a hair of his judicial ermine. Let this bill be passed; let two districts be erected in that State; and I pledge myself here now to use whatever influence I may have (it is very little, Heaven knows,) with the powers that be, to procure his appointment to a judgeship in one of these districts, if it is made to appear that he is true and loyal, without regard to any political feeling which he may have. Sir, I would not meddle with a judicial district on the ground of politics. I would scorn to be found guilty of any such work.

Now, with regard to Missouri, I am in favor, from the testimony that was before the Committee on the Judiciary, of the change in that district which was embraced in this bill. It is asserted there, that the court is not safe in the hands of that judge; that he is disloyal—so declared by gentlemen of character and respectability, openly and in committee rooms, speaking directly to this question. Shall we confide, even until the first Monday in December next, the ermine of this court to a man who is disloyal, and who will not give us the benefit of the execution of the laws of the Union? I have no feeling on this subject except the feeling which every lover of his country ought to have to stand forth and perform his duty, let it be as delicate and as painful as it may. If I know myself, and know my own heart, I am actuated by no other feeling under heaven.

Mr. TRUMBULL. I desire to reply to a remark which fell from the Senator from Kentucky, which would imply a censure on the committee for reporting the bill.

Mr. POWELL. I did not intend to imply any censure. I merely stated what I supposed to be the action of the committee.

Mr. TRUMBULL. There was no understanding in committee of the kind stated by the Senator, so far as I know. The direction of the committee was to report the bill back, and recommend its postponement until December; and I felt bound by the direction of the committee. I should have reported it yesterday, but it was not convenient to do so. There was nothing said in my presence about holding it up. I do not think it was part of the understanding of the committee to do that. There were some bills that were passed over with that understanding.

Mr. POWELL. So far as this particular bill is concerned, there was nothing of that kind said; but I understood that the committee had a general understanding—it was certainly talked of—that, in all cases where they did not report favorably, they would ask to be discharged at the close of the session, unless a Senator who presented a bill desired it to be reported back adversely. On that general understanding I supposed this bill would not be brought here. Nothing was said about this bill particularly in that connection.

Mr. TRUMBULL. I did not understand that there was any understanding of that kind in reference to this bill. I merely supposed I was carrying out the instruction of the committee in reporting it and bringing it before the Senate.

Mr. BAKER. I shall oppose the postponement of this bill, and shall vote for its passage; and I desire to state very briefly my reasons.

It is a delicate matter to interfere with a judge; but we are in times when a great many delicate duties have to be very sternly performed. It is a delicate duty to die, or to kill anybody else, but it is a business we are doing a good deal of, and are likely to do a good deal more of, I hope, within the next ninety days. It is no great trouble to put a judge out of office who has been in thirty years, if he deserves to be put out; and it is a mistake to appeal to the sympathy of this body or any other body on the ground that he has been a good officer for a very long time. If there are any reasons of State why he ought to be removed, that is an end of the matter: for no man has a lien on an office beyond the interest of the country. That is the general rule.

Now, as to the particular case, I will not controvert what the amiable zeal of my friend from Kentucky urges him to present as to what he believes of the loyalty of Judge Monroe; but he states it with great qualifications. He says he never heard it doubted. I have; and I will give two or three reasons which prompt me to believe it. In the first place, not speaking of what has passed in the other House, which I believe is scarcely parliamentary——

Mr. POWELL. The Senator will allow me. I did not state that I had never heard it doubted. I stated that I had never heard it doubted until the suggestion was made in the committee room. I never heard it before that time. While I am up, I will state that my colleague in the House of Representatives, Mr. CRITTENDEN, whose devotion and loyalty to the Union, I hope, are not questioned here or elsewhere, has lived in the same town with Judge Monroe for, perhaps, twenty-five or thirty years, and he earnestly opposed the passage of this bill in the other House.

Mr. BAKER. The Senator from Kentucky had better add two other things to that statement; and first, as gentlemen's names are mentioned, to add that Mr. BURNETT, of Kentucky, also opposed the passage of this bill in the lower House; and that all the other members from Kentucky, all the Union men, are heartily for it, and some of them urge me now to go for it, on the ground that it would not only be a reflection on their conduct to defeat it here, but that it would, in many respects, be dangerous to the welfare of Union sentiments in the State of Kentucky. There is answer against answer upon that subject.

Again: I am informed, upon what I believe to be very reliable authority, that Judge Monroe's relations and connections are so soundly or unsoundly secession, disunion, that it does more than give color to the opinions entertained by so many gentlemen as to the judge himself. For instance: is it his son or his son-in-law who is the leading editor of the leading secession paper in Kentucky? That is another fact given to me. Again, I am authorized to mention that it has been the practice of Judge Monroe, for thirty years, or twenty, or ten—a great while—in his usual charge to grand juries, to present to them the law in relation to the crime of treason, and always when it was not wanted; but now, when it is wanted, he declines to present that in his charge; and when a member of the grand jury rises in his place, and turns his attention to that class of subjects, he entirely omits that. Whether these are facts, I do not know; because I was not there. I state that I believe them to be facts, because I am told upon authority as respectable—and none can be more so—as the gentleman from Kentucky himself. I have conversed with many leading people from Kentucky, who are Union to the core; and I believe they all, without exception, desire the passage of this bill.

Mr. President, while I am up, I will say the judge of the district court of the United States, in any State, is the most important public man in it, save her Senators. Kentucky is in the most important position of any State in this Union. There is more depending upon her loyalty, so far as southern peace is concerned, than upon any other State; and I am not willing that a judge shall remain, by any act of mine, whose loyalty in this crisis is seriously questioned. That this man's loyalty is so questioned, I have no doubt.

Now for the injustice. First, as I have said, no man has a preëmption claim upon office in this Government. Next, if there be injustice done him in a great crisis, it can be easily remedied. With the Senator from New Jersey, I will cheerfully join in urging his reappointment to one of these districts, if the facts be otherwise than as we believe. But, sir, I believe that he is disloyal. I know something of the family; I know its tone and temper; I know the associations around him; and I know the opinions of the people from that State, who have the best opportunity of judging, and I believe that I do the best duty I can perform to the country now by refusing to concur in the postponement of this bill, and urging its immediate passage.

Mr. HARRIS. Mr. President, I am in favor of postponing this bill until December. In committee I voted to report the bill, because I was inclined to believe that Kentucky needed two judicial districts and that Missouri needed but one; but the effect of this bill, if not its aim, is to displace two judges by legislation. I will go as far as any man to cripple the power of disloyal men; I will not vote for the appointment of any man that I suspect of disloyalty; and if either of the judges whose places will be affected by the passage of this bill were before the Senate for appointment, I am inclined to think I should not vote for his confirmation. On the other hand, I do not think the evidence of their disloyalty is so very clear, that we ought to take these extreme measures now to displace them.

Sir, I regard this as a somewhat dangerous precedent. I fear its effect. Here we are, by creating two districts in Kentucky, to legislate a judge out of office; and by merging two districts in Missouri into one district, we are to legislate another judge out of office. May not this precedent be used hereafter for pernicious purposes? I am afraid so, sir. I desire that this bill may be postponed.

Mr. BRECKINRIDGE. Mr. President, this bill proposes to make two districts of the State of Kentucky, which is now one judicial district; and to make one district of the State of Missouri, which is now divided into two judicial districts. It may be that they do not need two districts in Missouri, although it is a much larger State, territorially, than Kentucky, and larger in population, and, perhaps, has more business, on account of the size of the city of St. Louis, and its commerce. But one thing is certain, two districts are not needed in Kentucky; one judge can discharge all the business, and have ample leisure.

Then, this is a proposition to augment the public expenditures and to give us additional judicial officers, with all their attendants, simply to carry out a purpose. My colleague is upon the Committee on the Judiciary, and I thought it proper to leave to him the discussion of this question; but as the gentleman who is likely to be affected by this bill is my neighbor living in the congressional district that I formerly represented; and as I have known him as a young man knows an old man, for many years, I have thought it proper to say a word. First, in behalf of the country, of the Treasury, and of the public interests, we do not need two districts. The whole thing is an office-seeking contrivance. In the next place, as the Senator from New York, with a candor and a justice that do him honor, says, it is a dangerous precedent, by this indirect mode, to undertake to legislate a judge out of office. In the next place, you cannot get a better judge. He is a man who never took part in the contests of parties. I never heard of his doing so. He has been many years a judge, and perhaps more laborious, more attentive, and more faithful to his judicial duties than any officer of that kind we ever had in Kentucky. He is remarkable from one end of the Commonwealth to the other for these qualities. And why is he to be stricken down, sir? Upon just such whispers and slanders as the Senator from Oregon has thought it a fit thing to retail in his place in the Senate. Where did he pick them up? Since ever we had a Constitution and a Government, was the like seen, for a high judicial officer to be thrust out of his place by an act of legislation, on account of anonymous scandals and

slanders which a Senator says he has got upon reliable authority.

Mr. McDOUGALL. Will the Senator permit me?

Mr. BRECKINRIDGE. I yield to the Senator from California.

Mr. McDOUGALL. I am informed by gentleman of the House of Representatives from your State, that he is not loyal to the Constitution and the Union.

Mr. BRECKINRIDGE. The Senator is informed by members of the House of Representatives from the State of Kentucky, that Judge Monroe is not loyal to the Constitution and the Union. I, of course, do not question the belief of those gentlemen in that; but what have they offered to sustain it? What is the evidence against him? Are we to turn out a high judicial officer, and violate the spirit, and, as I believe, the letter of the Constitution, on the mere belief of A, B, and C, in one House of Congress, that the man is not loyal to the Constitution and the Union? Sir, take the testimony of the senior member of the House of Representatives from Kentucky; a man whose loyalty, as my colleague says, nobody will doubt; who is the neighbor, the friend, the townsman of this judge. He opposed, both upon personal and constitutional grounds, in indignant language, the action of the House of Representatives.

I never have known a case like this, sir. The Senator from Oregon says, it is reported that some of his connections, perhaps his son, is the editor of a secession paper. His son, I can tell the Senator, is the editor of a paper in Kentucky, but I never heard it called a secession paper; it is a strong State-rights paper. And is a judge to be removed by legislation because his son is the editor of a paper which utters opinions that a Senator does not like? Why, sir, it is well known that in this unhappy strife many men have sons in both armies. I was called upon the other morning, by a lady in this neighborhood, an old acquaintance and friend of mine, who was plunged in distress, because her husband was at Manassas, and her son was in the column advancing under General McDowell. These things are happening all over the country. Are such things to be given as reasons for legislative action, to remove a high judicial functionary? Sir, in my opinion, it will be a stain upon the Congress of the United States, if a judicial officer shall be removed by such a proceeding, without specifications and charges against him. It will be a blow struck at the judicial branch of the Government, as blows have been struck at the other branches of the Government, and at the independence and liberties of the people.

Sir, this bill will be resisted now, and the Congress of the United States must prolong its session before this act can be consummated. We will be heard; we will protest against it; we will reason against it; we will resist it by all constitutional and parliamentary means. If there was one shadow of foundation for this accusation, I should be silent. If I did not consider it a gross wrong, not only to the public, but to an individual, I should utter no word; but believing it to be both, and believing that it has been set on foot principally by two or three who desire to get the State cut up into two judicial districts, that they may get those two offices, I oppose it and I resist it. Senators, we ought to postpone it; there is no ground for it; there is no ground for the charge; it is a blow upon the Constitution; it is an outrage upon the Treasury; it is a gross injustice to an individual, a stainless, excellent man. Again, I say, if any of you doubt, go and ask the senior member of the House of Representatives from Kentucky, whom you all know, and he will give you the Constitution of the country, and he will give you the character of the man.

Mr. BAYARD. Mr. President——

Mr. BAKER. Will the Senator from Delaware allow me to ask the Senator from Kentucky a question?

Mr. BAYARD. I do not wish to introduce into the debate anything but the merits of the question of postponement. This bill, in committee, I was opposed to, and I agreed to the recommendation to postpone it until the next session. It is obvious that the question which arises is a very grave question.

Before this session commenced, it had been, certainly for five or seven years past, the settled determination of the Committee on the Judiciary that it was time to stop the practice of increasing the number of judicial districts in the different States; that we had gone too far in that respect. That objection applies to the first portion of the bill—the original bill as it was introduced into the House of Representatives, to create an additional district in the State of Kentucky. The almost unanimous opinion of the Committee on the Judiciary, for five or six years past, has been, uniformly, that we had gone too far in that respect; and hence we refused to create additional districts even in States of much larger territorial extent, and with more judicial business in the Federal courts than the State of Kentucky. I think that objection holds as well now; and yet this bill, in effect, is to create two districts in the comparatively small State of Kentucky, when her Senators tell you there is no business that cannot be transacted by a single court; and at the same time, in the much more extensive State of Missouri, where there are two districts, and certainly fully equivalent business in every respect, and where the State, from its disturbed condition, will probable require the continuance of these two courts which you have hitherto apointed, to destroy one district, and to leave only one district remaining for that very large State. That is the bill.

Now, sir, as to the object. I do not pretend to scan men's intentions; but on the face of this bill, it seems to me plain that the whole object is to legislate out of office two judges, and to legislate three into office, or rather to have three new appointments. Is that compatible with your Constitution? I do not mean to say that you have not the power to abolish inferior courts, after the decision which was made by Congress in 1801; and if you choose to abolish the courts, of course the judges' office falls with them, though I somewhat question the constitutionality of that mode of action; and certainly if it is within your power, it is directly in the face of the intent of the Constitution, that the judge shall hold his office during good behavior. It is not in your power as regards the Supreme Court; and the only mode you can get at such an exercise of power in the inferior courts, is by abolishing the courts.

In the history of our country we have had a great many party struggles; and with but one exception, (and that was where the whole system was assailed, and the system was altered and the former system restored,) has there ever been a case in which Congress has undertaken to legislate judges out of office. In all the varied party struggles we have had, it has never been attempted except in one single case; and there was some plausible ground at least for action there, founded on the fact that the precedent Administration had, under a bill passed immediately before its expiration, and on perhaps the day before it went out of office, undertaken to appoint an entire new class of judicial officers, an act certainly politically improper, and if not void under the Constitution, at least against the intent and spirit of the Constitution and of our representative institutions. It does not surprise me, therefore, that in that case—objections existing to the system which had been adopted, and there being also objections to the whole vast mass of judges who were spread throughout the country by a party just going out of power—Congress were tempted into legislation which had for one of its objects that of preventing a judiciary being established by an expiring party at the expense of a party just coming into power.

But as regards this case, there is no excuse whatever. These judges, both of them, have held their offices for several years anterior to this time—one of them for twenty-odd years, the other for five or six, appointed without reference at all to the present condition of things; and what is the objection to them? Opinion—no more. You have the counter opinions of unquestioned men on the one side; and on the other side not one solitary fact or act offered before the committee which could justify action in any respect whatever. And has it, sir, come to this, that the Congress of the United States, on mere opinion, and that in highly excited times, when there are counter opinions, will strike so fatal a blow at the independence of a coördinate branch of the Government as to pass a law for the purpose of legislating some men out of office and giving room for the appointment of others? Where is judicial independence gone if you establish such a precedent? Rely upon it, if this be once established as a rule of action, let party once adopt it, and party, in all its changes, will adopt it hereafter; and the independence of your judiciary in this country will utterly fail, and they will become, except your Supreme Court, the mere tools of the existing party in power; because it is always the progress of these evils, that if you once exercise a power of this kind for such a purpose, subsequent parties will feel justified by the action of those who preceded them in saying: "your judiciary was altered by previous laws, by the existing party in power; we do not like their sentiments and opinions; our people are opposed to these judges, and we mean to legislate them out of office," and legislate them out upon opinion?

I know that in many of the States of this Union there are provisions existing that on a vote of two thirds of the Legislature a judge may be removed from his office by the Executive. No such provision exists in the Federal Constitution. There is one mode, and one mode alone, which the Constitution recognizes for the removal of a judge, and that is by impeachment. A predominant party, having an unquestioned majority in both Houses—if these men really have done any act which justifies their discharge from the offices they hold—will not require extraordinary proof to remove them. They have the power of impeachment; they have the power of decision, and under that they can vacate the offices. But there is at least this guard there: that if the question were presented to this body on an impeachment for the purpose of removing a judge, you would laugh to scorn the idea that the opinions of men were evidence for the purpose of removing judges from their offices. The facts must be proved from which you could infer disloyalty, or infer incapacity, or infer impropriety in their judicial action. When facts were proved from which that inference could rationally be made, of course the Senate would be bound to condemn; but, sitting here under oath, as a court of impeachment, you would not hear the allegation of an opinion, whether by a member of Congress or a judge, or any other man, for the purpose of vacating his office. I trust you would adhere to judicial precedent. It is necessary to the safety of the institutions of this country. It is much easier (and in the past history of the world it has always happened) by step after step to break down that division into three coördinate departments which must exist in every representative government, than it is to re-establish it when you have once broken it down. I trust the Senate will at least postpone this bill, because it is one that is dangerous in its tendency, and one of the most injurious precedents you could establish.

Mr. McDOUGALL. The Senator from Kentucky [Mr. BRECKINRIDGE] notifies us that if the passage of this bill be insisted upon, he will contest it in every form. If that is a threat simply, it has no influence on the Senate. This bill presents to the Senate some grave considerations that have not been stated. It has been passed by the House of Representatives, where Kentucky and Missouri are represented by known loyal men, and they say that they think this measure important. They have said this to me in personal communication. They say it is important in Kentucky, for the reason that Judge Monroe is not a loyal man. We are not going to try Judge Monroe; we are not going to investigate whether he has been guilty of treasonable conduct or not. He is simply an officer receiving a salary, a compensation from the Government; and if his position is questionable, we have a right to place an unquestionable man in his stead.

But there is another reason why, in Kentucky, they need two courts at this present time. Senators know that a law has been passed by the Legislature of Kentucky which prevents the collection of debts and the enforcement of civil contracts. This, as is well known by all lawyers, thrusts upon the Federal courts all the burden of this business. How long this condition of things will continue in Kentucky, we do not know. That is the reason why they require two courts now. It is a sufficient reason. The only question we ought to entertain here is, whether this is constitutional.

I think it is. The Senator from Delaware admits that it is. It is within the power of Congress

to repeal their own law, and what its effect on the *status* of the judge may be is not material. I think myself that when the Representatives in the other House from Kentucky and Missouri say that this measure is necessary, we should respond to them here in the Senate. They say, "What shall we do; treason is abroad through Kentucky; it asserts itself everywhere: as from a judicial tribunal;" and that is the thing against which we have to make war; and yet, Kentucky not being out of the Union, the only chance we have to make war is in the courts. How is a man to be tried for treason in Kentucky? He cannot be tried if what is said is true; and it is said by honorable gentlemen, Union-loving men, who represent Kentucky on the floor of the House of Representatives, that in the Federal court in Kentucky a case of treason cannot be tried. I say it is of the first importance here, if we intend to maintain this Republic, that we should have true and loyal judges, particularly in this disputed country along the border of our territory.

Mr. POLK. I believe the question before the Senate is on postponing, and not upon the passage of the bill. After some of the remarks that have been made by the Senator from California, and also a remark or two made by the Senator from New York, I propose to say a few words on the question of postponing; and then, if the Senate refuse to postpone the bill until the next session of Congress, I shall desire to be heard on the merits of the bill when it shall come before the Senate for its consideration, and heard more at length.

I understood the Senator from California to say that he had been applied to by the delegation from Missouri in the other House——

Mr. McDOUGALL. No; not the delegation from Missouri.

Mr. POLK. The Senator certainly put Missouri in the same category with Kentucky.

Mr. McDOUGALL. I said I understood Kentucky to be represented by loyal Representatives in the other Hall of Congress; and that they have passed the bill.

Mr. POLK. Then, sir, so far as that remark of the Senator from California is concerned, I am relieved of the necessity of commenting upon it.

Mr. President, I was more than gratified at the very sound, constitutional, and noble sentiments uttered by the Senator from New York, on the question that is now before the Senate; and in most of them I concur with him heartily. The Senator, however, said one thing which I am satisfied he would not say if he had the whole facts before him; and that was, if these judges (and in that he included as well the judge from the eastern district of Missouri as the judge from Kentucky) were before him for confirmation, he should not vote for their confirmation, though he will not vote to get rid of them in the side bar, and, as I think, unconstitutional mode in which it is now proposed to get rid of them. I believe, if that Senator had the case of the judge from Missouri before him—I speak particularly of him because I know him, and have known him for a quarter of a century—knowing the man, knowing his ability, knowing his judicial integrity and his judicial learning, knowing the industry and zeal with which he has discharged the duties of his office, he would not vote against him, although he might not agree with him in political sentiment.

Mr. COWAN. Will the Senator from Missouri allow me to ask him a question?

Mr. POLK. Certainly.

Mr. COWAN. I wish to ask him whether he can state what Judge Treat's opinion is upon this question: whether a citizen owes his highest allegiance to his State or to the General Government?

Mr. POLK. I do not know. I have not conversed with Judge Treat on that subject. I have not had ten minutes' conversation with him since the adjournment of the Senate last April; and that conversation was not on such subjects at all, and involved no questions of that kind.

Mr. McDOUGALL. Will the Senator allow me to say one word with reference to that matter?

Mr. POLK. Certainly.

Mr. McDOUGALL. I do not wish to be understood as making any reflection upon the character of Judge Monroe or Judge Treat. I regard them as excellent and high-toned gentlemen; but I do question whether they are true, loyal men in these times. Whether they believe with me or not is the question. I think, from my information, that Judge Monroe certainly does not think as I do with regard to the great movement of the times, and ought not, for that reason, to hold his position.

Mr. POLK. I am not speaking with reference to Judge Monroe. I leave his case to the charge of the Senators from that State, who know him personally, and have known him long and well, and who speak with entire frankness and entire confidence with regard to him. I was speaking in reference to the other judge, whom I do know; whom I know to be a man every way well qualified for the duties of his place; a man who, in all times of excitement, has the moral as well as the physical courage to administer the law as he conscientiously believes it to be. I have not the slightest hesitation in believing, as I have already said, that if he were before the Senate for confirmation, the Senator from New York, when he knew the facts and knew the man and his character, would not hesitate to vote for his confirmation.

Mr. President, as I have already stated, if we are to have action upon this bill, I mean to be more fully heard upon it; but now, I wish only to say one word on another point, and that is, as to the necessity for two judicial districts in the State of Missouri.

Mr. COLLAMER. I will ask the gentleman whether that district is not the one that has the whole Indian jurisdiction?

Mr. POLK. Yes, sir; the western district has all the Indian jurisdiction. The eastern district, I will state, is the district that has admiralty jurisdiction, particularly; and I wish to observe that since the decision of the Supreme Court of the United States in the Genesee Chief case giving admiralty jurisdiction to the United States courts over waters not tide-water, the jurisdiction in those courts has lately increased on the western lakes and rivers. I suppose the admiralty jurisdiction is greater in the city of St. Louis than it is at any other point west of the mountains, unless it is New Orleans. The steamboat interest is heavier there than it is at any other point on the Mississippi river; and I think I shall not be going too far when I say that it is equal to the steamboat interest at all the other points on the western waters north of New Orleans. One class of boats there is engaged in the New Orleans trade. There is another class of boats engaged in the Ohio river trade; another class engaged in the Kentucky and Tennessee rivers trade; that is, principally the Cumberland river trade. Then there are the boats engaged in the Arkansas trade; the boats engaged in the Upper Mississippi trade; and the boats in the lower river trade, all of different classes and grades, and all of which concentrate at St. Louis. The consequence is, as any Senator will see, that the boating interest there is much heavier than at any other point. I believe the boating interest of St. Louis is greater than that of any other point west of the mountains, not even excepting New Orleans; and consequently the admiralty jurisdiction is very heavy and extensive. I had a list, and I believe I have it yet in my room, which shows the extent of this admiralty jurisdiction, but, as the Senator from Kentucky, who first spoke on the subject, well said, I did not suppose this question would be raised before the Senate during this session, and I have not these figures before me.

I say, therefore, and I say it after an experience of many years, not merely as a citizen, but as a practicing lawyer in the State of Missouri, that this court is necessary. And I wish to observe to the Senate that, so far as I know, not a petition or request was ever presented by a single citizen of the State of Missouri to the House of Representatives, as the groundwork on which this action of the House was predicated in reference to the eastern district of Missouri. Not a single petition of a citizen, so far as I have heard, was ever presented there on this subject; but since the bill has come to the Senate, at least two memorials were presented through me against it in this body. One of those memorials comes from the board of underwriters, which board represents to a large extent the interests that are involved in the boating and shipping interests of St. Louis; and the other one comes from prominent citizens and merchants in the city of St. Louis; and they all protest, not only against the repeal of this act, but they state the fact that the business and the interests of the eastern district of Missouri require that this court shall be continued there.

Let me state another thing. At the time this court was instituted in Missouri, it was upon memorials, petitions, and recommendations from the State of Missouri, presented to the House of Representatives, where the bill originated. That bill, if I recollect aright, was reported by the chairman of the Committee of Ways and Means, (Hon. Lewis D. Campbell, of Ohio,) who was a Republican, and a majority of the committee were Republicans, and it was passed by a Republican House of Representatives. It came to the Senate and was passed here. After the passage of the act, I believe on the unanimous recommendation of the delegation from Missouri in both Houses, the present incumbent was recommended for the office, and received the appointment, and was confirmed, I believe, unanimously; or, if not unanimously, with not more than one or two dissentient voices. Let me add, that at the time he was nominated and confirmed for this office, he was the incumbent of another judicial office whose salary was exactly the same as the salary of the office he now holds under the United States.

As I said, Mr. President, I do not wish to detain the Senate, or occupy its time, and I shall say no more on this question now; but if the bill shall not be postponed according to the recommendation of the committee, I wish to be heard again when we shall come to the consideration of it before the Senate. But, it seems to me, in the first place, it would be rather extraordinary, if this Senate, against the recommendation of the Judiciary Committee, especially at this stage of its proceedings, should put upon that committee—I was going to say, the slight; I do not believe I ought to say that—but should do towards that committee what is certainly not often done in this body, unless for most controlling reasons, overrule the action of that committee after it has had the subject before it, and after it has deliberated carefully upon it and come to a decision. I hope, therefore, that we shall take the recommendation of the committee, and especially now when it is hoped and believed that this session is to draw to a close very soon.

Since reference has been made to the action of the House on this bill, I really believe, if I am not misinformed, and I do not think I am, that so far as the eastern district of Missouri is concerned, it never was the subject of an investigation by a committee of the House of Representatives at all. It was added as an amendment to the bill, and was passed through under the previous question without examination at all. The only protest that was made against it, as I now recollect, was by a member from Kentucky, formerly a member of this body, to which reference has been made by both Senators from Kentucky, and also by one of my colleagues in the other House, who, though not thoroughly acquainted with all the facts belonging to the eastern district, inasmuch as he lives in the far western region of the western district of Missouri, still raised his voice in protest against it. However, it was passed through, I believe, under the previous question, so that it could not be canvassed there; and if he had been disposed to canvass it, he had not the facts before him to enable him to do it, as he would otherwise have done. There were no petitions and remonstrances, and no case made in favor of the abolition of this eastern district of Missouri.

Mr. COWAN. Mr. President, I have very great repugnance to this mode of legislating out of office; as I believe, with some of the fathers of the Republic who hailed from quarters where heretical notions now prevail, that it is only to be resorted to in extreme cases. But it may be done; and perhaps it is the only method of final appeal given in certain cases which may arise. I should like very much to know what the opinions of those judges are on the question I have put to the honorable Senator from Missouri.

Mr. POLK. As I do not wish to detain the Senate on this subject, I should like, if the Senator will allow me, inasmuch as he put a question to me, to put a question to him right there.

Mr. COWAN. Certainly.

Mr. POLK. It is this: whether the Senator stands prepared to legislate a judge out of office because the Senator does not know what his opin-

ions are as to whether the first allegiance of a citizen is due to the United States or to his State?

Mr. COWAN. I should like very much to know what his opinion would be, if it was a question vital to the very existence of the Republic; and that question is vital here. If the citizen owes his primary allegiance to his State, then this Republic is held together by a rope of sand. If, on the other hand, he owes it primarily to the United States, then this is a Government with the elements of continuance and perpetuation in it.

Mr. POLK. That was not the question I put to the Senator, at all. I did not ask him whether he would like to know that, but whether the Senator would legislate a judge out of office because he did not know what his sentiments were on that subject? That is the question I put to the Senator.

Mr. COWAN. I should be very strongly inclined to do it if I suspected he was unsound upon this question; and I should have that suspicion upon learning his locality and the company he kept.

Mr. BRECKINRIDGE. Will the Senator from Pennsylvania allow me to ask him one question?

Mr. COWAN. Certainly.

Mr. BRECKINRIDGE. I desire to ask the Senator from Pennsylvania, as a lawyer, whether, in his opinion, this bill is constitutional, and will have the legal effect of legislating these judges out of office? I expect from him an answer in accordance with his well-known boldness and candor.

Mr. COWAN. I have very great doubts about that. If it has not that effect, it will not remove them. However, that is not the question to which I am speaking. As I understand this matter, there are now in the State of Kentucky and the State of Missouri two parties, and that question involves the exact difference between them. One of these parties is called the State-rights party, and it believes that a man is bound primarily to his State, and as long as his State is loyal and preserves its fealty, he himself is loyal, too; but the moment the State, or rather the State organization, no matter whether it be a majority of the people of the State or a minority, if the State organization cuts the tie which holds it to the General Government, he himself is released from his allegiance. Now, if a judge entertains that opinion, I take it he is disqualified for his office; and it would be exceedingly dangerous, and, in my judgment, involve some very absurd consequences, to allow him to hold that position. A foreigner who owes his allegiance to the United States and the United States alone, might be brought before this judge and convicted of treason because he is a citizen of the United States; while at the same time a native of the soil, his neighbor, taken in the same levying of war against the United States, might acquit himself upon the plea that his State organization had severed its connection with the General Government, and therefore he was not guilty. Now, that that distinction could exist in the law, and could be recognized by a judge, is an absurdity; but that it flows naturally from this position, is, nevertheless, a logical certainty.

I am assured by the honorable Senators from Kentucky, that the judge in question there will decide according to the law; but the question is, what does he believe to be the law in this case? The judge in Missouri, I have no doubt, will decide conscientiously what he believes to be the law; but if he decides a heresy, the more conscience he has, the worse it will be for us, and the more dangerous to the Republic. That heresy, everybody knows, lies at the very bottom of the difficulty under which the nation now labors. It is the very poison which has infused itself into the vitals of this southern confederacy, giving it this terrible life which it now enjoys. I should be glad then to know, if anybody does know, how these judges stand upon this question, if they have ever expressed an opinion upon it.

Mr. POWELL. The Senator asks for the opinion of Judge Monroe—certainly a very delicate question. I will say, I really do not know what Judge Monroe's opinions are, on that particular subject. He has not for more than twenty years, the time he has been upon the bench, been mixed up with politics at all, within my knowledge. I never heard him express an opinion on the subject, and do not know what his opinions are; but I feel confident, from Judge Monroe's high character, that while he is an officer of the Government he will decide according to law, and be loyal and true to the country he serves.

Mr. LANE, of Kansas. Mr. President——

Mr. POLK. If the Senator from Kansas will allow me a moment——

Mr. LANE, of Kansas. Certainly.

Mr. POLK. I wish to say to the Senator from Pennsylvania, in addition to what I have already said to him, that I believe nobody knows what Judge Treat's views are on the questions which have been before the country of a partisan character since he went on the bench. I do not know how he stands in regard to them. I have heard what he said in the last presidential election, and I have heard that he did not agree with me; that he voted for Judge Douglas. Whether he did or not, I do not know; but he is a man that does not meddle with politics, now that he has got on the bench. I know this: that when the circuit court of the United States was about to be held at St. Louis—and I know it because I happened to meet him in the street, and he told me the thing himself, and showed me a letter that he had received from Judge Catron—he requested Judge Catron to come on there, to be present at the holding of that court. The charge to the grand jury was delivered by Judge Catron, who presided; there being on the bench at the same time not only this judge of the eastern district, but the judge of the western district of Missouri; and I suppose the charge was the sentiment of the court. I am told Judge Catron said it was in a letter. I suppose the Senator, of course, has seen that charge. The Senator can take that charge; and if there is in that anything that he can except to, or that he thinks so heretical as that a judge maintaining the opinion should be disqualified from holding the office, then I have nothing to say. I believe myself that I would not undertake to except Judge Treat from what is laid down in that charge. If the Senator has seen that charge, I commend it to him as the best evidence of Judge Treat's sentiments that I can give him. I can give him none myself.

Now, I give way to the Senator from Kansas, and beg pardon for interrupting him.

EXECUTIVE SESSION.

Mr. LANE, of Kansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were reopened.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (H. R. No. 54) to provide increased revenue from imports, to pay interest on the public debt, and for other purposes; and

A bill (H. R. No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy."

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President approved and signed, on the 2d of August, an act (S. No. 16) concerning the Attorney General and the attorneys and marshals of the several districts.

Also, that the President had approved and signed this day the following acts:

An act (S. No. 3) providing for the better organization of the military establishment;

An act (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; and

An act (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores.

HOUSE BILLS REFERRED.

The bill (No. 86) to punish certain crimes against the United States, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (No. 101) to promote the efficiency of the engineer and topographical engineer corps, was read twice by its title.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the resolution of the Senate (No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

The message further announced that the House had agreed to the first amendment of the Senate to the bill of the House (No. 96) making further appropriation for the support of the naval service for the year ending June 30, 1862, and for other purposes; and had agreed to the second amendment of the Senate to the said bill, with an amendment, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the following bills of the Senate, with amendments, in which the concurrence of the Senate was requested:

A bill (No. 25) to confiscate property used for insurrectionary purposes; and

A bill (No. 63) making appropriations for fortifications, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill of the House (No. 80) authorizing the construction of twelve small side-wheel steamers.

The message further announced that the House had agreed to the amendment of the Senate to the bill of the House (No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate, appointed at the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government.

The message further announced that the House had agreed to the amendment of the Senate to the resolution of the House fixing a day for the adjournment of the present session of Congress.

NAVAL APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the second amendment of the Senate to the bill (H. R. No. 96) making further appropriation for the naval service for the year ending June 30, 1862, and for other purposes.

The House amendment was to add to the Senate amendment the following:

And be it further enacted, That there be, and hereby is, appropriated in like manner the sum of $100,000 for the construction and equipment of gun-boats for service on the western rivers.

The amendment was concurred in.

ARMY REGISTER.

Mr. ANTHONY presented the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That three thousand copies of the new Army Register be printed for the use of the Senate.

ATTORNEY GENERAL'S DEPARTMENT.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 67) explanatory of an act entitled "An act concerning the Attorney General and the attorneys and marshals of the several districts;" which was read twice, and considered as in Committee of the Whole. It provides that nothing in the act of which this is explanatory shall be construed to repeal, modify, or in any way affect any law now in force defining or regulating the duties of the Solicitor of the Treasury.

Mr. TRUMBULL. I ask to have the bill considered and passed at once, and I will state what it is. We have passed a bill regulating the district attorneys and marshals of the United States. The Secretary of the Treasury thinks it will interfere with the duties of the Solicitor in his office. The Attorney General does not intend that it should interfere with him. I have a note from each of them on the subject. Secretary Chase is apprehensive that it will interfere with the Solicitor. The Attorney General writes me that he has not the slightest objection to this explanatory act. "Indeed," says he, "I had no thought that the first bill did interfere, or ought to interfere, with the office of the Solicitor." As the Secretary of the Treasury fears it may, he asks that this explanatory act may be passed, and I hope it will be sent over to the other House at once.

The bill was reported to the Senate without

amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

CONFISCATION OF PROPERTY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 25) to confiscate property used for insurrectionary purposes; which was to strike out the fourth section of the bill, and insert the following in lieu thereof:

SEC. 4. *And be it further enacted*, That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the law of any State, shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such labor or service is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy-yard, dock, armory, ship, intrenchment, or in any military or naval service whatsoever, against the Government and lawful authority of the United States; then, and in every such case, the person to whom such labor or service is claimed to be due shall forfeit his claim to such labor, any law of the State, or of the United States, to the contrary notwithstanding. And whenever thereafter the person claiming such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim, that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act.

Mr. TRUMBULL. I move that the Senate concur in the House amendment. It limits the bill which we passed, and confines it, in this respect, to persons actually employed in military service. I think the section as we passed it meant substantially the same thing, but this makes it more definite.

Mr. POWELL. I call for a division. I know there is not a quorum here. If there is any routine business to be done, I shall do nothing to indicate that a quorum is not present; for I do not wish to prevent business going on. I prefer that the bill should lie over.

Mr. TRUMBULL. I am not aware whether there is a quorum in the Chamber or not; but if the Senator desires that this matter shall lie over until Monday, I have no wish to press it now.

Mr. POWELL. I do not want to debate it. I shall simply call for the yeas and nays, that I may record my vote.

Mr. TRUMBULL. It can go over until Monday if the Senator wishes.

Mr. POWELL. Very well.

The PRESIDENT *pro tempore*. The subject will lie on the table for the present.

FORTIFICATIONS AND ARMY REGULATIONS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 63) making appropriations for fortifications, and for other purposes: which were, in line two of section three, after the word "punishment," to insert "in the Army;" in line seven, section four, after the word "same," to insert "the sum of;" and in line eight, section four, after the word "dollars," to insert "be, and the same is hereby, appropriated."

Mr. WILSON. These are mere verbal amendments.

The amendments were concurred in.

BOUNTIES ON COD FISHERIES.

Mr. POWELL. I wish to enter a motion to reconsider the vote by which the Committee on Commerce were discharged from the consideration of the bill (S. No. 57) proposing to repeal all laws allowing bounties on the tonnage of vessels engaged in the bank or other cod fisheries.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered. The business on the table is disposed of.

Mr. WADE. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 3, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of yesterday was read and approved.

DAY OF FASTING AND PRAYER.

Mr. ALLEN. I ask the unanimous consent of the House to take from the Speaker's table Senate resolution No. 15. I trust no person will object. I find that a similar resolution was passed in 1814, when the country was enduring the calamities of war, and I hope that gentlemen will not be disposed to depart from this pious precedent of Congress in the earlier days of the Republic.

Mr. BINGHAM. I call for the regular order of business.

Mr. ALLEN. I hope the gentleman will not object to the passage of this resolution.

Mr. BINGHAM. If the resolution will not lead to any discussion, I will not object; but I do not want the time of the House consumed in discussing a resolution.

The resolution was read by its title, as follows:

Resolution (S. No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

The resolution was read. It requests the President to recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnities, and the offering of fervent supplication to Almighty God for the safety and welfare of the United States, for his blessing on their armies, and a speedy restoration of peace.

Mr. LOVEJOY. I would like to amend by adding "and the reading of the fifty-eighth chapter of Isaiah."

Mr. PENDLETON. I want to have that amendment read now.

Mr. VALLANDIGHAM. Add also "the sermon on the mount."

Mr. ALLEN. I move the previous question on the resolution.

The SPEAKER. Is there any objection to its introduction?

Mr. BLAIR, of Missouri. I object to everything but the regular order.

UNITED STATES CONSUL AT PARAMARIBO.

The SPEAKER, by unanimous consent, laid before the House a communication from the United States consul at Paramaribo, Brazil, relating to a medal received from the King of Holland; which was referred to the Committee on Foreign Affairs.

ENGINEER CORPS.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported a bill to promote the efficiency of the engineer and topographical engineer corps.

The bill was read. It authorizes the President to add to each of the corps of engineers and topographical engineers, by regular promotion of its present officers, two lieutenant colonels and four majors, provided all vacancies created by such promotion shall be filled by graduates of the Military Academy, recommended for such promotion by the academic board of that institution; and provided further, that said corps shall be hereafter known as the first and second corps of engineers. It also directs that there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of such corps, to have the same pay, &c., and to be subject to the same rules and articles of war, and to be governed in every particular in the same manner as the existing corps of topographical engineers.

Mr. BLAIR, of Missouri. I would simply say, in reference to this matter, that the House has already passed a bill comprising a measure of this kind, increasing the staff of the engineer corps. That provision was stricken out by the Senate. The committee has instructed me to report it as a separate measure, to stand on its own merits. The commanding general of the department has written letters to the committees of both Houses, urging the great necessity of increasing the engineer corps. I trust that, with this explanation, the bill will be put upon its passage. I move the previous question.

The previous question was seconded, and the main question ordered; and under its operation, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RESOLUTIONS OF THANKS.

Mr. BLAIR, of Missouri. I am instructed by the Committee on Military Affairs to report the following resolutions:

Resolved, That the thanks of the House of Representatives in Congress assembled be given to the officers and men who fought the battle at Bull's Run—destroying two of the country's enemies for every one lost of its defenders, outnumbered though the latter were by opponents covered by earth works, and parapets crowned with batteries.

Resolved, That the condolence of this body be tendered to the families and friends of the brave men who fell on that occasion in defense of the Constitution and the Union.

Resolved, That the Secretary of War is hereby requested to cause engrossed copies of these resolutions to be conveyed to officers in command of the regiments participating in the said battle, with instructions for the same to be read by them to their troops.

Mr. VALLANDIGHAM. I understand that subject has not been referred to the Committee on Military Affairs. I am in favor of the second resolution; and, standing by itself, I have no doubt it would receive the unanimous consent of the House. But I am opposed to the first resolution, and I will not give my consent to its introduction. I therefore raise the question that the subject has not been referred to the committee, and that they have not, therefore, the right to report the resolutions to the House.

The SPEAKER. The Chair sustains the question of order.

VOLUNTEER OFFICERS.

Mr. OLIN, from the same committee, reported back Senate bill (No. 44) to promote the efficiency of the volunteer forces of the United States, with an amendment.

The bill was read, as follows:

That the President of the United States be, and he is hereby, authorized to discharge from the service of the United States any commissioned officer or officers of the volunteers who has been or shall be accepted in or appointed to that service, for incapacity or inefficiency, for misconduct or neglect of official duty.

The committee reported an amendment, to strike out all after the enacting clause of the bill, and to insert, as follows:

That the President be, and he is hereby, authorized to discharge from the service of the United States, for incapacity, inefficiency, misconduct, or neglect of official duty, any commissioned officer of the volunteer or regular service, with or without instituting a commission of inquiry or court-martial.

Mr. OLIN. I have simply one word to say in explanation of the bill and amendment offered by the Committee on Military Affairs of the House. It will be seen that the bill, as it passed the Senate, would authorize the President to dismiss from the service any officer of the volunteer forces who shall be found either unfit to command, or from neglect of duty, or inefficiency, without going through the usual form of court-martial. The Committee on Military Affairs have thought that if such a bill were proper to be passed at all, no distinction should be made between the officers of the regular and volunteer forces. Perhaps it is well enough to invest the Commander-in-Chief of the Army with power such as is bestowed by that bill, for the time being. As a general principle, unquestionably it would be vesting in the Commander-in-Chief a very arbitrary power; but, sir, in the present exigency, I am willing to intrust that officer with the exercise of that power. If that is to be done, it may be as well applied to the regular Army as to the volunteer forces. I now call the previous question on the adoption of the amendment.

Mr. VALLANDIGHAM. I call the attention of the gentleman to the authority proposed to be conferred by this bill on the President of the United States to discharge from the service volunteer officers who are appointed in part by the States and commissioned by the States. It seems to me an extraordinary power to confer upon the President, to dismiss officers that, under the Constitution and laws, are to be appointed and commissioned by the State authorities.

Mr. LOVEJOY. I rise to a question of order. No debate is in order after the previous question has been called.

The SPEAKER. The Chair was not aware that the previous question had been called.

Mr. VALLANDIGHAM. I certainly did not hear the gentleman call the previous question.

Mr. OLIN. I did.

Mr. VALLANDIGHAM. This is the first I have heard of it. I ask the gentleman to withdraw his demand for a moment.

Mr. OLIN. I did make the demand, but I am entirely willing to withdraw it to enable the gen-

tleman to make a suggestion or an inquiry. I do not wish, however, to open the bill for an extended debate.

Mr. VALLANDIGHAM. I move, then, to amend the amendment reported from the Committee on Military Affairs by striking out the words, "volunteers or," so that it shall apply only to the regular service. And I desire again to suggest to the gentleman from New York and to the House, the dangerous and extraordinary power conferred by this bill on the President of the United States—a power to remove any officer in the military service of the United States, regular or volunteer service, without inquiry, without court-martial; a power such as has never within my knowledge been conferred upon any officer since the beginning of the Government. I hope the House will not enact this bill into a law, and certainly not after the constitutional objection which I have presented, and to which no answer can be made.

Mr. OLIN. As I observed, the Senate sent this bill here, proposing to vest the Commander-in-Chief of the Army with authority to dismiss from the service any volunteer officer who proved himself entirely unfit or incompetent, or who by disobedience had shown himself disqualified to command. Unquestionably, the history of recent transactions shows that this power could be wisely invested somewhere. There is no possible question that this power may be exercised through the instrumentality of courts of inquiry and courts-martial over every volunteer officer of the Army. The only question is whether, in this exigency of affairs, in a case gross in its nature and palpable, that formality shall be pursued, or whether the President may be invested with the power to dismiss such an officer at once? I have no doubt that it would be proper to exercise the power in cases which may arise, and I have as little doubt that this bill, if—as in the judgment of the Senate it ought—it should be made applicable to the officers of volunteer forces, may with the same propriety be made applicable to the officers of the regular Army. Above all, I would not make the invidious distinction that would seem to be made by the Senate bill without amendment. I now again call the previous question.

Mr. LOGAN. I would like to make one or two suggestions to the House in reference to this bill.

Mr. OLIN. I would like to accommodate the gentleman, but I do not propose to open the debate upon this bill to any extent.

Mr. LOGAN. I appeal to the gentleman to withdraw the demand for the previous question. I do not propose to debate this bill at any length. I know there is no disposition on the part of the House to hear any extended remarks. I do not pretend to any knowledge in reference to military matters above anybody else, but I should like to make a suggestion or two in relation to the bill.

Mr. OLIN. I am pressed on all sides not to open this bill to debate. I would like to accommodate the gentleman, but I must decline to withdraw the demand for the previous question.

The previous question was not seconded—only thirty-three gentlemen voting therefor.

Mr. BURNETT. This amendment seems to be a most extraordinary one, if the gentleman from New York is not determined to disregard the provisions of the Constitution altogether. He provides in this bill that the President of the United States shall be the sole judge in respect to the disqualification, or misconduct, or inefficiency of an officer who has been appointed and commissioned by the authorities of one of the States of this Union, in accordance with the Constitution and laws of the United States; and this power is to be conferred upon him to be used upon his own discretion, without inquiry, without court-martial.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, their Secretary, notifying the House that the Senate have passed bills of this House of the following titles, with amendments, in which he was directed to ask the concurrence of the House:

A bill (No. 96) making further appropriations for the naval service for the year ending 30th June, 1862, and for other purposes; and

A bill (No. 99) making an appropriation to pay the expenses of investigating committees of the House of Representatives, appointed during the first session of the Thirty-Seventh Congress, and of the commission authorized to report as to the compensation of officers of the Government.

Also, that the Senate have passed a bill (No. 62) relative to printing extra numbers of messages, reports, and documents, in which he was directed to ask the concurrence of the House.

Also, that the Senate have agreed to the report of the committee of conference, on the disagreeing votes of the two Houses on the bill (H. R. No. 54) to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes.

ENROLLED BILLS AND RESOLUTION.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

A bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan and for other purposes;"

A bill (S. No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases;

A bill (S. No. 58) supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861;

A bill (S. No. 64) to reduce consular fees for vessels running to or between foreign ports; and

A resolution (S. No. 5) to pay the widow of the late Stephen A. Douglas the amount due him as a Senator at the time of his death.

VOLUNTEER OFFICERS—AGAIN.

Mr. BURNETT. Mr. Speaker, I say that by this bill, the President is made the sole judge of the fitness and capacity of an officer appointed under a direct and express clause of the Constitution of the United States. The right reserved by the States to appoint all of their officers, in a constitutional provision, is thus to be taken from the States, and the President is to have the sole power to determine the fitness of those officers. This is in keeping with the legislation of Congress, and I do not know that I ought to complain of it.

Mr. BLAIR, of Missouri. If the gentleman will permit me, I will ask a question.

Mr. BURNETT. Certainly.

Mr. BLAIR, of Missouri. Have not courts-martial the right to remove volunteer officers?

Mr. BURNETT. Yes, sir.

Mr. BLAIR, of Missouri. Courts-martial under the authority of the General Government or of the States?

Mr. BURNETT. Yes, sir.

Mr. BLAIR, of Missouri. That is exactly this case.

Mr. BURNETT. No, sir. By this bill, in language as express as may be, you confer upon the President the sole power to judge of the fitness and capacity of men appointed as officers, under State authority, with or without instituting a court of inquiry or court-martial. When, Mr. Speaker, was this thing ever before done in the history of this country? If it ever was, let us know of it. The gentlemen of the Committee on Military Affairs who propose this most extraordinary procedure, this complete change in this regard of our military system, ought to inform this House when before there was any legislation of this character? The Constitution of the United States is rather obsolete at the present time; but I trust that I may pardoned for referring to that sacred instrument—it is sacred, at least in my estimation. I will direct the attention of gentlemen to that clause which provides—

"For organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia, according to the discipline prescribed by Congress."

Mr. BLAIR, of Missouri. According to the discipline presented by Congress. In that language there is an express grant of power. We have the right to provide for the discipline of these volunteers; and a portion of that discipline is the power to break officers when they are proved to be incompetent.

Mr. BURNETT. The gentleman and myself will differ in regard to the word "discipline," used in this clause of the Constitution. For instance: the State of Missouri may nominate the distinguished chairman of the Committee on Military Affairs [Mr. BLAIR, of Missouri] as a colonel of a regiment from that State, and under this bill the President may, within two hours, declare the honorable gentleman unfit for the position, and remove him. Is that a portion of the discipline you propose to confer upon the President? Even taking the gentleman's construction of the bill, this, in my judgment, is unwise legislation.

Now, sir, I confess my profound astonishment that gentlemen on the other side should still further desire to confer upon the President of the United States such extraordinary powers as these, when, in my judgment, there can be no possible reason or excuse for it. If a man be incompetent and unfit for position as an officer, you can try him under the regulations prescribed for the Army; you can arraign him before a court-martial, and get rid of him in that way, without clothing the President with such extraordinary power. It does seem to me, that we ought to pause and consider before we give the Executive such unlimited control over the volunteer officers of the several States. I, for one, will not, under any circumstances, depart from the law and usages which have governed the armies, not only of our country, but of the civilized world. If we confer upon the President this extraordinary power, then, upon his mere whim and caprice, he may remove whomsoever he may declare to be unfit or unqualified for military position. Such being the case, I must be permitted to say that I cannot vote for a measure that contemplates such legislation; on the contrary, I trust sincerely that it will be defeated.

Mr. OLIN. One word in reply to what has just been said. My friend from Kentucky, [Mr. BURNETT,] and I presume that I may call him such, has resorted to his favorite statement, that this measure is in violation of the Constitution, and merely because that instrument provides that the States may commission its own officers. To invest the Commander-in-Chief of the Army with power to dismiss from the volunteer service men found incompetent, or who are disobedient and insubordinate, he alleges would be a violation of the Constitution. In other words, he avers that the power to commission is of necessity a power to continue in service an officer who may be ready to disobey the orders of his superior and to surrender his command to the first enemy which may approach to him.

Mr. BURNETT. Will the gentleman permit me to put a question to him?

Mr. OLIN. Yes, sir.

Mr. BURNETT. The gentleman cannot put me in that position. I have said that if the State Government appoints an incompetent and inefficient man, under existing law he may be court-martialed and removed. When that is the case, will gentlemen tell me why it is necessary to pass a bill which confers upon the President the power, without inquiry and upon his individual judgment, to remove the commissioned officers of the volunteer corps?

Mr. OLIN. Mr. Speaker, I was endeavoring, in the first place, to answer the constitutional objection of the gentleman from Kentucky. He now abandons his legal objection and puts to me a question of mere policy.

Mr. BURNETT. No, sir.

Mr. OLIN. Is it not perfectly manifest, if a court of inquiry could cashier an officer and dismiss him, that Congress may, by law, invest any one man with the full powers of a court of inquiry, as the constitution and regulation of all courts of inquiry and courts-martial are subject to the powers of Congress? Is there any constitutional limitation upon the power of Congress to modify or abolish courts-martial or courts of inquiry, and invest their powers in a single person? On the contrary, I affirm it is within the full power of Congress to regulate, abolish, or establish any judicature in place of a court of inquiry. So much as to the question of power.

Now as to the question why we have reported this measure, investing the President with this extraordinary power. The bill did not originate with the Committee on Military Affairs of this House. It originated in the Senate. The reason for it, as I understand, is, Mr. Speaker, that it

was wise and politic, in the present exigency of public affairs, that a tribunal should be constituted which would act with decision and promptitude, and that all necessary and proper vigor should not depend upon the slow machinery of courts-martial or courts of inquiry. I admit that this bill does invest the President, as Commander-in-Chief of the Army, with extraordinary power. But, sir, these are extraordinary times, and demand vigor, promptitude, and a fearless exercise of all powers necessary to the preservation of the Union.

One word to my friend from Kentucky; and I say it with the kindest feelings toward him. I do not listen very complacently to these eternal harangues from him upon the subject of violations of the Constitution, coming as they do from a gentleman who cannot, from his boldness and frankness of character, fail to exhibit on every occasion his warm sympathy with men who are banded together in arms for the overthrow of the Constitution and the Union. I, for one, could listen with more complacency to denunciations of this kind from some other source. If these charges were true—as they are false, in my judgment—I prefer to hear them from some one desirous of preserving the Constitution and the Union, rather than one seeking or desiring their subversion. I I think we have already consumed too much of the time of this House.

Mr. VALLANDIGHAM. I desire to call the attention of the gentleman from New York to the provision of the Constitution under which courts-martial are ordained and the rules and regulations of the Army prescribed. Congress shall have power to make rules for the government of the land and naval forces. That provision has long since been made.

Mr. OLIN. We have discussed this matter enough, and as there are other matters to be brought up to-day, I demand the previous question.

Mr. BURNETT. After the gentleman's personal allusion to me, I trust he will let me say a word.

Mr. OLIN. I will yield if it does not involve a lengthy discussion.

Mr. BURNETT. I have been struck with one very remarkable thing during the present session of Congress. When I make what I regard as a plain statement of facts, and present the reasons which impel me to a particular line of conduct, gentlemen, instead of meeting me with arguments, make a personal allusion to my want of loyalty. Now, sir, while it may be strictly parliamentary, yet I must confess I cannot appreciate that mode of argument; and I tell the gentleman from New York, and all other gentlemen who see proper to indulge in that species of reference to myself, that fearlessly, yea, sir, and boldly, I will discharge what I consider to be my duty here, without consulting any member upon this floor.

And, sir, upon the question of loyalty to this Government, my record and yours, humble as both of them are, have been made up in this House, I believe, in a few Congresses, and my record will bear comparison with that of the gentleman from New York; and when impartial posterity shall come to determine the question as to whether the gentleman from New York or myself is most responsible for the present unfortunate condition of our country, that posterity will decide that the gentleman from New York has done and contributed more to bring about the present state of things, I think, than the man who is now addressing the House. Sir, my course here, in the short service I have had as a public man, is known. I have been identified with that party upon this floor which has struggled to prevent the state of things which now exists; and if the warning voice of the men who have acted with me could have reached the hearts and consciences of such gentlemen as the gentleman from New York, this country would have been united in one family of States; and instead of war with all its horrors, peace would now have been within its limits.

So far as sympathy with the southern States is concerned, let me tell the gentleman this—and I want to end that matter here: that so long as I recognize my obligation to this Federal Government—and I have taken an oath to support its Constitution—so long will I be loyal to it. If gentlemen want to know whether I do not sympathize with those who are born in the same section with myself, who have the same blood running in their veins, who have institutions homogeneous with those of my State, and who are to-day engaged in a war which, in my judgment, has been forced upon them, and who to-morrow would make peace if they had an opportunity, I say to gentlemen that I have such sympathy with them, and you can make the most of it.

Mr. OLIN. I have simply this to say, in reply to the gentleman from Kentucky. I do not intend to say anything to offend him personally; but in respect to his action and mine, though a humble member here, I shall be entirely content to wait the verdict of history as to who is responsible for the present condition of our country. The gentleman has repeated the favorite assertion of his, that I and those acting with me, or, in other words, the Republican party, have brought upon this country this condition of things; and on that I am content to wait the verdict of history. But when the gentleman undertakes to defend himself against the charge of disloyalty to this Union in this House, he had better withdraw from the record the assertion made here during the present session, that he held himself bound by the action of his own State, rather than by the Constitution and the laws made in pursuance of it.

Mr. BURNETT. Let me put the gentleman right. So far as the Federal Government is concerned, it is a Government of limited powers, acting under a written Constitution. Within the powers conferred by the Constitution, it is sovereign, and to that extent and no further. So long as the Government keeps itself within the granted powers, I owe it allegiance. I have said that every single power of that Constitution has been violated; that it is suspended, nobody paying any attention to it; that it has been trampled under foot by a fanatical majority. That being the case, I said I have to look to my own State to determine my action; and I recognize my allegiance to her as paramount to the Constitution of the United States, that having been subverted.

Mr. OLIN. The gentleman avoids entirely the issue. Unless I misunderstood the gentleman, and unless all those with whom I have conversed in this House misunderstood him, in disregard of the plain constitutional obligation, he said he stood ready here, in this House, at any time when a pretended or accidental majority of his own State chose to set the Constitution and the laws at defiance—he was ready and willing to join them in a crusade against the Constitution and the Union. Now, it is not worth while to talk about what has been done in violation of the Constitution.

Mr. BURNETT. I said——

Mr. BABBITT. I object to these interruptions.

Mr. BURNETT. The gentleman should set me right.

Mr. OLIN. I decline to yield at present.

Mr. BURNETT. I do not object to this line of debate if I am permitted to enter into the discussion in opposition.

The SPEAKER. Any gentleman has the right to object.

Mr. BURNETT. Then the Speaker should defend me against these personal attacks.

Mr. ALLEN. I object to gentlemen taking up the time of the House in discussing who is the most loyal to the Government. I raise the point of order that the discussion is irrelevant.

The SPEAKER. The Chair thinks the point of order well taken.

Mr. OLIN. Well, sir, I will not detain the House any longer. I again call the previous question upon the adoption of the amendment.

The previous question was seconded.

Mr. HOLMAN. I demand the yeas and nays upon the amendment.

Mr. McCLERNAND. I appeal to the gentleman from New York to yield to me, as I desire to say a few words.

The SPEAKER. The gentleman cannot yield, as the previous question has been seconded.

The main question was then ordered to be put.

The question was put; and it was decided in the negative—yeas 17, nays 99; as follows:

YEAS—Messrs. Alley, Ashley, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Frederick A. Conkling, Mitchell, Justin S. Morrill, Olin, Richardson, Sherman, Sloan, Train, Upton, Charles W. Walton, and Albert S. White—17.

NAYS—Messrs. Aldrich, Allen, Ancona, Babbitt, Joseph Baily, Baker, Baxter, Beaman, Biddle, George H. Browne, Burnett, Calvert, Campbell, Chamberlain, Clark, Cobb, Colfax, Roscoe Conkling, Conway, Covode, Cox, Cravens, Crisfield, Duell, Dunlap, Edwards, Eliot, English, Fessenden, Fouke, Franchot, Goodwin, Granger, Grider, Haight, Hale, Harding, Harrison, Holman, Horton, Hutchins, Jackson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Law, Logan, Loomis, Lovejoy, McClernand, McKean, McKnight, McPherson, Mallory, Menzies, Moorhead, Anson P. Morrill, Morris, Noble, Norton, Odell, Pendleton, Pike, Porter, Reid, Alexander H. Rice, John H. Rice, Riddle, Robinson, Edward H. Rollins, James S. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sheil, Smith, Spaulding, John B. Steele, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Vallandigham, Van Horn, Verree, Voorhees, Wadsworth, Wall, Wallace, E. P. Walton, Webster, Wheeler, Whaley, Wickliffe, Windom, Worcester, and Wright—99.

So the amendment was not agreed to.

During the vote,

Mr. TRAIN stated that Mr. DELANO was confined to his room by sickness.

Mr. OLIN. I wish to make another motion in reference to this bill.

Mr. HUTCHINS. I move to lay the bill upon the table.

Mr. OLIN. I was about to make that motion. As the only object of the amendment was to prevent any invidious distinction between the regular and volunteer service, and as that amendment is lost, I move to lay the bill on the table.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed a bill (No. 65) to authorize an increase in the corps of topographical engineers; in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed a bill of the House (No. 55) supplemental to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy."

ARMY REGULATIONS.

Mr. WRIGHT, from the Committee on Military Affairs, asked the unanimous consent of the House to report the following resolution:

Resolved, That the Clerk of the House is hereby directed to purchase, for the use of the members thereof, twenty thousand copies of the "Army Regulations," as authorized by the War Department, if the same can be procured at a price not exceeding $1 10 per copy.

Mr. WRIGHT. I want to say one word in relation to this matter. The resolution proposes to purchase twenty thousand copies of the Army Regulations, for the purpose of distribution. If there is anything that the officers of the Army want, it is to be furnished with these regulations. I have been obliged, since I have been in this city, to go to the stores and purchase this book, and send it to officers of the Army who had written to me to furnish them with it.

Now, one of the booksellers of this city proposes to furnish this book for $1 20 per copy. The Committee on Military Affairs came to the conclusion to recommend to purchase of the bookseller, provided it could be procured at not more than $1 10 per copy. This will furnish to each member of Congress something like one hundred copies for distribution to the officers of the Army in his district or State. I think it is the duty of the House to furnish this information to the officers of the Army, instead of subjecting them to the expense of purchasing them themselves.

Mr. ALDRICH. I would like to inquire of the gentleman from Pensylvania how soon this bookseller can furnish these books at the price proposed?

Mr. WRIGHT. I am told that they can be furnished immediately.

Mr. ALDRICH. I would like to inquire further, whether the Government Printer cannot print and furnish them to the members as quick as, and cheaper than, they can be furnished by any bookseller?

Mr. WRIGHT. That is impossible. The Government cannot print it, for it is a book of six or eight hundred pages.

Mr. ALDRICH. The gentleman is mistaken as to the size of the book.

Mr. WRIGHT. I am not.

Mr. ALDRICH. I have no idea that any bookseller in this city could furnish twenty thousand or one thousand copies of this book until it is printed. If that is so, I do not see why the work should not be done by the Public Printer. I am perfectly willing that twenty thousand copies shall be printed by him for distribution.

Mr. STEVENS. I would like to know from my colleague whether there is any law to prevent these officers buying this book now?

Mr. WRIGHT. I am aware that there is not, but I am also aware of the fact that many officers of the Army are not able to buy these books; and I know, myself, that members of Congress have had to buy them for officers.

Mr. GURLEY. If I am not mistaken, the book only contains four hundred pages.

Mr. ALDRICH. From three to four hundred.

Mr. GURLEY. If so, they can be printed in the Government printing office for fifty cents—both printed and bound.

Mr. McCLERNAND. I wish to inquire whether an order on the part of Congress to furnish these books would not be a departure from the practice of the House—whether it would not be undertaking to do something we have never done heretofore? I hope that this resolution will not pass. If you undertake to furnish these officers with books, they will require your assistance in furnishing something else—and where will you stop?

Mr. GURLEY. I am confident the bookseller would make $10,000 on that contract.

Mr. LOVEJOY. I make the point of order, that this resolution is not a report from a committee. The subject has not been referred to that committee.

The SPEAKER. The gentleman from Pennsylvania will state whether the subject was referred to the Committee on Military Affairs.

Mr. WRIGHT. I am not able to say whether it was referred or not. I think it was.

Mr. LOVEJOY. I think not.

Mr. WRIGHT. The matter was put into my hands by the committee, to draw up the resolution.

The SPEAKER. If the subject was not referred to the committee, the point of order must be sustained.

Mr. WRIGHT. I cannot state that it was.

The SPEAKER. Then the Chair sustains the point of order.

SERVICE ON COMMITTEE.

Mr. MORRILL, of Vermont. Mr. Speaker, the state of my health, and my other business engagements, render it impossible for me to devote any time to the commission appointed to examine and report as to the compensation of all officers of the Government. I therefore respectfully decline the appointment, and ask to be excused from serving on the commission.

Mr. MORRILL, of Vermont, was excused.

SMALL SIDE-WHEEL STEAMERS.

Mr. RICE. I ask to have taken from the Speaker's table the Senate amendment to House bill No. 80, authorizing the construction of twelve small side-wheel steamers.

There being no objection, the amendment was read, as follows:

Line nine, after the word "Navy," strike out the words "and the revenue service;" so that it will read: "for the use of the Navy of the United States."

Mr. RICE moved the previous question on the amendment.

The previous question was seconded, and the main question ordered; and under its operation the amendment was concurred in.

Mr. RICE moved to reconsider the vote by which the amendment was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NON-PAYMENT OF CENSUS-TAKERS.

Mr. ALLEN, from the Committee on Expenditures in the Interior Department, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be requested to inform this House why it is that a portion of the persons engaged in the loyal States, in 1860, taking the census as deputy marshals, have not been paid, and when payment to such persons may reasonably be expected.

DAY OF FASTING AND PRAYER.

Mr. ALLEN. I now ask unanimous consent to call up Senate resolution No. 15, requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

There being no objection, the resolution was taken from the Speaker's table and received its several readings.

Mr. ALLEN moved the previous question on its passage.

Mr. LOVEJOY. I ask the gentleman to yield, that I may offer the amendment which I indicated this morning.

Mr. ALLEN. I do not wish to have the resolution embarrassed, and must decline.

The previous question was seconded, and the main question ordered; and under its operation the joint resolution was passed.

Mr. ALLEN moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ACCOUNTS OF MEMBERS.

Mr. HORTON, from the Committee of Ways and Means, reported back the following resolution:

Resolved, That in case of a vacancy in the House by the resignation of a member, the resigning member shall receive his legal compensation from the Sergeant-at-Arms, from the 4th of March until his resignation; and the member elected to fill the vacancy shall receive pay from the date of the resignation.

The SPEAKER. The Chair will state to the House that the Chair has had some trouble in certifying as to the pay of members, and would like to have the question settled definitively.

Mr. VALLANDIGHAM. I hope the resolution will be put upon its passage; but I beg leave to suggest whether it would not be well to insert, after the word "resignation," the words "or death?"

The SPEAKER. The law provides expressly in the case of death, but there is no provision for the case of resignation.

The question was taken, and the resolution was agreed to.

FORTIFICATIONS, ETC.

Mr. STRATTON, from the Committeee of Ways and Means, reported back, with amendments, Senate bill No. 63, making appropriations for fortifications, and for other purposes.

The bill was read. The first section appropriates $100,000 for the contingencies of fortifications, to be used and applied under the direction of the Secretary of War. The second section provides that any commissioned officer of the Army, or Navy, or Marine Corps, who, having tendered his resignation, shall, prior to his receiving notice of its acceptance by the proper authorities, and without leave, quit his post and duties, shall be registered as a deserter, and punished accordingly. The third section abolishes flogging as a punishment. The fourth section appropriates $5,000, to be expended under the direction of the Surgeon General of the Army, in removing the stabling and other obstructions from the grounds around the hospital or infirmary, in Washington, used for the sick of the Army.

The first amendment was read, as follows:

After the word "punishment," insert the words "in the Army."

The amendment was agreed to.

The other amendments, which were merely verbal, were also agreed to.

The bill was read the third time.

Mr. STRATTON moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under its operation, the bill was passed.

Mr. STRATTON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EXPENSES OF VOLUNTEERS, ETC.

Mr. STEVENS, from the Committee of Ways and Means, reported a bill making appropriations to pay the expenses of enlisting, enrolling, and organizing volunteers under the law authorizing the President to accept the services of volunteers, for gun-boats, and equipping the same for service on the western rivers; which was read a first and second time by its title.

Mr. STEVENS. I understand the Senate have sent here a bill of the House with an amendment, which covers, in part, the objects of this bill. I propose, if there be no objection, to take that bill up, and amend it by adding the other provision of this bill, which will enable us to dispose of the matter with less trouble.

There being no objection, House bill No. 96, making further appropriations for the support of the naval service for the year ending June 30, 1862, and for other purposes, was taken from the Speaker's table, with the amendment of the Senate thereto.

Mr. COX. I have no objection to taking up the bill; but I desire to submit some remarks upon the general subject of it.

The SPEAKER. The amendments of the Senate will first be read.

The Clerk read the first amendment, as follows:

Page 1, line sixteen, after the word "signals," strike out "thirty," and insert "twenty."

Mr. STEVENS. That is the provision for purchasing the right to manufacture and use Coston's night signals. The Senate reduce the appropriation from $30,000 to $20,000.

Mr. F. A. CONKLING called for tellers upon concurring in the amendment of the Senate.

Tellers were ordered; and Messrs. BABBITT and CRISFIELD were appointed.

The House divided; and the tellers reported—ayes sixty-one, a further count not being demanded.

So the amendment was concurred in.

The second amendment of the Senate was read, as follows:

Add at the end of the bill the following paragraphs:

For repairing the quarters and outbuildings at Fort Abercrombie, $7,000.

For collecting, drilling, and organizing volunteers, under the act authorizing the President to accept five hundred thousand men, $20,000,000.

Mr. STEVENS. I now propose to add at the end of that amendment as follows:

SEC. 3. *And be it further enacted*, That there be, and hereby is, appropriated in like manner, the sum of $100,000, for the construction and equipment of gunboats for service on the western rivers.

I hope that the House will adopt this amendment; and that they will then concur in the amendment of the Senate, as amended. I call for the previous question.

Mr. MOORHEAD. I ask the gentleman whether $1,000,000 has not been already appropriated for gunboats, to be used on the western rivers?

Mr. STEVENS. There has been; but I am informed by General Meigs that $100,000 more is required.

Mr. MOORHEAD. I should like to say that I am opposed to that appropriation. I have been informed by constituents of mine, who have examined the plans prepared for these gunboats, and who are well informed on the subject, that it will be a wasteful expenditure of money. I am opposed to this appropriation, therefore, for the reason that I believe the $1,000,000 already appropriated is more than can be profitably used for that purpose.

Mr. STEVENS. All I can say is, that I have the report of the Secretary of War and the report of General Meigs, both stating that this appropriation is necessary to be used for these gunboats. I do not know how the gentleman's constituents may be interested in these gunboats; but this comes from official quarters. I demand the previous question on the amendment.

The previous question was seconded, and the main question ordered to be put.

The amendment to the amendment was agreed to.

The Senate amendment, as amended, was concurred in.

Mr. STEVENS moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFISCATION OF REBEL PROPERTY.

Mr. BINGHAM, from the Committee on the Judiciary, reported back Senate bill No. 25, to confiscate property used for insurrectionary purposes, with an amendment, and demanded the previous question on the third reading of the bill.

The amendment was read, as follows:

Strike out all of section four of the Senate bill, after the enacting clause, as follows: "That whenever any person claiming to be entitled to the service or labor of any other person, under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit him to be so employed, he shall forfeit all right to such service or labor;

and the person whose labor or service is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding;" and insert in lieu thereof, as follows:

"That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the laws of any State, shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such service or labor is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy-yard, dock, armory, ship, or intrenchment, or in any military or naval service whatever, against the Government and lawful authority of the United States, then, and in every such case, the person to whom such service is claimed to be due, shall forfeit his claim to such labor, any law of the State, or of the United States, to the contrary notwithstanding; and whenever thereafter the person claiming such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act."

Mr. VALLANDIGHAM. I wish to ask the gentleman from Ohio if that is not substantially the same provision as that reported by the committee yesterday?

Mr. BINGHAM. I cannot yield for any purpose whatever. I insist on my demand for the previous question.

Mr. VALLANDIGHAM. It is the same, substantially. I call for the yeas and nays upon it.

Mr. PORTER. With the consent of the gentleman from Ohio, my colleague on the committee, I desire him to permit me to offer an amendment before the previous question is seconded.

Mr. BINGHAM. If there be no objection, I will withdraw the demand for the previous question to permit my colleague on the committee to offer his amendment.

Mr. BURNETT. I am opposed to any such partiality. If the gentleman withdraws the demand for the previous question, let him do it unconditionally.

Mr. BINGHAM. Then I decline to withdraw.

The previous question was seconded.

Mr. VALLANDIGHAM called for tellers on ordering the main question.

Tellers were ordered; and Messrs. VALLANDIGHAM and BINGHAM were appointed.

The House divided; and the tellers reported—ayes 53, noes 42.

So the main question was ordered to be put.

Mr. HOLMAN moved to lay the bill on the table.

Mr. SHEFFIELD called for the yeas and nays upon the motion.

Mr. McPHERSON. I ask the gentleman from Indiana to withdraw that motion to enable me to move to postpone the bill until December next.

The SPEAKER. The motion to postpone would not be in order while the main question is operating.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 47, nays 66; as follows:

YEAS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cobb, Cox, Cravens, Crisfield, Crittenden, Dunlap, Dunn, English, Fouke, Grider, Haight, Hale, Harding, Holman, Jackson, Johnson, Law, May, McClernand, McPherson, Mallory, Menzies, Morris, Noble, Norton, Odell, Pendleton, Reid, Robinson, James S. Rollins, Sheil, Smith, John B. Steele, Upton, Vallandigham, Voorhees, Wadsworth, Webster, Whaley, Wickliffe, and Wright—47.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baxter, Beaman, Biddle, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Clark, Colfax, Frederick A. Conkling, Covode, Duell, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Goodwin, Granger, Gurley, Harrison, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, Mitchell, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Alexander H. Rice, John H. Rice, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Benjamin F. Thomas, Train, Van Horne, Verree, Wall, Charles W. Walton, E. P. Walton, Wheeler, Albert S. White, Windom, and Worcester—66.

So the bill was not laid on the table.

MESSAGE FROM THE PRESIDENT.

During the vote, a message in writing was received from the President of the United States, by his Private Secretary, Mr. JOHN G. NICOLAY.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed House resolution in reference to the final adjournment of Congress, with an amendment, changing the day of adjournment from Friday, the 2d instant, to Tuesday, the 6th instant, in which he was directed to ask the concurrence of the House.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 54) to provide increased revenue from imports, to pay the interest on the public debt, and for other purposes; and

A bill (H. R. No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy."

FINAL ADJOURNMENT.

Mr. SPAULDING. Mr. Speaker, I ask the unanimous consent of the House to take from the Speaker's table the resolution for a final adjournment.

There was no objection, and the resolution was taken up.

The Senate returned the resolution, with an amendment, fixing Tuesday, the 6th, instead of Friday, the 2d of August, as the day for the adjournment of Congress *sine die*.

Mr. SPAULDING. I move that the amendment of the Senate be agreed to.

The question was taken, and the motion was agreed to.

Mr. SPAULDING moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CONFISCATION BILL—AGAIN.

The question recurred on the amendment of the Committee on the Judiciary to the confiscation bill.

Mr. MALLORY moved that the House do now adjourn; and on that motion he demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 30, nays 75; as follows:

YEAS—Messrs. Ancona, Joseph Baily, Calvert, Cox, Cravens, Crisfield, Crittenden, Dunlap, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, May, McClernand, Mallory, Menzies, Noble, James S. Rollins, Sheil, Smith, Francis Thomas, Vallandigham, Webster, Whaley, Wickliffe, and Wright—30.

NAYS—Messrs. Aldrich, Allen, Alley, Arnold, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Burnett, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Covode, Diven, Duell, Dunn, Edwards, Eliot, English, Fenton, Fessenden, Franchot, Frank, Granger, Gurley, Hale, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Anson P. Morrill, Justin S. Morrill, Olin, Potter, Reid, Alexander H. Rice, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, John B. Steele, Stevens, Stratton, Benjamin F. Thomas, Train, Van Horne, Verree, Voorhees, Wadsworth, Wall, Charles W. Walton, E. P. Walton, Wheeler, Albert S. White, Windom, and Worcester—75.

So the House refused to adjourn.

Mr. BINGHAM. I demand the previous question.

The SPEAKER. The previous question operates until the bill is read the third time.

Mr. WADSWORTH. I move to reconsider the vote by which the House refused to adjourn.

The SPEAKER. That motion is not in order.

Mr. BURNETT. I demand the yeas and nays on the amendment. [Cries of "Oh, no!"] Well, I will wait and call them on the passage of the bill.

Mr. WICKLIFFE. Is an amendment in order?

The SPEAKER. Only by unanimous consent, the previous question having been ordered.

Mr. WICKLIFFE. Then I ask the unanimous consent of the House to offer an amendment.

Mr. VALLANDIGHAM. Let it be read for information.

Objection was made.

The amendment of the Committee on the Judiciary was agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time.

Mr. BINGHAM. I demand the previous question on the passage of the bill.

Mr. BURNETT. I demand the yeas and nays.

The yeas and nays were ordered.

The previous question was seconded, and the main question ordered.

Mr. MALLORY. I rise to a question of order. Has the bill been engrossed?

The SPEAKER. It is a Senate bill, and came to the House already engrossed. It is now too late to make objection, even if it were not engrossed.

The question was taken; and it was decided in the affirmative—yeas 60, nays 48; as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Clark, Colfax, Frederick A. Conkling, Covode, Duell, Edwards, Eliot, Fenton, Fessenden, Franchot, Frank, Granger, Gurley, Hanchett, Harrison, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, Mitchell, Justin S. Morrill, Olin, Potter, Alexander H. Rice, Edward H. Rollins, Sedgwick, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Benjamin F. Thomas, Train, Van Horne, Verree, Wallace, Charles W. Walton, E. P. Walton, Wheeler, Albert S. White, and Windom—60.

NAYS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Burnett, Calvert, Cox, Cravens, Crisfield, Crittenden, Diven, Dunlap, Dunn, English, Fouke, Grider, Haight, Hale, Harding, Holman, Horton, Jackson, Johnson, Law, May, McClernand, McPherson, Mallory, Menzies, Morris, Noble, Norton, Odell, Pendleton, Porter, Reid, Robinson, James S. Rollins, Sheil, Smith, John B. Steele, Stratton, Francis Thomas, Vallandigham, Voorhees, Wadsworth, Webster, and Wickliffe—48.

So the bill was passed.

During the vote,

Mr. DIVEN stated that his colleague, Mr. VAN VALKENBURGH, was detained from the House by illness.

Messrs. McKNIGHT and RIDDLE (not being within the bar when their names were called) asked leave to vote.

Objection was made.

They would have voted in the affirmative.

The vote was announced as above recorded.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. MAY. When it is in order, I would like to amend the title of the bill.

The SPEAKER. The gentleman from Ohio has the floor.

Mr. BINGHAM. I demand the previous question on the title of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof the title was adopted.

HON. ALFRED ELY.

The SPEAKER laid before the House the following papers:

To the House of Representatives:

In answer to the resolution of the House of Representatives of yesterday, requesting information regarding the imprisonment of loyal citizens of the United States by the forces now in rebellion against this Government, I transmit a report from the Secretary of State, and the copy of a telegraphic dispatch by which it was accompanied.

ABRAHAM LINCOLN.

WASHINGTON, *August* 2, 1861.

DEPARTMENT OF STATE, WASHINGTON, *August* 2, 1861.

The Secretary of State, to whom was referred the resolution of the House of Representatives of yesterday, requesting the President to furnish to that House any information he may have in his possession on the subject of the forces now in rebellion against this Government having in imprisonment loyal citizens of the United States; and, among others, the Hon. ALFRED ELY, one of the members of the House of Representatives from the State of New York, has the honor to report to the President that the only information possessed by this Department on the subject is contained in a telegraphic dispatch, a copy of which is annexed.

Respectfully submitted,

WILLIAM H. SEWARD.

The PRESIDENT.

UNITED STATES MILITARY TELEGRAPH.

Received August 1, 1861; from Richmond, Virginia, July 31, 1861.

To Hon. WILLIAM H. SEWARD:

I am here a prisoner; Ely, Arnold, Harris, and McParr, are also here.

C. HUSON, Jr.

On motion of Mr. FENTON, the communication was laid upon the table, and ordered to be printed.

SOUTHERN DISTRICT, NEW YORK.

Mr. DIVEN. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 59, in relation to the office of attorney of the United States for the southern district of New York.

Mr. BURNETT. What for?

Mr. DIVEN. To put it on its passage.

Mr. BURNETT. I object. Under the Holman resolution, it cannot be taken up for any other purpose than reference.

Mr. DIVEN. It is necessary for the prosecution of claims on behalf of the Government.

Mr. BURNETT. I ask the Chair to decide my point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. DIVEN. I have a letter from the Secretary of the Treasury, recommending this bill.

Mr. BURNETT. I object to debate. Does the gentleman take an appeal?

Mr. DIVEN. I do not. This is an important general bill. It is not a private bill. I think that it is included by the resolution or order of the House adopted on motion of the gentleman from Indiana.

The SPEAKER. The Chair decides that it is not. The bill can only be taken up for reference.

Mr. STEVENS obtained the floor.

Mr. ROSCOE CONKLING. I appeal to the gentleman from Pennsylvania to yield to me for the purpose of offering a resolution of inquiry, which I think the sense of justice of every gentleman will prevent his objecting to. I offer it as a friend of the party most nearly concerned in it.

Mr. STEVENS. I yield for that purpose. I want to say, while I am up——

Mr. COX. I object to the gentleman making a speech, unless he makes a motion.

Mr. STEVENS. I was not going to make a speech. I was simply going to say a word to the House, for fear there might not otherwise be a quorum present. I believe there is no further business before the House now; but I learn that there will be on Monday one or two bills worthy the attention of the House; and I hope there will be a quorum present then.

JAMES E. HARVEY.

Mr. ROSCOE CONKLING. I offer the following resolution:

Resolved, That the President be requested to communicate to this House all correspondence between James E. Harvey and any of the heads of Departments in any way relating to the charges against said Harvey, growing out of telegraphic dispatches to and from said Harvey, seized by the Government; and also copies of said dispatches, and any other information he may have relating to the subject.

Mr. VALLANDIGHAM. I do not wish to object to the resolution; but I have just come in, and I desire to hear the resolution read again, reserving to myself the right to object.

The resolution was again read.

Mr. COX. Can I offer an amendment to the resolution?

The SPEAKER. Not until it is ascertained whether there is any objection to the introduction of the resolution.

No objection was made; and the resolution was received.

Mr. ROSCOE CONKLING. I demand the previous question upon the adoption of the resolution; and having done so, I withdraw it for one moment, to say that I have considerable information with regard to this matter—and I will go a little further, and say from Mr. Harvey himself—which I think renders it an act of justice, which this House ought not to refuse, to inquire at least as far as this resolution proposes. I have no desire to volunteer any information, nor have I any wish to conceal the information I have. I now renew the demand for the previous question.

Mr. COX. I ask the gentleman from New York to allow me to offer, as an amendment to that resolution, the words, "and for valuable public services."

Mr. ROSCOE CONKLING. The gentleman ought not to ask that. The amendment is entirely foreign to this subject.

Mr. COX. It relates to foreign affairs.

Mr. ROSCOE CONKLING. But it is foreign to this foreign affair.

Mr. WICKLIFFE. I wish to ask the gentleman a question.

Mr. ROSCOE CONKLING. I will listen to the gentleman.

Mr. WICKLIFFE. The gentleman's resolution contains the words "heads of Departments." Is that meant to include all correspondence with the former heads of Departments, as well as with the present heads?

Mr. ROSCOE CONKLING. The language is broad enough I think: first, the resolution calls for all correspondence with any of the heads of Departments; and secondly, it asks the President to communicate all other information he may have in regard to the subject. Now, I demand the previous question.

Mr. LOVEJOY. I suggest to the gentleman that he has not employed the language, "if not incompatible with the public service," which is usual to such resolutions.

Mr. ROSCOE CONGLING. I answer the gentleman that I submitted the resolution to a very experienced parliamentarian, and after consultation as to the propriety and utility of those words in this particular case, I struck them out, as unnecessary and out of place.

Mr. VALLANDIGHAM. We propose to adjourn on Tuesday, and it will, perhaps, be impossible to receive that information before that time. It may be withheld, and at any rate it will not be received in time to order it to be printed. As the gentleman has intimated that he has some information which it would be proper for this House to hear, unless there may be a decided objection to it I call upon him to communicate to the House what information he has upon the subject. I trust he will withdraw the demand for the previous question, and give us the information upon which he bases his resolution.

Mr. ROSCOE CONKLING. I will say to the gentleman from Ohio, that another member of this House, [Mr. COVODE,] who represents Mr. Harvey here more immediately than I do, and who feels a greater liberty than I do to make use of information we both possess, has what he now produces, and that is a copy of a letter addressed on the 4th of July, by Mr. Harvey, to the Secretary of War. It was written from Lisbon, and must have reached the Secretary some days ago. I received the copy I hold in my hand from Mr. COVODE, to whom it was transmitted by Mr. Harvey; and if it be the pleasure of the House I have no personal objection to its being read, and for that purpose I withdraw the demand for the previous question.

Mr. McPHERSON. I object.

Mr. VALLANDIGHAM. The gentleman from New York has a right to withdraw the previous question, and to read the letter as a part of his remarks.

Mr. McPHERSON. Have I a right to interpose an objection to the reading of the paper?

The SPEAKER. No, sir.

Mr. McPHERSON. Then I desire to say that I made the objection in entire ignorance of the contents of the letter, which it is said is a private one; and upon the general ground that it is an *ex parte* statement which may involve others, and should not be read at present. I am in favor of the resolution, and hope that *all* the facts and documents will be produced and printed together.

The letter was read, as follows:

LISBON, *July* 4, 1861.

DEAR SIR: Upon reaching my destination here, I was greatly shocked and pained to find base and serious charges fulminated against me, through the Washington correspondent of the New York Herald of the 8th of June, which were evidently inspired by the most vindictive hostility. Of course I am unable to conjecture, at this distance, and without any other information on the subject than the infamous publication in question, who has done me this grievous wrong, or what immediate motive prompted the vile attack on my character. It is only left for me to suppose that some unscrupulous enemy has seized the opportunity of my absence to slake his thirst for vengeance, by distorting facts, perverting the record, and indulging in the worst misrepresentation. I propose to confront these audacious accusations at a proper time and in a proper way. What public notice I may feel called upon to take of them will depend entirely upon the tenor of my next intelligence from the United States. Certainly, I shall not permit my good name, which is all I possess on earth, and which never has been sullied by stain or suspicion, to be assailed with impunity now.

The first dispatch on this subject appeared in the Herald of the 7th of June, and closed in these words: "The Secretary of War is, it is said, much grieved at the intelligence," referring to the charge that I had improperly communicated information to Mr. Magrath, of Charleston. I assume that this statement is an unwarrantable liberty taken with your name, to stimulate prejudice against me, because there was no discovery to make which could excite any such emotion. All the dispatches in the Washington office had been furnished to you and to the Secretary of State several weeks before the general seizure was publicly and properly ordered, and you had thus every particle of evidence which, in order to give force to his false accusation, my calumniator pretends was suddenly discovered. This subject was a matter of conference between yourself, Mr. Seward, and others, long in advance of my departure from Washington, and, indeed, my commission was neither received nor accepted until several weeks had subsequently elapsed. These are facts of record, and I only cite them to show how far perverse malignity will travel in pursuit of criminal revenge. There was nothing in my conduct to conceal, and it never was and never could be fairly questioned. If there had been a serious doubt, of course you would have brought it to the notice of the President; or, if indisposed to do that, you would have communicated with me when you first came into possession of the dispatches. I conferred freely with you the very day before my departure from Washington, and was treated cordially and considerately, although you had been fully apprised, for weeks previous, of the circumstances which my secret and bitter enemies now make a ground of complaint and reproach.

But it is hardly necessary to refer to such incidents to refresh your recollection of events so recent, as no one knows better than you do the reasons which actuated me throughout. Since, however, I rely upon you to see justice done me, and the pressure of public affairs may have displaced some of the material facts in your mind, I propose to recite them briefly for that purpose. You were promptly informed of the communications which passed between Mr. Magrath and myself, and of the considerations which led to them. I never had, directly or indirectly, a line of correspondence with him, except what you have seen in the telegrams referred to. He was a school-mate of mine, and an old friend. I had good reason to believe that he was averse to a collision, and would do everything to prevent it by personal and other influence. You must remember perfectly well how all the information, at the time I took this part, threatened a daily attack on Fort Sumter by the so-called confederate army, which all good men in Washington and in Charleston desired to prevent. When it was considered settled that Major Anderson would be withdrawn, I telegraphed the fact to Mr. Petigru, Mr. Magrath, and others, hoping to avert what then seemed to be the impending calamity of bloodshed, and to postpone, at least, the inauguration of civil war. A few days elapsed, and he was not withdrawn; when Mr. Magrath inquired of me if my previous information was correct. I carried his dispatch to you at Willard's hotel, informing you at the same time of my telegram to him. You suggested that I should take it to Mr. Seward, which I did, at the Department of State, and in reply to my question, what answer I should send to Charleston? he said, substantially, that time would vindicate my previous assurance. I returned to you, stated what had occurred, and you then informed me Anderson would be withdrawn. I telegraphed Mr. Magrath accordingly, without giving any authority but my own, and I felt glad at being the medium of a communication which I then thought would preserve the peace, and give misguided men a chance to retrace their steps.

It was then, or soon after, reported that the authorities in South Carolina would not consent to the voluntary withdrawal of Anderson, but would demand a formal capitulation. Knowing that such a concession never could and never ought to be made by the Government, and fearing it might interrupt the peaceable retirement of Anderson, I stated the rumor by telegraph to Mr. Magrath, asking if it were true; and saying, if it was, the friends of peace would be rendered powerless. He sent me an authorized and decided assurance to the contrary. I sought you immediately at the War Department, and submitted the dispatch. It made so much impression on your mind, that you requested me to take it forthwith to the President, and gave me a note to him (which I still retain) to facilitate my admission in case of delay. I informed the President hastily of all the antecedent circumstances which culminated in that dispatch, and he proposed to retain it, as the subject was still undetermined in his mind, in order to have the information before him with the other papers. I consented, and left it.

You know better than I do what causes led to the change of purpose in regard to Anderson's withdrawal. Up to the last hour I labored and hoped to avoid a collision at Fort Sumter, and I believe conscientiously it would have been saved, but for the rash precipitancy of the advisers about Mr. Jefferson Davis. If the authorities of South Carolina had alone been consulted, I feel sure there would have been no attack, and I think the reinforcements could have been entered. The reasons for this opinion would require too much space to be set forth fully, and therefore I state it broadly as a conviction, resulting from various forms of information. The men who were willing to have such a result accomplished were ignored by the dominating spirits at Montgomery, who forced forward a state of things that produced the present crisis, which, though lamentable in many respects, is perhaps a fortunate *finale* to the previous chapter of events, since it has stirred the popular heart with one mighty impulse, and brought all parties to see the necessity of sustaining the Government, and of upholding the integrity of the Constitution and Union.

My whole action in this matter was voluntary, and inspired by a sense of the highest and best patriotism. I can appeal to God honestly and fearlessly for the rectitude of my intentions, as for their perfect purity and disinterestedness. And when we all meet before the bar of eternal justice, and our hearts are exposed, I have an abiding trust that the one act of my life which will plead most successfully for mercy and the forgiveness of many errors and infirmities will be that which has so unjustly provoked this cruel calumny.

I shall not indulge in crimination, or permit my natural feelings of indignation against such an outrage to find expression now. Indeed, it has saddened me too deeply for any such emotion, and I fear almost to receive my next letters, dreading the effect which may have been produced on those who are nearest and dearest to me, but who are less able to bear up against such an affliction. Although I have never been a partisan of yours, I have felt, from your repeated declarations, some little claim for services voluntarily rendered you in the course of the last fifteen years, and for which, as you well know, I have never asked or received recognition in any manner or form. It has been my misfortune to disagree often and radically with some of your professed friends; still I have never failed to do your public position justice, or to respond to your calls upon

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. TUESDAY, AUGUST 6, 1861. NEW SERIES.....No. 28.

me whenever they were made. This is all I ask at your hands now. I desire no sympathy, favor, or forbearance from anybody. My reputation has been shamefully slandered, and I trust to your knowledge of the facts to have me righted with those whose good opinion is entitled to respect. I appeal to you as one true man does to another, discarding all claims but those of the strictest justice.

Yours truly, J. E. H.

General CAMERON.

Mr. ROSCOE CONKLING. Before renewing the demand for the previous question, I desire to make one single remark in justice to myself. I have no wish—very far from it—to express or intimate any opinion upon this subject now, or upon any of the facts belonging to it. Mr. Harvey, the person concerned most deeply here, is a man whom I have known for several years as a gentleman and as a friend. He left this country a few months ago enjoying the full measure of that good name which falls to the lot of honorable men, and on reaching his destination in a far foreign land, he learned from home that he had become the subject—I will not say the victim—of an accusation as crushing and cruel as could be laid at the door of a man of standing and character—an accusation that he not only was a traitor—a traitor in that sense most offensive, and most justly offensive now to the loyal people of this country—but that having first steeped himself to the eyes in treasonable transgression, he went a step further, and doubled the perfidy of his act, by applying for and accepting an honorable commission at the hands of the Government which he had basely betrayed. Recently, quite recently, I received from him a letter, such as one friend in extreme affliction would naturally write to another; that letter contained statements, some of which the House has heard from the letter to the Secretary of War, which the gentleman on my right [Mr. COVODE] has furnished now a copy to be read. With all these facts spread before me, I felt that I should be false to that obligation of friendship and generosity, which, I think, rests upon me, if I should allow this session to close without instituting some inquiry, in order that justice may be done, both to him who is absent and dependent upon the confidence and thoughtfulness of his friends, and to those whose duty it is to see him convicted of the crime alleged against him, or else cleansed from its blighting imputation.

Now, sir, unless some gentleman has a question to put or a request to make, I renew the demand for the previous question upon the passage of the resolution.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was adopted.

Mr. ROSCOE CONKLING moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

OAKLAND HOME GUARDS.

Mr. THOMAS, of Maryland, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing, by law, for the payment of the Oakland Home Guards.

INVESTIGATING COMMITTEES.

On motion of Mr. STEVENS, the bill (H. R. No. 99) making appropriations to pay the expenses of the investigating committees of the House of Representatives and Senate, appointed the first session of the Thirty-Seventh Congress, and for the commission authorized to examine and report as to the compensation of all officers of the Government, with the Senate amendment thereto, were taken up from the Speaker's table for consideration.

The amendment was read, as follows:

At the end of the bill, add:

Said sum of money to be drawn from the Treasury as part of the contingent fund of the House of Representatives, and to be distributed in the mode provided by law for such purposes.

Mr. BURNETT. Let me make a suggestion to the gentleman. The chairman of the Committee of Ways and Means, with his onerous duties, has never had, as I suppose, an opportunity of looking into the disbursement of the contingent fund of the House. It has grown to be an enormous fund; and I suggest to him that it is better to let this money remain in the Treasury, and be drawn by warrants when the accounts are settled.

Mr. STEVENS. All I have to say to that is, that the Senate has amended the bill in this way, and that I do not want the bill to be lost. I therefore move the previous question.

The previous question was seconded, and the main question ordered; and under its operation the amendment was concurred in.

Mr. STEVENS moved to reconsider the vote by which the amendment was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PUNISHMENT OF CRIMINALS.

Mr. LOVEJOY. I ask leave to introduce, for reference, a bill to repeal all acts or parts of acts which operate to exempt traitors and other criminals from punishment.

The bill was read for information. It proposes to repeal so much of the act approved January 24, 1857, as provides that no person, examined and testifying before either House of Congress or any committee of either House, shall be held to answer criminally in any court of justice, or shall be subject to any penalty for an act touching which he shall have so testified; and to repeal all acts that operate to exempt persons guilty of treason and other crimes from trial and punishment.

Mr. BURNETT objected to the introduction of the bill.

LOYALTY TO THE UNITED STATES.

Mr. FESSENDEN. I ask leave to offer the following resolution:

Resolved, That absolute loyalty to the Government of the United States is, especially in times of insurrection and public disorder, the supreme obligation of the Representative, under the Constitution, and is essential to membership in this House.

Resolved, That the recognition of loyalty to the State as above his loyalty to the Federal Government, by any member of this House, is incompatible with absolute loyalty to the Government of the United States, and should be regarded as sufficient ground for his expulsion.

Mr. STEVENS. In order to evade all these fancy resolutions, I move that the House do now adjourn.

The motion was agreed to; and the House thereupon (at quarter past three o'clock, p. m.) adjourned.

IN SENATE.

MONDAY, *August 5*, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Saturday was read and approved.

PROPOSED CONSTITUTIONAL AMENDMENTS.

Mr. SAULSBURY. I ask the Senate to take up the joint resolution (S. No. 4) proposing certain amendments to the Constitution of the United States, with a view to the peaceable adjustment of our national difficulties.

Mr. COLLAMER. I object to taking it up.

Mr. CLARK. I hope it will not be taken up at this time. It will lead to discussion, which will delay business very much; and I hope the Senate will not take it up.

Mr. SAULSBURY. In reply to the remark made by the Senator from New Hampshire, I feel disposed to say a word. The argument is exhausted; I merely ask for the vote.

Mr. POWELL called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll; and Mr. ANTHONY answered to his name.

Mr. SAULSBURY. I only wish to make one remark. Since I have been a member of the Senate——

The PRESIDENT *pro tempore*. The Senator from Delaware is not in order. A response has been made to the call. By unanimous consent, the Senator can address the Senate on this question.

Mr. WADE. Let the call proceed.

The Secretary resumed and concluded the call of the roll.

The PRESIDENT *pro tempore*. The vote shows the want of a quorum present, and disables the Senate from further proceedings.

Several SENATORS. How many are wanted?

The PRESIDENT *pro tempore*. Two more.

Mr. BAKER entered and voted.

Mr. FESSENDEN entered and voted.

The result was then announced—yeas 11, nays 24; as follows:

YEAS—Messrs. Breckinridge, Bright, Carlile, Johnson of Missouri, Latham, McDougall, Pearce, Polk, Powell, Rice, and Saulsbury—11.

NAYS—Messrs. Anthony, Baker, Browning, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, King, Lane of Indiana, Lane of Kansas, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—24.

So the Senate refused to take up the joint resolution for consideration.

PETITIONS AND MEMORIALS.

Mr. KING. I present a petition of inhabitants of western New York, asking the establishment of a national armory in western New York; and that the same may be located in the village of Geneseo, Livingston county, for various reasons which they assign. I move that the consideration of the petition be postponed until the first Monday of December next.

The motion was agreed to.

Mr. BINGHAM presented two petitions of citizens of Michigan, praying for the immediate abolition of slavery by Congress, under the war power; which were ordered to lie on the table.

Mr. TRUMBULL. I desire to present the petition of Alfred Guthrie, on the subject of steam batteries. He has a project for the construction of a steam battery which he thinks will be useful in the present emergency. I desire to present his application, and ask its reference to the Committee on Naval Affairs.

It was so referred.

Mr. TRUMBULL. I also have the memorial of Casper Butz and others, of Chicago, Illinois, in favor of the most energetic measures for suppressing the rebellion, and opposed to any discrimination between men who want to fight for their country as to either language or birth. I ask at this stage of the session——

Mr. WILSON. There is no such discrimination.

Mr. TRUMBULL. There has been an order——

Mr. WILSON. It has been revoked.

Mr. TRUMBULL. Entirely revoked?

Mr. WILSON. Yes, sir.

Mr. TRUMBULL. I am glad to hear it. There was an order discriminating against persons who could not speak the English language, but I am very glad to hear from the chairman of the Committee on Military Affairs that that order has been revoked. I will ask, then, that the petition lie on the table.

It was so ordered.

Mr. BRECKINRIDGE. I have received, with a request to lay it before the Senate, from the county of Niagara, in the state of New York, a memorial signed by more than six hundred citizens, deprecating civil war, believing that it will result in the permanent division of the Confederacy, and praying this body to propose amendments to the Constitution, or the holding of a national convention to agree on fair and honorable terms of adjustment of our national difficulties and restore peace to our distracted country. It is accompanied by a letter, signed by two gentlemen, stating that as many more names were signed to a similar petition, which they would send if the Senate should continue in session for a few days longer, from the same county. As the petition is a very short one, I ask that it may be read.

The Secretary read it, as follows:

To the honorable the Senate and House of Representatives of the United States of America:

We, the undersigned, citizens of the county of Niagara, and State of New York, being desirous of maintaining the Union of States in accordance with the spirit of justice and equality which characterized the deliberations and councils of the fathers; deeply deprecating civil war among brethren, believing that if continued it will result in a permanent division of our glorious Confederacy, earnestly pray that your honorable body will propose amendments to the Constitution of the United States, or recommend the adoption of the policy of an immediate national convention to agree upon a fair and honorable adjustment of our national difficulties, and restore peace to our distracted country.

Mr. BRECKINRIDGE. Let it lie on the table.

It was so ordered.

Mr. HARRIS. I have received from the Chamber of Commerce of the State of New York a preamble and resolutions relating to the tariff. Although that subject is no longer under consideration, I think it due to the distinguished body from which these resolutions emanate that they should be read. They are very brief. I ask that they may be read.

The Secretary read, as follows:

Chamber of Commerce of the State of New York:

Whereas the Government of the United States is engaged in a contest for the suppression of rebellion and for the maintenance of the integrity of the Union, which is destined to make a large demand upon the pecuniary resources of the country, and this demand must chiefly be met by means of repeated loans:

Resolved, That in the judgment of this Chamber, the success of the proposed loans will depend upon the enactment by Congress now in session of revenue and internal tax bills, adapted to the existing emergency; or that, if the Government should succeed in procuring money without making wise provisions for the reimbursement of principal and interest, it will only be upon terms discreditable to the national name and prejudicial to the national interest.

Resolved, That, in the opinion of this Chamber, the tariff bill, now under consideration of Congress, should be so framed as to produce revenue only, and without regard to protection.

Adopted August 1, 1861.

Mr. HARRIS. I move that the resolutions lie on the table.

The motion was agreed to.

CONFISCATION OF PROPERTY.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of the bill returned from the House of Representatives on Saturday, to confiscate property used for insurrectionary purposes. The House amended the last section of the bill.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up the amendment of the House of Representatives to Senate bill No. 25.

Several SENATORS. Will it lead to debate?

Mr. TRUMBULL. I hope not. I trust the Senate will concur in the amendment of the House of Representatives. It limits the fourth section of the bill so as to avoid an objection which the Senator from Kentucky had.

Mr. BRECKINRIDGE. Do you think it avoids it?

Mr. TRUMBULL. It certainly avoids the objection the Senator made. He may have others, perhaps.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House to the bill (S. No. 25) to confiscate property used for insurrectionary purposes; which was to strike out the fourth section of the bill, and insert the following in lieu thereof:

SEC. 4. *And be it further enacted*, That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the law of any State shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such labor or service is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy-yard, dock, armory, ship, intrenchment, or in any military or naval service whatsoever, against the Government and lawful authority of the United States; then, and in every such case, the person to whom such labor or service is claimed to be due, shall forfeit his claim to such labor, any law of the State, or of the United States, to the contrary notwithstanding. And whenever thereafter the person claiming such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim, that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act.

Mr. BRECKINRIDGE. I ask for the yeas and nays on concurring in that amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 11; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, King, Lane of Indiana, Lane of Kansas, McDougall, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—24.

NAYS—Messrs. Breckinridge, Bright, Carlile, Cowan, Johnson of Missouri, Latham, Pearce, Polk, Powell, Rice, and Saulsbury—11.

So the amendment was concurred in.

REPORTS FROM COMMITTEES.

Mr. CLARK, from the Committee on Claims, to whom was referred the bill (S. No. 56) for the relief of George W. Wright, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 27) for the relief of Marshall O. Roberts, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Marshal O. Roberts, praying compensation for the loss of the steamship Star of the West, captured while in the service of the Government by the enemies of the United States, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of William S. Grant, representing that supplies furnished by him for the Army in Arizona, under contract with the War Department, were seized by the Texan forces, and praying relief, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred papers in relation to the claim of John Egenolf to a California war bond, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Captain Roger Jones, of the United States Army, late in command of the armory at Harper's Ferry, praying the settlement of his accounts, and indemnity for the loss of his private effects; also, that the men of his command may be indemnified for their losses, asked to be discharged from its further consideration; which was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred a joint resolution (H. R. No. 5) to examine the condition of the Naval Academy, and to inquire as the reorganization thereof, reported it without amendment, with the recommendation that its further consideration be postponed to the first Monday in December next; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 83) for temporary increase of midshipmen in the Naval Academy, reported it without amendment, and asked that its further consideration be postponed to the first Monday in December next; which was agreed to.

WASHINGTON CITY RAILWAY.

Mr. HARRIS. I ask leave, without notice, to introduce a bill to incorporate the Washington Railway Company.

Leave was granted; and the bill (S. No. 68) to incorporate the Washington Railway Company was read the first time by its title.

Mr. HARRIS. I desire to say, that I regard this bill as very important, and I regret, exceedingly, that it could not have been introduced at an earlier day. It provides for the construction of a railroad in this city, by a company of gentlemen, who offer, in consideration of the franchise, to transport all troops and munitions of war for the Government without charge, and they offer, further, to construct the road within thirty days. If the Committee on the District of Columbia could consider this bill, so that it might be acted on at the present session, I am persuaded that the public would derive great benefit from it.

The PRESIDENT *pro tempore*. The bill will be read the second time, if there be no objection.

Mr. BRIGHT. I do not know what may be the provisions of that bill. I should like to read it myself, before I consent to its second reading to-day.

The PRESIDENT *pro tempore*. Does the Senator object to the second reading of the bill to-day, with a view to reference?

Mr. BRIGHT. Yes, sir. I do not wish a bill of that kind to pass without having a chance to look at it.

JAMES'S PROJECTILES.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the petition of Charles T. James, of Providence, Rhode Island, praying that he may be authorized to rifle one of the large ordinary Navy guns made for throwing round shot, and that it may be tested under the direction of a board of officers, to be appointed by the Secretary of the Navy, have instructed me to report that the memorialist have leave to withdraw his petition, and that it be taken from the files of the Senate, and returned to him.

The motion was agreed to.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the joint resolution (S. No. 16) authorizing an examination, by a board of naval officers, of James's projectiles for rifled cannon, have instructed me to report it back with a recommendation that it pass with an amendment. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the joint resolution (S. No. 16) authorizing an examination, by a board of naval officers, of James's projectiles for rifled cannon. It proposes to direct the Secretary of the Navy to allow Charles T. James, of Providence, Rhode Island, to rifle one of the large ordinary Navy guns made for throwing round shot, and to have it tested under the direction of a board of officers, to be appointed by the Secretary of the Navy, sufficiently to settle the question of its capacity to use rifled projectiles without danger, and also to direct such experiments as may be sufficient to ascertain the relative and comparative value of the projectiles and cannon thus rifled.

Mr. HALE. Allow me, in a single word, to explain to the Senate what the amendments are. As the resolution now is, it is imperative on the Secretary; he is "authorized and directed." The committee recommend an amendment, striking out the word "directed," leaving it at his discretion. The resolution, as it now stands, also directs it to be made by naval officers. The committee strike that out, and leave the experiment to be made under the direction of the Secretary.

The amendments were read.

The first amendment was to strike out "and directed."

The amendment was agreed to.

The next amendment was to strike out the following:

"Under the direction of a board of officers to be appointed by the Secretary of the Navy."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in. The joint resolution was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. HALE, the title was amended to read: "A joint resolution authorizing an examination of James's projectiles for rifled cannon."

ASBURY DICKINS.

Mr. HALE. I offer the following resolution:

Resolved, That the salary of Asbury Dickins, late Secretary of the Senate, be continued one year from the commencement of the present session, to be paid out of the contingent fund.

Mr. BINGHAM. I object to it.

The PRESIDENT *pro tempore*. An objection carries it over under the rule.

Mr. DIXON. I rise to a question of order. I rise to ask the Chair whether the 34th rule does not require the resolution just offered by the Senator from New Hampshire to be referred to the Committee on Contingent Expenses? I ask the attention of the Chair to the 34th rule.

The PRESIDENT *pro tempore*. The resolution will be referred, as required by that rule.

Mr. DIXON subsequently said: The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution offered by the Senator from New Hampshire, in regard to Mr. Dickins's salary, have instructed me to report it back, with an amendment, and recommend its passage, as amended.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider it at this time.

Mr. POLK. I would rather it should stand over until to-morrow.

The PRESIDENT *pro tempore*. The Chair must require that order be restored to the Chamber;

that Senators refrain from loud conversation in order to the facility of the business before the body. It is the duty of the Chair to preserve the order of the Senate. However delicate and however difficult it may be, the Chair will perform that duty to the extent of the exercise of all the authority with which he is invested under the rules of the Senate and the common parliamentary law.

ENLISTMENTS IN THE NAVY.

Mr. HALE. The Committee on Naval Affairs, who have had under consideration the bill (H. R. No. 87) authorizing additional enlistments in the United States Navy, have instructed me to report it with an amendment, which is simply striking out the marines. I ask the consideration of the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Secretary of the Navy to cause to be enlisted in the Navy of the United States, for the term of three years, or during the war, such number of able seamen, ordinary seamen, boys, and marines, as he may judge necessary and proper to place the entire Navy of the United States, and all vessels that may be added to it, in a state of the utmost efficiency for active service.

The amendments of the Committee on Naval Affairs were, in line six to insert the word "and" before "boys," and to strike out the words "and marines."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

THE ENGINEER CORPS.

Mr. WILSON. I move to take up the House bill to authorize the increase of the corps of engineers.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 101) to promote the efficiency of the engineer and topographical corps.

Mr. WILSON. I move to strike out all after the enacting clause of the bill, and insert this amendment:

That there shall be added to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors.

SEC. 2. *And be it further enacted*, That there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits, in every respect, as the company created by the act "for the organization of a company of sappers, and miners, and pontoniers," approved May 16, 1846. The said company shall be subject to the rules and articles of war, and shall have the same organization as the companies of engineer soldiers attached to the corps of engineers.

SEC. 3. *And be it further enacted*, That vacancies hereafter occurring among the commissioned officers of the volunteer regiments shall be filled by the Governors of the States respectively, in the same manner as original appointments; and so much of the tenth section of the act of the 22d of July, 1861, as is inconsistent therewith, be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted*, That the President of the United States is hereby authorized to appoint two additional inspectors general for the United States Army; the said inspectors general to have the same rank and receive the same pay and allowances as now provided by law for inspectors general.

The amendment was agreed to.

Mr. WILSON. I now propose another amendment, which I move separately, because it involves a separate subject, and may lead to some difference of opinion:

And be it further enacted, That so much of the first section of the act approved August 5, 1854, as authorizes the appointment of civilians to superintend the national armories, be, and the same is hereby, repealed; and that the superintendents of these armories shall be appointed hereafter from officers of the Ordnance department.

I wish simply to say, in regard to this amendment, that the change from military to civil superintendence was made a few years ago, and when it was made I was in favor of it; but subsequent reflection has convinced me that it was an error. The increase of the expenditures under civil superintendence has been nearly one third over the expenses under military superintendence. At the present time, we are making a large number of arms at our armories; we propose to spend several hundred thousand dollars in increasing the force and strength there; and it is desired by the Ordnance department to place that institution in the care of the most experienced man that can be put in it, for the construction of arms. I believe the public good requires it. My sympathies and my feelings are the other way; but my judgment is, that this change will add greatly to the efficiency of that department in fabricating arms. I have no doubt upon that point.

The amendment was agreed to.

Mr. WILSON. I offer another amendment; to insert as an additional section:

And be it further enacted, That the pay of the non-commissioned officers, musicians, and privates of the Army of the United States be increased at the rate of four dollars per month, and to continue for three years from the passage of this act, and until otherwise fixed by law.

I will simply say that when our present troubles broke out, many of the cities, towns, and States, increased the pay of their ninety-days volunteers very much over the pay allowed them by the Federal Government, which was eleven dollars per month. Those men have returned home. We now propose to raise a large number of men for three years, and the intelligence from several portions of the country is, that it is more difficult to raise men now than formerly; the bounties offered by the cities, towns, and States, do not apply; and the public interest requires that we shall increase the pay of the volunteers from eleven to fifteen dollars a month, which seems to me a reasonable compensation. The amendment, therefore, proposes to add four dollars a month to the pay of the non-commissioned officers and privates of the volunteer forces.

Mr. FESSENDEN. I will inquire of the Senator whether this increase applies to the regular Army also?

Mr. WILSON. No; I think not.

Mr. FESSENDEN. How do you expect to get any regulars, then?

Mr. SHERMAN. I will ask the Senator from Massachusetts whether this amendment is reported from a committee or not?

Mr. WILSON. It is not reported by the committe, but has been assented to by several members of the committee this morning on consultation.

Mr. SHERMAN. Mr. President, it is the most ungracious task in the world to object to the increase of the pay of the volunteers or of the regular Army. I scarcely know what to do about it. It seems to me, an amendment of this kind ought not to be adopted without the gravest consideration. The habit of Senators to introduce these important amendments, and require us to vote upon them without any opportunity for deliberation and consideration, it seems to me, is a very hazardous experiment. The honorable Senator the other day reported an appropriation of $20,000,000, without any check, limitation, or restraint. If I had read it, or had had five minutes' time to consider it, I should certainly have objected to it. It was a departure from the established rules and customs of appropriations, and should have been fully and fairly considered, and some restraint and limit put upon it. Now, a proposition is made here to add one third to the pay of the Army; and yet no committee has acted on it; no consideration of it has been had. I trust, therefore, that the Senate will not adopt it; at least, without full examination. I shall certainly vote against it.

Mr. WILSON. I will withdraw the amendment, and introduce it as a separate bill, and send it to the committee for examination, if that be thought more proper. ["Oh, no."]

The PRESIDENT *pro tempore*. Does the Senator withdraw the amendment?

Mr. WILSON. Before doing so, I wish to say a single word. We have had the most pressing calls within the last two days, from leading men of the country, to legislate on this subject, and expressing their deliberate judgment that, unless we did so, it would be a source of the greatest regret to us and of disadvantage to the country. I am not able to judge whether it be so or not. If the Senator thinks the proposition hastily brought in, I will have it referred to the Committee on Military Affairs, and call the committee together to consider it, or send it to any other committee.

Mr. SHERMAN. I have resisted and objected to the increase of the staff of the Army, the pay of the officers of the Army, and the expenses of the Army and all the departments of the Government. I have failed in every instance, and I certainly will not now make a stand upon the pay of the soldier; and I leave the gentleman to take his own course in regard to it.

Mr. WADE. I do not propose to go into any extended remarks upon it; but I am very glad this amendment has been introduced. There is no just proportion between the pay of the soldier and the officer. It requires but very little consideration to know that eleven dollars a month is not enough for a soldier or for any other man. I am decidedly in favor of this amendment, and I hope it will not be withdrawn, but will be adopted by the Senate; for I feel persuaded we are not paying enough to our soldiers.

Mr. POLK. I should like to know from the chairman of the Committee on Military Affairs whether this amendment applies only to the volunteer force, or to the volunteer force and the regular Army?

Mr. WILSON. It applies to both.

Mr. FESSENDEN. I should like to hear it read.

The Secretary again read it.

Mr. POLK. I was only going to subjoin——

Mr. WILSON. In order to make this matter right, I will withdraw the amendment.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor.

Mr. POLK. I yield to the Senator from Massachusetts.

Mr. WILSON. By the advice of Senators around me, and especially my colleague on the committee, the Senator from New York, [Mr. KING,] I will withdraw the amendment, and offer it as a separate bill, and send it to the committee.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. JOHNSON, of Missouri. I wish to offer an amendment, to insert as an additional section:

And be it further enacted, That this Congress recommend the Governors of the several States to convene their Legislatures for the purpose of calling an election to select two delegates from each congressional district, to meet in general convention at Louisville, in Kentucky, on the first Monday in September next; the purpose of the said convention to be to devise measures for the restoration of peace to our country.

Mr. POWELL. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CARLILE. Mr. President, there is no one, perhaps, within the limits of the Union who is more anxious that peace should be restored to our country than I am; but, sir, in the presence of a large, organized army, engaged in an effort to overthrow the institutions of the country, and permanently to divide these States that have so long existed as one people, I do not think any such proposition as this ought to be made until that army shall be disbanded, and until an offer to meet those who desire peace shall be made to them by those who are engaged in this rebellion. I cannot, therefore, entertaining these views, vote for the amendment offered by the Senator from Missouri—not that I would not go as far as he will go, or any other Senator on this floor, to allay the strife in our land; but I think that propositions of this kind, coming from the Senate of the United States at this hour, are inopportune; and, instead of aiding the effort that may be made for peace, they will prolong the civil war that is now raging in the country.

Mr. McDOUGALL. I wish merely to amend the remark made by the Senator from Virginia. He says this proposition would be inopportune. I say it would be intensely cowardly.

The question being taken by yeas and nays, resulted—yeas 9, nays 29; as follows:

YEAS—Messrs. Bayard, Breckinridge, Bright, Johnson of Missouri, Latham, Pearce, Polk, Powell, and Saulsbury—9.

NAYS—Messrs. Baker, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harris, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Morrill, Rice, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson—29.

So the amendment was rejected.

The amendments made as in Committee of the Whole were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

On motion of Mr. WILSON, the title of the bill was amended, so as to read, "An act to promote the efficiency of the engineer and topographical corps, and for other purposes."

ENLISTMENTS AGAINST THE UNITED STATES.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 86) to punish certain crimes against the United States, have instructed me to report it back to the Senate, with a recommendation that it pass. I ask for action upon it at this time.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the bill at this time. It will be read for information.

The bill was read. The first section provides that if any person shall be guilty of the act of recruiting soldiers or sailors in any State or Territory of the United States to engage in armed hostility against the United States, or who shall open a recruiting station for the enlistment of such persons, either as regulars or volunteers, to serve in that manner, shall be guilty of a high misdemeanor, and, upon conviction in any court of record having jurisdiction of the offense, shall be fined a sum not less than $200 nor more than $1,000, and confined and imprisoned for a period not less than one year nor more than five years. The second section provides that the person so enlisted or engaged as regular or volunteer shall be fined in a like manner a sum of $100 and imprisoned not less than one nor more than three years.

Mr. BAYARD. I have no objection to the first section of that bill, but I think the second section ought to be stricken out. I move to strike out the second section.

Mr. POWELL. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Kentucky objects to the present consideration of the bill, and it being reported this morning, under the rule it lies over under the objection.

Mr. TRUMBULL. Is it not too late after it has been considered and a motion made to amend it?

The PRESIDENT *pro tempore*. The Chair thinks not.

SENATOR FROM KANSAS.

Mr. LANE, of Kansas. I send to the table copies of certain papers in the contested matter of Mr. Stanton and myself. I move that they be laid on the table, and printed.

The motion was agreed to.

APPEALS TO THE SUPREME COURT.

Mr. TRUMBULL. I move to take up for consideration Senate bill No. 60—a bill relative to appeals in cases of private land claims and surveys in the State of California.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides that, in all cases of appeal which have been taken, or may hereafter be taken, by both parties from either of the district courts of California to the Supreme Court of the United States in proceedings to ascertain and settle private land claims under the provisions of the act of March 3, 1851, and in proceedings upon the survey and location of confirmed private land claims in California under the provisions of the act of June 14, 1860, a transcript of the record filed in the Supreme Court by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party in the Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases.

The bill further provides that the district attorney of the United States of any district in California may transcribe and certify to the Supreme Court of the United States the records of the district court of his proper district in all land cases wherein the United States is a party, upon which appeals have been or may be taken to the Supreme Court; and records so certified by such district attorney under his hand, and filed in the Supreme Court, shall be taken as true and valid transcripts, to the same intent and purpose as if certified by the clerk of the proper district court; and the district attorneys for California are to be authorized to employ such clerks, not exceeding three in number, as may be necessary to transcribe the records, at a compensation not exceeding $150 per month, to be paid out of the appropriation for special and other extraordinary expenses of California land claims.

Mr. TRUMBULL. The committee reported the bill back as it has been read by the Clerk, with a recommendation that it pass; but on consultation with the Senators from California, one of them objects to the first section, in the shape in which it is, and I promised him to move an amendment which would obviate his objection. I will send to the Chair the bill as proposed to be amended, and I move the amendment as indicated on the bill which I send to the desk.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. TRUMBULL. I will state what the amendment is, and then, when it is read, the Senate will understand it, if they pay attention. The bill provides in its first section that, when appeals are taken by both parties from any judgment or decree of the district courts in California in private land claims, the record of one party may be taken and used for both in the Supreme Court of the United States. The amendment, if it is adopted, which I have sent to the Chair, makes the law general, and provides that in all cases of appeals from a district or circuit court of the United States to the Supreme Court of the United States by both parties, the record filed by either party shall be taken as the record for the decision of both appeals.

Mr. LATHAM. I will also state, for the information of the Senate, that the second section will then remain unaltered; so that, so far as my own State is concerned, the certifying of the records by the district attorney is permitted. I do not see why any special legislation is required for California different from the whole country. It is a good provision, as I stated to the chairman of the Committee on the Judiciary, for all appeals to the Supreme Court. I did not like to see a discrimination made, because I thought in many instances it would operate very unjustly in my State; and hence I suggested that the provision should be general.

Mr. HARRIS. In reference to that question, I understand from the Attorney General that there are clerks of the district attorneys of California, employed by the Government, paid a salary by the Government, who may just as well perform this service as not, and save the Government this expense in reference to these claims——

Mr. LATHAM. The Senator from New York will not understand me as objecting to the second section. I say that is very proper, and I am in favor of it. I think it is an advantage.

Mr. TRUMBULL. I understand the Senator from California will not object to the bill as it is now proposed to be amended, making the first section general.

Mr. LATHAM. Not at all.

Mr. HARRIS. Very well.

The amendment was read, as follows:

Section one, line four, after the word "be," insert "duly;" after the word "from," strike out "either of the," and insert "judgment or decree of any;" after "district," insert "or circuit;" in line five, strike out "courts," and insert "court;" strike out "of California;" in lines six, seven, eight, nine, ten, and eleven, strike out the words "in proceedings to ascertain and settle private land claims under the provisions of the act of 3d of March, 1851, and in proceedings upon the survey and location of confirmed private land claims in California, under the provisions of the act of 14th June, 1860;" so as to make the section read:

Be it enacted, &c., That in all cases of appeal which have been taken, or may hereafter be duly taken, by both parties from the judgment or decree of any district or circuit court to the Supreme Court of the United States, a transcript of the record filed in the Supreme Court of the United States by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party in the said Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases.

The bill was reported to the Senate, as amended; and the amendment was concurred in.

Mr. BAYARD. I suggest to the honorable Senator from Illinois that the first word "taken" ought to be stricken out; so as to read, "which have been, or may hereafter be, duly taken." The word "taken" in the first instance takes away from the force of "duly" before the second word "taken."

Mr. TRUMBULL. I think that would be a proper verbal amendment; and I move to strike out the word "taken" in the third line.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and it was read the third time.

Mr. LATHAM. I wish to state that the amendment to the first section changes the character of the bill; and its title should be amended.

Mr. TRUMBULL. I will make that motion.

The bill was passed.

Mr. TRUMBULL. I move that the title be "An act relative to appeals to the Supreme Court of the United States."

The title was so amended.

OFFICE OF PRESIDENT PRO TEMPORE.

Mr. COLLAMER. As there seems to be a little lull in the hurry of business just at this time, I desire to present a resolution; and I believe it is the first one I have ever presented in this body:

Resolved, That the President *pro tempore* of the Senate, elected in the absence of the Vice President, holds his office, while a member of the Senate, until another is elected, and executes the duties thereof whenever the Vice President is absent.

No objection being interposed, the Senate proceeded to consider the resolution.

Mr. COLLAMER. It will be observed that the language of the resolution is in the present tense, declaring a principle; not that it shall be so and so, but declaring that that is the law. I find examples of this kind in the early practice of the Senate. For instance, at an early day, when Richard Henry Lee was elected President *pro tempore*, a question arose whether, when he officiated, he did it precisely as the Vice President did; that is to say, whether he had only a casting vote. That was settled by a resolution, declaring that, when a Senator officiated as President *pro tempore*, he should still vote as a Senator; which has been followed to this day.

The object of this resolution is to declare what I have understood to be really the law. It has been the practice of late years to understand that when a President *pro tempore* is elected in the absence of the Vice President, those words, "elected in the absence of the Vice President," limit not only the occasion of his election, but the term and tenure of his office; and that when the particular absence of the Vice President, on which occasion he was elected, ceases, his election ceases also. That is done, and can be done only upon one construction of the language of the Constitution. After speaking in the previous clause of the Vice President presiding over the Senate, the Constitution provides that "the Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice President." Those are the words. The question arises on the construction of those words. Undoubtedly the Senate must elect the President *pro tempore* in the absence of the Vice President. That settles the occasion of the election; but the question still remains, does the office cease when that occasion passes away? In order to test this, I have looked into the early practice.

It seems to me that if an election be made to last only while the Vice President is at that time absent, the election to the office must cease with the session. It is an absurdity to talk about the absence of the Vice President when the Senate is not sitting. No man can with propriety say that a member or the Vice President of a body is absent, when, owing to the adjournment of the body, he cannot be present. Absence from a body implies that the body is sitting. It cannot be said that a man is absent when the body itself is not present. If the Vice President chooses, he has a right to put an end to the time of holding the office by the President *pro tempore*, by coming back and taking the chair, which it is said he may do at any day during the session. He cannot come back to do that in the vacation. You deprive him of the power of coming here then. The truth is, as I view it, that the absence must be an absence from the sitting body; and the moment the body ceases its session, no one can be said to be absent from it after that. It is to me a sort of paradox to talk about the Vice President being absent, or any member being absent, after we have adjourned. Neither the Vice President nor anybody else can be absent from the Senate when the Senate is not sitting.

That this is not the practical construction of the Constitution, (that is to say, that when a President *pro tempore* is appointed his office ceases with the session, as it must if it is limited to the time of the absence,) is shown by the uniform practice of the Senate for the last seventy years. The practice has been to make an election near the

close of the session; and the Vice President retires for the purpose of allowing a President *pro tempore* to be elected. What for? That the office may continue in vacation; and with two exceptions the uniform practice has been, as appears by the Journals, that when the next session commences, if the Vice President is not here, that President *pro tempore* takes the seat. There have been two exceptions where the Senate elected a different person. That proves nothing; because the Senate, no doubt, can elect a new one at any time.

Again, sir, the law which provides, in accordance with the Constitution, who shall perform the duties of President of the United States, in case of the death or resignation of both the President and Vice President, declares that the President *pro tempore* of the Senate shall officiate; or if there be no President *pro tempore*, the Speaker of the House of Representatives. It is very observable that that law necessarily implies that the Congress which passed it understood the place of President *pro tempore* to be a continuing office; that when elected, he remained in until another was elected. True, it might fall out that he might die; and so provision was made for the Speaker of the House of Representatives; but the necessary implication from the law is, that the office of President *pro tempore* of the Senate is a continuing office. It was so understood then, and I wish it merely to be so understood now.

With these views, I have prepared the resolution declaring that the President *pro tempore* of the Senate, elected in the absence of the Vice President, shall, while a Senator, remain President *pro tempore*, and officiate from time to time, whenever the Vice President is absent, until another is elected. I think that is the true exposition of the Constitution, necessarily implied by the law that I have referred to, and the only practicable method of getting along so as to avoid going without a President *pro tempore* in vacation, and having constant elections and reëlections every time the Vice President goes out and in.

Mr. BAYARD. I do not concur in the construction given to the Constitution by the honorable Senator from Vermont, much respect as I have for his opinions; nor do I consider this resolution necessary; and indeed I think that it would be injurious in itself.

I have no doubt that the President of the Senate elected in the absence of the Vice President, as the present occupant of the Chair has been, has a duration of office indefinite in its determination, but lasting until the Vice President again takes his seat or the Senator himself ceases to be a member of this body. These are the only limitations, in my judgment, on the duration of the office for which he is elected. The effect of this resolution would be that if the Vice President were to take his seat to-day, the present occupant of the chair, as President *pro tempore*, without any further election, would resume the seat again to-morrow.

Mr. COLLAMER. If the Vice President went away to-morrow?

Mr. BAYARD. Just so. If the Vice President went away to-morrow, the temporary occupant of the chair would resume his position a second time, without a new election. Now, sir, my view of the Constitution is—and I think it is a very simple question in itself—that the Senate have the right, in the absence of the Vice President, to elect a substitute for him, (if you please so to style it;) they have a right to elect a President *pro tempore;* that is, for the time being; that is the meaning of it. It is no matter whether the body adjourns or is not in session after this is done and before the Vice President appears; the office continues, as a matter of course; it does not depend on the body being in session; no one contends for that; but it depends on whether the Vice President resumes the chair; for he has the power, under the Constitution, to terminate the office that you have created temporarily in his absence. You may do it by expelling the member; he may cease to be President by ceasing to be a member of the Senate; but I have strong doubts about your right to remove a President *pro tempore* when you have appointed him, unless you expel the member, or his term ceases. It is at least very questionable in my mind. You elect to an office of uncertain duration in its tenure. The Constitution does not prescribe the tenure. You must infer it rationally from the whole scope and character and object of the clause. The language is, that in the absence of the Vice President you may elect a President *pro tempore*, which means a President for the time being. Now, can you, by resolution, undertake to say that he is not merely President for the time being, for the time for which you elected him; but that though the Vice President takes the chair again the next day, he is still President without any further election? His office is certainly vacated the moment the Vice President takes the chair; but not till then, I admit. That has been the former construction of this clause of the Constitution. That makes it complete. It meets every possible evil that can arise. The chair is now occupied by an election made in the absence of the Vice President. If the Vice President does not return, the occupant of the chair remains President *pro tempore* of the Senate, session or no session; because that is the natural inference from the duration of the office. He is not elected President *pro tempore* during the session of the Senate; he is elected President *pro tempore* during the absence of the Vice President; and you cannot assume that the Vice President will return until he again appears in the chair as President of the Senate. You cannot take away any of his powers; but he is absent in contemplation of law if he leaves the chair during the session of the Senate, until he takes it again; and, in fact, he is absent. I see no paradox in regarding him as absent during the recess of the Senate. It deprives him of no privilege, deprives him of no function, deprives him of no duty; but it does what is one of our objects—keeps a third person in being, who, in the event of the death of the Vice President, would occupy his situation permanently; and that has been, I am very well satisfied, the past construction of this clause of the Constitution.

It seems to me that the resolution of the honorable Senator from Vermont—I say it with great deference to him—would complicate this matter and give an erroneous construction to the Constitution. He is not a President *pro tempore*, if he can resume his office after the time for which he has been elected; the time being has expired by the Vice President resuming the chair. No man can doubt that his office terminates then. You elect him President *pro tempore*. If the Vice President comes in, whether it is one day or one week afterwards, can any one doubt that the office is gone? If it is gone, this resolution seeks to create it without subsequent election. That is what I object to. It does no good in any way; but gives a construction which has not been given in the past. Of course, until the Vice President comes, the temporary occupant of the chair remains President of the Senate; and if the Vice President never comes during the remainder of his term, the occupant remains President of the Senate during the remainder of that term, provided his senatorial term lasts that long. Of course, either the cessation of his own term, or his death, or his expulsion from the body, or the return of the Vice President will vacate the office which he filled *pro tempore*, for the time being, and nothing else. It seems to me that this is an easy and rational construction, and answers all the purposes for which the Constitution meant to give you the power, because during the recess of the Senate the Vice President has no particular authority as an officer of the Senate, nor has the President of the Senate *pro tempore*. I think on the whole it would be wiser to adhere to the former construction, and that this resolution only tends to complicate and lead to doubts as to the construction to be placed on the tenure of this office.

Mr. COLLAMER. I certainly have as high respect for the lawyership of my brother BAYARD as he can profess for mine; but you know lawyers disagree often. We are generally hired to disagree; and we get into the habit of it so much, from having been hired to disagree, that we are very apt to disagree on other occasions from the force of habit. But, to my mind, the gentleman's argument is what we lawyers call the *petitio principii*. He assumes, to begin with, that the limitation of the time and term of the office is the same as the occasion of appointment. The Constitution provides that the Senate may appoint a President *pro tempore* in the absence of the Vice President. Now, the Senator assumes that he ceases to be President *pro tempore* when the Vice President comes back. That is the very question. He assumes the question, and all his consequences and arguments, all the way through, result from that assumption. My view is, that the office does not cease with that occasion; it is not limited to that occasion. The Senator agrees with me that the practice of having the President *pro tempore* elected toward the close of the session, is with a view to his perpetuation; and that is what the resolution carries out.

I say, again, that it cannot be said with any propriety or truth, that an officer is absent from this body, or that a member is absent from it, when the body is not sitting. I said it was an absurdity. I think it is a sort of Irishism. The idea that a man is absent, as a member of the Senate, when the Senate is not sitting, to me is a mere confusion of ideas—a sort of paradox. You choose a President *pro tempore*. The session ends. You chose him when the Vice President was absent. What is the effect? It is, says the Senator, that he shall keep the place until the Vice President takes his seat again, which he has a right to do whenever he pleases. Yes; but he cannot do it in the vacation; he cannot put an end to it in that way then. There are duties for the presiding officer of this body during the vacation. I believe that we have rules or laws in relation to the appointment of clerks, &c., which must be done with his approbation. These things may be done in vacation, I take it. I need not name them all, but there are various duties. My idea is, that it is not true that the President *pro tempore* is superseded in his appointment whenever the Vice President takes his seat again; for if that were so, he never could do these duties, though living and willing to do them.

The truth is, I wish to carry out a consistency of course; that is to say, when we choose a President *pro tempore*, we must choose him, to be sure, as the Constitution says, "in the absence of the Vice President;" but after that, he should do the duties of the Vice President whenever he is not here. That is all the object; that is all I desire to do; and in my view we can only preserve our consistency in that way, by passing a resolution declaring that to be the true principle.

Mr. BAYARD. At least I have one argument in my favor; and if it was not for that, I should scarcely venture to contend with the honorable Senator from Vermont, and that is the long-continued practice and usage of the Senate, that the construction I give to the Constitution is a correct one. I am unable to see the paradox which is so apparent to him; nor do I see that I assume anything. I say that the fair inference from that clause of the Constitution which authorizes the Senate of the United States, in the absence of the Vice President to choose an officer to preside over their deliberations—not to make him Vice President, but an officer to preside over their deliberations, to be their President *pro tempore*, for the time being—is that, having been so appointed, of necessity he cannot be the presiding officer the moment the constitutional officer, the Vice President, again takes his seat; but he may be until he does. Why is it not a fair construction? We appoint him for the time being. What is the meaning of that? Until the Vice President takes his seat again. We can take no legal knowledge of the fact whether he will ever take his seat again or not; and therefore we provide our own officer to act, be it in recess or in session, until he takes his seat. The moment he takes his seat, the office of course, being for the time being, must end. It is impossible that a man can be President *pro tempore* of the Senate when the Vice President is here; and when he has ceased to be President of the Senate, this resolution seeks to make him President *pro tempore* again without an election after the Vice President again retires. That is my great objection to it. I think that it answers no good, and is departing from what has been the construction of the Constitution hitherto. It gives no authority that does not now pertain to the office. The present occupant of the chair and any other, while the Vice President does not take his seat, (which he cannot do except during the session of the Senate,) will remain President *pro tempore* of the Senate until his functions as such are superseded by the Vice President taking his seat, or his own term of office expiring.

Why is not that the rational construction? It is not an assumption; but look at the character of the office. The duration of the office is not defined in the Constitution; it does not pretend

to define it; therefore we must take it from the objects that are contemplated in it. One of the objects is to have an officer to preside over your proceedings when you are in session. A further object also, as we know the Constitution authorizes it, is that, in the event of the death of the Vice President and of the President of the United States, there may be an officer to exercise the executive functions. That is the construction which has hitherto been given. Why should we depart from it when the effect of this resolution is, as it seems to me, directly in the face of the character of the office as described in the Constitution? An officer is elected for the time being. No one can deny that there cannot be two Presidents of the Senate at one and the same time. Suppose a President *pro tempore* were chosen at the beginning of the session: the Vice President comes in two weeks afterwards, and takes his seat; can it be doubted that the office of President *pro tempore* then ceases, and that the Vice President is President of the Senate? There is no President *pro tempore* when the Vice President is here in the body, because he has resumed the chair. If that be the case, this resolution seeks to say that if he again leaves the Senate during that session the same occupant is to resume it under a former election; to resume an office which has been terminated! I think the resolution wrong for that reason; yet I think it reaches no effect that does not now exist as regards everything of benefit which the Constitution intended should arise from the election of the officer. Everything of that kind is reached by adhering to the previous construction which has been given.

Mr. SIMMONS. I would not say a word, if I did not believe that the Senator from Delaware would produce a difficulty by the construction he gives to the Constitution. He says that the office ceases when the Vice President resumes the chair. I put a case to him. Suppose the Vice President should resume his seat next December, and in the middle of the month he should die, and the President of the United States should die the same day: who would be President of the United States? We should have no Vice President and no President *pro tempore* of the Senate, according to his construction, and we could not elect one until the man was dead, and the office had taken its lodgment in the Speaker of the House of Representatives. I say it is indispensable, to carry out the principle of the law, that this office should be continued. The principle of the law that makes our President *pro tempore* the President of the United States, in case of the death of both President and Vice President, renders this indispensable.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. TRUMBULL. I hope this resolution will be laid over, or disposed of in some other way than by taking the vote on it at this moment. I am not prepared to take a vote on a resolution of this kind, construing the Constitution differently than it has been construed since the Government began, without any consideration or notice of it. I do not think we can, by resolution, enlarge the office of President of the Senate. The Constitution of the United States has declared it, and I think this is attempting to give a construction to the Constitution in a hasty manner. It may be right. I am not prepared to discuss it. I move that the consideration of it be postponed until to-morrow.

Mr. SIMMONS. If I understand the history of the Government, it was always so until within a few years; they always held over.

Mr. TRUMBULL. Then it will be so now.

Mr. COLLAMER. No; they have made a new rule lately.

The motion to postpone was not agreed to.

Mr. TRUMBULL. I move, then, that the Senate proceed to the consideration of executive business.

SENATOR FROM KANSAS.

Mr. FOSTER. I rise to a question of privilege in reference to the report of the Committee on the Judiciary upon the memorial of Frederic P. Stanton, claiming a seat in this body. That report was made on Friday, and has been printed, and is laid upon the tables of members. It is a subject of importance, concerning as it does the right of a member to a seat on this floor, and is a subject which ought to be pretty promptly considered. In my opinion, it ought to be considered before the adjournment of this body. Possibly, the Senate may entertain a different opinion on this subject from me, and I, of course, shall yield to their better judgment. I consider it my duty, however, to bring the question before the Senate, and to urge upon them its consideration. I am willing to make the question of taking up the report a test question, whether or not the Senate is disposed to consider it during the present session. If they are disposed to consider it, they will take it up; if not disposed to consider it, they will refuse to take it up. Although it is a question of privilege, of course it is within the control of a majority of the body. I have a right, of course, to make the motion, and to call for action upon it, to the exclusion of the motion of the Senator from Illinois, who moved to go into executive session; but my object, of course, is not to embarrass the Senate, and not to ask the consideration of a subject which the Senate shall think it best not to consider. I present the question to the Senate, urging upon them the necessity, as it seems to me, of considering it, and ask a vote on the question of taking up this report for consideration.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the report of the Committee on the Judiciary touching the right to a seat of the Senator from Kansas. That, relating to the constituency of the body, is eminently a privileged question, and does take precedence even of the motion to proceed to the consideration of executive business: and that is the question now before the Senate, on proceeding to the consideration of this subject.

Mr. LANE, of Indiana. I would not interpose unreasonable objection to taking up that question at this time, but it is known to the Senate that I offered a resolution of inquiry the other day which has just been answered by the President of the United States a few moments since, and the answer has been ordered to be printed, and has not, of course, yet reached the printer; and we cannot, I think, act knowingly without having all the facts of this contested-election case before us. In addition to that, I am informed that one of the Senators from Kansas is necessarily absent to-day. The State of Kansas is very deeply interested in this question of representation upon the floor, and it seems to me that we had better proceed to the consideration of executive business until, at least, all the evidence in the election case shall be before us.

Mr. WILSON. I ask the Senator from Connecticut to withdraw his motion for a few minutes, to allow me to introduce a bill, by direction of the Committee on Military Affairs, that it is very important should be acted on now.

Mr. FOSTER. I shall withdraw it, of course, on such a suggestion.

The PRESIDENT *pro tempore*. Then the question recurs on the motion of the Senator from Illinois to proceed to the consideration of executive business.

Mr. TRUMBULL. I withdraw that.

PAY OF THE TROOPS.

Mr. WILSON. The Committee on Military Affairs and the Militia have instructed me to report a bill (S. No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen in the service of the United States.

The bill was read a first and second time. It provides that the pay of non-commissioned officers, musicians, and privates of the regular Army and volunteers, and of the marines, seamen, and ordinary seamen in the service of the United States, be increased by the addition thereto of two dollars per month for three years from and after the passage of this act, and until otherwise provided by law.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered at the present time.

Mr. KING. For the purpose of giving the Senator from Massachusetts an opportunity to propose an amendment, I move that it be laid over informally; and the Senator from Connecticut can then proceed with his report.

The PRESIDENT *pro tempore*. The Senator from New York objecting, the bill cannot be considered at the present time.

The bill was laid over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 49) to create a metropolitan police district of the District of Columbia, and to establish a police therefor.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolution; which thereupon received the signature of the President *pro tempore*:

A bill (S. No. 63) making appropriations for fortifications, and for other purposes;

A bill (H. R. No. 80) authorizing the construction of twelve small side-wheel steamers;

A bill (H. R. No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate appointed at the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government; and

A joint resolution (S. No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 31st of July, the following bills:

A bill (H. R. No. 45) to define and punish certain conspiracies; and

A bill (H. R. No. 81) making an appropriation for the purchase of arms for the volunteers and regular troops of the United States.

Also, that the President had approved and signed, on the 2d of August, the following bills:

A bill (H. R. No. 74) to increase the consular representation of the United States during the present insurrection; and

A bill (H. R. No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1804.

Also, that he had approved and signed, on the 3d of August, the following bills:

A bill (H. R. No. 59) for the relief of John C. McConnell; and

A bill (H. R. No. 100) to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers."

SENATOR FROM KANSAS.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Connecticut, that the Senate take up the report of the Committee on the Judiciary in relation to the election of a Senator from Kansas.

Mr. BROWNING. I hope that will not be taken up at present. For one, I have not such information as would enable me to act with any degree of satisfaction to myself upon the question. It is one of very great importance, not only to the Senator from Kansas personally, but to the State which he in part represents here?

Mr. COLLAMER. If the gentleman will permit me, I desire to know how this business comes up before the resolution which I presented, and which has not been disposed of? I presented a resolution, which was under consideration and debate; and there has been no vote disposing of it in any way.

The PRESIDENT *pro tempore*. The Senator from Connecticut rose to a privileged question.

Mr. COLLAMER. That being disposed of, that resolution, I take it, takes precedence of anything else, until disposed of somehow.

The PRESIDENT *pro tempore*. The question now before the Senate is on the motion of the Senator from Connecticut, to proceed to the consideration of that privileged question, touching the constituency of this body.

Mr. BROWNING. Several days ago a resolution passed this body calling upon the President to communicate information upon the subject the consideration of which it is proposed to enter upon. We have not yet received a response to that resolution. This morning I called personally upon the President, as an answer had not reached us, to know what the facts connected with the case were. He informed me that as soon as the resolution was laid before him, he sent to the War

Department for all the information on the subject, to enable him to communicate it to the Senate; that he had not yet received an answer from the War Department, but that at his first moment of leisure he would go personally to that Department, obtain the information, and communicate it to the Senate; and some time to-day, probably, his communication will reach us. I ask the Senator from Connecticut to permit the matter to lie until we receive an answer from the President in response to the resolution which we adopted. It is important to us that we should have all the information we can get, before we act on this subject. For one, I am not willing to act until the information does come before us.

Mr. CLARK. I desire simply to make one suggestion in regard to making this a test vote. I do not wish to be put in that position, because I do not know how I may vote on the report of the committee. I may vote one way in regard to taking it up, and perhaps vote differently in regard to the matter when it comes up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut.

Mr. FOSTER. I must ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. POLK. I cannot consent to vote to proceed to the consideration of this question now, because I have not yet had on my table, or if it has been laid there it has not come to my hands, the report of the committee, and I am not prepared to act at once without having that document before me, and without having some time to consider it.

Mr. TRUMBULL. I wish to say one word in regard to the test on taking up this subject. I do not understand, as the Senator from New Hampshire does, that it is a test upon the right of either party to the seat; but merely a test as to whether the question should be considered at this session or not, that is all.

Now I have not entirely agreed with the Senator from Connecticut in this matter; but I do agree that a privileged question of this character should be settled by the Senate. I think it has a superior claim; and having been upon the committee and their views being embodied in the report of the committee, which has been published and laid on our tables—in that respect, the Senator from Missouri is under a misapprehension; the report is published, and lying upon the tables of the Senators——

Mr. POLK. I do not say it was not published. I say it has not been put upon my table that I know of. If it has been, I have not got hold of it, and I have not had an opportunity of seeing it.

Mr. TRUMBULL. It has been on my table. I cannot answer, of course, whether it was upon the table of the Senator from Missouri. But, sir, I think this one of those questions that should be settled. I think it is due to the body to determine who its members are.

Mr. COLLAMER. I hope the gentleman will indulge me one moment on a question of order. Mr. President, I take it a privileged question is a question that does not require a vote to take it up. If it does, it is not privileged at all. Everything can be taken up in that way. I take it, when a privileged question is called, it is up; that is its privilege. I know it is within the control of the Senate. They may defer it; that may lay it on the table for another day, or for two hours, or anything else; but, I take it, it takes action to dispose of it, not to get it up. As I have said, if it requires that, there is no privilege in it. That is my view of it.

Mr. TRUMBULL. I had but a word to say, and that was in regard to considering the matter at this session. I have always believed and always acted on that idea, that it was the duty of the Senate, and one of its first duties, to determine the right of its members to seats. We have had several of these cases since I have been a member of the Senate, and I have thought that it was very unjust to the parties interested to have their cases postponed, and that it was wrong to the body itself that questions should be decided here by persons whose right to seats was not yet settled. I am not very clear about this question; but as at present advised, I am inclined to differ with the report of the majority of the committee, and the conclusions to which they have come. I did not concur in that report, and although that is the inclination of my mind, still I think it is due to the body that questions of this kind should be settled. The report of the majority of the committee presents all that it is necessary to present in the view I entertain in regard to it, and therefore I am willing it should be taken up. I understood the Senator from Indiana to say—and I say this in reply to my colleague—that a communication from the President, in reply to his resolution, had been received this morning.

Mr. LANE, of Indiana. And ordered to be printed.

Mr. TRUMBULL. And ordered to be printed, I am informed.

Mr. FOSTER. I fancy not.

Mr. SHERMAN. I am informed that an important communication bearing on this point was introduced this morning, and has been ordered to be printed; a letter from the Adjutant General, on the very fact upon which this case turns. I suppose, until we have that letter before us, or have it printed, we cannot very well act upon it.

Mr. BROWNING. There must be some misapprehension somewhere in regard to the reply of the President to the resolution which passed this body. Now, the question as to whether we shall consider this case at the present session I do not conceive to be the one now under consideration. My colleague appears to regard this as a test as to whether the case shall be considered at all or not. I only propose that it shall be postponed until the reply of the President reaches us. I think it will not be respectful to him, and certainly it would not be safe for us, to enter upon the consideration of the main question until we had heard from him in reply to the resolution. In a conversation with him on the subject, this morning, I got from him the distinct understanding that he had not yet replied to the resolution, because he had not been able to obtain from the War Department the information necessary to enable him to make a satisfactory response; that he would obtain it as soon as he possibly could, and that we might expect a communication from him on the subject to-day. I am satisfied that I cannot be mistaken in that, from the fact that he showed me an answer that he had prepared to the resolution, which he said was not satisfactory to himself; and he would, as soon as he could have time, go over to the Department, get possession of all the facts, and communicate them to this body. I desire, for one, that we shall have that communication before us before we act on the subject; and I only propose that it be postponed for the present moment, not for the entire session.

Mr. COLLAMER. What is the question before the Senate?

The PRESIDENT *pro tempore*. The motion to take up the report of the Committee on the Judiciary.

Mr. COLLAMER. I insist on the point of order, that it is up, and requires no vote to take it up. It requires a vote to lay it down, to dispose of it; but the "privilege" is what brings it up. It has that privilege; and therefore this motion to take it up is not in order. Any Senator can call it up.

Mr. BAYARD. I agree with the honorable Senator from Vermont, that a privileged question comes up of course, or else there is no meaning in the word. A majority of the Senate may undoubtedly, on the motion of any Senator, postpone the question; but surely, the word implies that whenever a report is made on a subject which is a privileged question, on the request of a Senator, it must be considered by the Senate, unless postponed by order of the Senate.

The PRESIDENT *pro tempore*. In the judgment of the Chair, the privilege which attaches to the main question attaches to the collateral question to proceed to its consideration; but the whole question, nevertheless, notwithstanding that privilege, is under the control of a majority of the body. It is in order to move to proceed to the consideration of that privileged question; and that motion is a privileged question, and takes precedence over all other and ordinary questions before the Senate. For that reason, the Chair gave precedence to this motion over the consideration of the resolution introduced by the Senator from Vermont.

Mr. FOSTER. The honorable Senator from Indiana [Mr. LANE] is mistaken in saying that there has been any reply received from the Executive on the subject of the resolution of inquiry passed by the Senate some days ago. The Senator from Illinois apprehends that it will be disrespectful to the Executive to proceed with the consideration of this report until an answer from the Executive is received. I have, I trust, all due respect for the Executive, and all due respect to this body; but I must say that, in my opinion, this body is a better judge of the qualifications of its members than the Executive of the United States; and it becomes us, and not him, to settle the question. If he have any peculiar information on the subject to communicate to us, it is certainly not only right, but it is a duty on our part to hear him; but to submit questions of the qualification of members of this body to the Executive to be tried and disposed of by him, is not within my judgment, and not the way provided by the Constitution for determining who is entitled to a seat on the floor of the Senate.

The question of the right of the contestant to a seat here was referred to the Judiciary Committee. It remained for a length of time under consideration by that committee, and the Senator from Indiana then introduced a resolution calling upon the Executive for information. Whether the object was that this subject should be pursued by the Judiciary Committee and by the Executive at the same time or not, of course I am not aware. Whether or not the Senator from Indiana supposed the Committee on the Judiciary would not be competent to ascertain the facts or not, of course I know not. The committee, however, were charged with the duty by the Senate. They have endeavored to perform that duty, perhaps very imperfectly, perhaps very unsatisfactorily; nevertheless, they have undertaken to perform it, and they have brought the result of their work to the attention of the Senate. Now, sir, I submit it is no reason for its postponement, because the Executive has been called upon to investigate the same subject. He may have, of course, much higher ability, much better information, and be enabled to throw much more light on the question than the committee. All that is quite possible, perhaps probable; but after all, the question regarding the labors of the committee, I think, with due deference, may be passed upon. If they afford no light, they may be set aside, and we may wait then for light from the Executive. I apprehend, however, on examination of the report, it will be found that what light can be shed upon the subject by the Department, where we are told by the Senator from Illinois the Executive proposes to seek for light on the subject, is already before the Senate, and we may act upon it as understandingly now as hereafter.

Mr. President, as I said in the outset, I am not disposed to press this matter on the attention of the Senate when they are not disposed to consider it; but I repeat what I said before, that a question of this sort is of such paramount importance that all ordinary business ought to yield to it, and it ought to be considered prior to any other than the most pressing business. The postponement of the subject now seems to me to be clearly a postponement of it for this session; for, by joint resolution, Congress adjourns to-morrow at twelve o'clock. In less than twenty-four hours from this time this session of Congress will be at an end. A subject of this sort will necessarily lead to some discussion, and, if it is not taken up to-day, who supposes it will be taken up to-morrow and considered before twelve o'clock, meridian? I repeat, therefore, it seems to me to be fairly a test question whether the Senate propose to consider this matter at the present time—I mean by the present time, this session—or propose to postpone it until the next. I shall vote, therefore, to proceed to the consideration of the matter now, because I think it ought not to be postponed.

Mr. LANE, of Indiana. It seems to me, with all respect to the distinguished Senator from Connecticut, that his remarks are calculated to raise a false issue here. He says, and very properly, under the Constitution of the United States this body is the judge of the qualifications of its own members. That is very true, and we do not seek to destroy that right of the Senate to judge of the qualifications of its own members. But the seat of a Senator on this floor is contested upon the ground that he has been appointed a brigadier general, and has accepted that appointment. The President of the United States has the appointing power. He, of all others, knows whether he has

made this appointment. He knows better than any other man on earth whether the appointment has been accepted. Then it is not a question as to who shall determine the right of a Senator on this floor to a seat; but it is a question of fact, to be determined upon evidence, like every other question of fact. I do not say that this is not a question of paramount importance; it doubtless is; but I simply say it cannot be considered now without palpable and manifest injustice to a member of this Senate. This question cannot be tried without all the evidence before the Senate. What evidence does the resolution of inquiry seek to obtain? Simply this: it is a call upon the President to answer, first, whether the Senator from Kansas has been appointed brigadier general; and if so, whether he has accepted that appointment. No man on earth can know so well as the President in reference to both those facts.

Mine is not an effort to postpone this subject indefinitely, or for any other than the simple purpose of getting the facts before the Senate. We have a right to try the right of every Senator to a seat on this floor; but we try it upon evidence; and the evidence in this case is not before us, and cannot be until we get the response of the President. Surely my resolution of inquiry, addressed to a different and coördinate branch of the Government, has nothing in it disrespectful to the Judiciary Committee. They have reported this case. They have not reported the answer of the President, or the evidence of the President. I believe he, of all others, knows best the true position of this matter; and I, for one, do not desire to decide it until all the evidence is before the Senate. I am ready to take any time that is necessary to determine it, but I am unwilling to determine before we have the response of the President.

I was mistaken in my first assertion, that the President had answered the resolution. I understood that other important evidence was presented this morning, bearing directly on this case, which was ordered to be printed, and is not now accessible to the Senate. But, in addition to that, I ask a delay until we can get the response of the President; and it must be a very short delay, for the distinguished Senator from Illinois assures us that the President is preparing his answer, and will send it to us in the course of the day.

Mr. BRECKINRIDGE. Mr. President, the other day, in the course of some remarks in favor of printing the report of the Committee on the Judiciary, I said that when the response of the President to the resolution which has been referred to should come in, that that also ought to be printed, and I would vote for it. I certainly shall be opposed to taking up this case and determining it now, if I can be satisfied that it will work any injustice to either of the contestants. Otherwise, I shall be in favor of taking it up, and acting upon it. It is a question of privilege, and of the highest privilege; and this Senate should not adjourn without determining the right of the Senator from Kansas to a seat.

The resolution, as I remember it, requested the President to communicate to the Senate whether he had appointed the sitting Senator a brigadier general. I think that was the phraseology of the resolution. Here, in the report, I see are letters from the Secretary of War, and from other official sources, which appear to exhaust the facts of the case. It is a mere matter of fact. If any Senator can satisfy me that the response of the President will contain any facts not communicated in the report which will bear on the merits of the case, I may vote against proceeding with the consideration of this subject now; but the opinion of the President, as expressed in his response, no matter how great may be the respect we entertain for that high officer, cannot affect the action of the Senate in determining on the official report of the facts. Suppose the President should reply, "No, he had not appointed him; he did not consider him appointed"——

Mr. LANE, of Indiana. Will the Senator pardon me for a moment? The resolution has a wider scope. The first inquiry was, whether he had appointed the Senator from Kansas a brigadier general; and if so, whether he had accepted the appointment. Now, the acceptance of the appointment may depend upon facts peculiarly within the knowledge of the President. A resignation need not be in writing at all; it need not be recorded. A simple disavowal of the appointment of the President would render it null and void; and, at the same time, such an answer as that might be very important.

Mr. BRECKINRIDGE. Does the Senator from Indiana intimate that he has reason to believe that the President will send to the Senate evidence, for example, that the Senator from Kansas has resigned the appointment?

Mr. LANE, of Indiana. I really do not know; that is what I sought to obtain.

Mr. BRECKINRIDGE. I desire to know whether the Senator from Indiana, or the Senator before me, [Mr. BROWNING,] who has had a personal interview on the subject with the President, is aware of any official facts not contained in the report of the committee which he expects to be communicated to the Senate in the response of the President? In regard to the letter referred to by the Senator from Ohio, that, I suppose, might be obtained at any time. It is before us now. It is a very short letter from a subordinate officer in the Government, open to our inspection here, and may be read at the desk, and any Senator may see it. It would be perfectly useless to postpone this matter, and allow the session to close without determining it, merely to have a letter of a few lines from the Adjutant General printed, when the letter is before the Senate now.

Mr. TEN EYCK. I do not mean to protract this debate. I simply wish to say that this is a very important and delicate question, involving the rights of the sitting member, the rights of the contestant, the rights of the people of Kansas, the rights of this body, and even the rights of the Judiciary Committee, being a part of this body. Now I, myself, feel inclined to favor the present investigation of this matter, for this reason: if the information sought from the President is of the character referred to by the Senator from Kentucky, if it be merely for the purpose of having the opinion of the President of the United States, it does not matter how important that opinion may be, it ought not to influence the action of the Senate for one single minute, because we are not to act upon the opinions of any one; and the committee, in making their report, have not acted upon the opinion——

Mr. LANE, of Indiana. If the Senator will pardon me, the resolution did not ask the President to give his opinion, but to state facts.

Mr. TEN EYCK. I say, if the object is to derive an opinion upon the state of facts, then I am opposed to the postponement for that purpose. If the object be to ascertain and procure facts, then I have to say one word. I am sure the sitting member will not complain of the Judiciary Committee, or of me, when I say that every opportunity and every facility which the committee had in their power, was afforded, or designed to be afforded, to the sitting member for the purpose of laying his facts before them.

Mr. LANE, of Kansas, rose.

Mr. TEN EYCK. Pardon me, I know what I am about to say—so far as regards matters in this city. The Senator from Kansas was invited to appear before the committee. He asked for a postponement to procure certain papers, or evidence from Kansas, and the committee took that matter into consideration. Now, the idea that strikes my mind——

Mr. LANE, of Kansas. The Senator will permit me for a moment. I do not desire to complain of the Judiciary Committee; but I do think that the correspondence I hold in my hand should have been embraced in the report of the majority of the committee. I have no doubt it was inadvertent. I may not understand this case as well as the majority of the committee. Here is a letter that was before that committee, from the Adjutant General; and, with the permission of the Senate, I will read it:

ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *July* 25, 1861.

SIR: I am directed by the Secretary of War to remind you that, though appointed a brigadier general of volunteers by the President, on or about the 20th of June last, you have never yet signified your acceptance or non-acceptance of the appointment, as required to do in the letter notifying you of its having been conferred, and to add that, under the circumstances, you cannot be nominated to the Senate.

I am, very respectfully, your obedient servant,
L. THOMAS, *Adjutant General.*

Hon. JAMES H. LANE, *United States Senate.*

Here is the answer:

WASHINGTON CITY, *July* 28, 1861.

SIR: When the Kansas brigade is organized as contemplated by the letter from the Secretary of War, directed to me, of date 20th June, and when I shall have ascertained that my services are required by the officers and men of that brigade, then I will communicate with your Department on the subject of your note of July 26. It affords me pleasure to inform you that the brigade is filling up rapidly, and will, I hope, be ready to take the field by the 10th of August.

I speak the desire of the Kansas congressional delegation, when I request your Department to postpone the appointment of brigadier general for the Kansas brigade until their wishes as to their leader be ascertained and communicated.

Yours truly, J. H. LANE.

Brigadier General THOMAS, *Adjutant General, U. S. A.*

I concur. S. C. POMEROY.
I also concur. MARTIN F. CONWAY.

With the permission of the Senator from New Jersey, I will make one other statement. The appointment tendered to me was in anticipation of the organization of a brigade. Before the appointment was tendered, the Secretary of War had accepted two regiments upon my tender, to be organized by me. I informed the committee that I desired to have before them the original appointment, which was put into my hands, and passed over to General Weir, and started to Kansas immediately after it was issued. I feel very confident, and I say so here from my place in the Senate, that the original appointment will be found to differ from the appointment as printed in the report of the committee. I asked for time to procure that appointment, and sent to General Weir the following telegraphic dispatch:

WASHINGTON, *July* 19, 1861.

To General WILLIAM WEIR, *Leavenworth, Kansas.*

Send me by return mail the paper about Brigadier General. J. H. LANE.

This dispatch sent this day.

JOHN W. LUGENBEEL,
July 19, 1861. *American Telegraph Company.*

That original appointment has not been received. The reason it has not been received you can ascertain by looking at the telegraphic dispatches. General Weir is now in command of a portion of that brigade in southwestern Missouri, and the telegraphic dispatch has not been able to reach him.

Again, with the consent of the Senator from New Jersey—and I hope, until this question comes up regularly, I shall not again ask the indulgence of the Senate—I am charged in the report, by an extract taken from a newspaper, with having signed, as brigadier general, appointments to Colonel Weir and Colonel Montgomery as colonels of two regiments of the brigade. I informed the committee, and I now inform the Senate, that I intended to sign those papers as organizer of the regiments under the authority of the letter of the Secretary of War, and not as brigadier general.

Again, I am charged with having signed a circular——

Mr. FOSTER. If the gentleman will permit me: he will find that the report mentions that he stated before the committee that he did not sign that paper as brigadier general. That is stated in the report.

Mr. LANE, of Kansas. Another word, with the permission of the Senator from New Jersey. I drew up a rough draft of the body of that circular, and handed it to General Weir without signature. My name was not attached to it when it left the city of Washington, much less the title of brigadier general; and I say here, that I have in no wise intended to use the title of brigadier general, nor have I, in any instance, exercised authority under that appointment. As to the requisitions that are published here, they are merely requests made by me as organizer of the two regiments, informing the different Departments that those two regiments would require certain articles—not as brigadier general, I repeat, but as organizer of the two regiments under the letter of the Secretary of War agreeing to accept the same.

Mr. President, I state now (and I feel obliged to the Senator from New Jersey for the privilege he has given me) that I have not accepted the appointment of brigadier general. As I informed the committee, it was not my intention to accept the appointment of brigadier general. I have never intimated to any member of the Government my acceptance of the appointment; but all understood that when the brigade was filled, and when the brigade had voted that they required my services, then, and not till then, would I consider the subject. That position I occupy to-day. If that brigade signifies its desire to have me as their leader, I shall deem it my duty to the people who have sent me here, to accept that command; and

when I do, if to lead them it be necessary to obtain the appointment from the General Government, then will I inform the President of the Senate and the secretary of State of Kansas of the fact, and that I have surrendered my seat on this floor to the noble people who conferred it upon me.

Mr. President, I admit to the Senator from New Jersey and to the Senate that the committee was kind to me. At the meeting of the committee when this question was decided, I was in the room of the Committee on Military Affairs, and had informed the Senator from Illinois [Mr. TRUMBULL] by letter that I desired to go before that committee if any member had any doubts on this question. I addressed, I think, two or three notes to the chairman of the same purport. I repeat what I said the other day, that, from over-modesty or over-confidence, I did not have an opportunity of being heard before the committee until after they had decided the question by a bare majority against me.

Sir, I am here as the representative of the State of Kansas; and in her name I ask of this Senate that I may have an opportunity, either by a committee or otherwise, to inquire into the facts; and in the first place I desire to exhibit to the Senate that paper which is called an appointment. I will not assert that it is conditional; but it will be strange, indeed, if in that appointment they do not embody that understanding. I did not read the paper carefully. That understanding was, that I was not to entertain the subject of brigadiership until the brigade was full, and until they had chosen me as their leader. I know that, in some particulars, the original differs from this copy. From a mere casual examination, I say that much.

The PRESIDENT *pro tempore*. The Chair takes this occasion to state that the question before the Senate is not on the consideration of the report of the committee, nor the main question involved in it. The simple and only question before the Senate is, whether the Senate will proceed to the consideration of that report; and debate must be confined to the question before the Senate.

Mr. LANE, of Kansas. I desire to make one further statement, and then I have done.

The PRESIDENT *pro tempore*. The Chair feels obliged to state this, considering the short time remaining for legislation. The Chair will call Senators to order when they depart from the proper question before the Senate. The Chair makes a general remark, not personal to the Senator from Kansas.

Mr. LANE, of Kansas. I desire to say, if in order, that I shall ask the Senate, at a proper time, if it is not proper now, for permission to show that the appointments of General Weir and Colonel Montgomery were in my individual capacity, as organizer of the regiments under the letter from the Secretary of War accepting the two regiments; that the circular that is produced in evidence against me was not signed by me at all, either as an individual or as brigadier general, and that I drew only the body of the circular; and handed the same to General Weir, for publication on his arrival in Kansas.

Mr. TEN EYCK. It certainly is no pleasurable duty to appear to occupy an antagonistic position to any gentleman on this floor. It requires a person of my constitution to have some considerable spurring on by a sense of duty, to pursue that course. I shall confine myself to the question of postponement. At the time I was happy to yield the floor to the Senator from Kansas, I was speaking of the propriety of the postponement of this subject. I said if this matter were to be postponed for the purpose of getting the opinions of the President, I thought it was not well grounded. We have not acted upon opinions. I beg leave to say that the opinion of the Secretary of War was before the committee, stating expressly, in answer to a telegraphic dispatch, that the sitting Senator had been appointed a brigadier general, and had accepted the appointment, in so many words. The committee considered that as a mere opinion of the Secretary of War, which was not to be taken to the prejudice of the sitting member. The committee acted on the facts of the case; and I may be permitted to say, in answer to the apparent injustice that may have occurred to the sitting Senator, that before the contestant came here to claim the seat under the authority of an appointment from the Governor of Kansas, he had the express language of the Secretary of War that General Lane had been appointed a brigadier general, and had accepted the appointment; so that there may be injustice done on the other side.

Now, sir, if it is a question of fact that Senators wish to establish, I submit to the Senate—inasmuch as this body has been in session for five weeks; inasmuch as this question has been before the Senate, and the Senator from Kansas knew of the pressure that was to be made upon this Senate; as he could have obtained this evidence from the President and from the Department—whether, at this late hour, within twenty-four hours of the adjournment of the Senate, this subject is further to be postponed, in order to enable the sitting Senator to produce that testimony which he could have had at any time during the last five weeks; the consequence of which may be the postponement of the right of the contestant to a seat on this floor entirely.

If it be in order, I beg leave to say to the Senator from Kansas, although he claimed a postponement, and asked it on the ground that his appointment was different from the copy which is produced here, I did not understand him to say that the variance was a material one. A mere verbal difference ought not to affect the case in the judgment of the committee. The committee, in the prosecution of this disagreeably duty, thought that the Senate ought to act on the facts which were produced before the committee on both sides, and upon such additional facts as may be produced before this Senate, provided they can be during its present session, without prejudice to the rights of the sitting member. Having said this much, I will say no more.

Mr. BROWNING. I will occupy a moment only in a word of reply to the Senator from Connecticut. I have not proposed any delay of this matter for the purpose of obtaining the opinion of the President of the United States or of any other person; not am I aware that the President has volunteered to give his opinion to the Senate on this or any other subject. After the report of the committee upon this case was laid before the Senate, it was asserted by Senators that all the facts in the case had not been before the committee, and had not been communicated to the Senate by the committee, and thereupon this body adopted a resolution calling on the President to communicate other information than that which was already in our possession, and we adopted that resolution. The President has volunteered nothing. It was not a resolution asking him for his opinion. It was a resolution asking him to communicate to the Senate facts which were supposed to be necessary to be put in possession of the Senate to enable Senators to act understandingly on the subject.

Mr. FOSTER. If the gentleman will allow me, I think he is mistaken in saying that that resolution was adopted after the report of the committee. It was before the report of the committee that it was adopted.

Mr. BROWNING. I was of the impression that it was after the report of the committee; but whether it was before or after, we passed a resolution calling upon the President to communicate to us facts, not to give us his opinion. If we did not intend that those facts should be laid before us, we should never have passed the resolution. Having passed it, it becomes us, I think, to wait a reasonable time for the response; and particularly as it is asserted that there are facts not before us, and important to be known to us before we act on the subject at all. If we do not wait for it, we had better rescind the resolution. I know that the President is preparing his reply. What that response is to be I have no knowledge. It was not my business to ask it, nor was it his, perhaps, to communicate it to me; but that he is engaged in collecting the facts, for the purpose of laying them before the Senate, I do know; and I think, therefore, we ought to wait a reasonable and respectful time for the coming in of that reply. It is not a proposition to postpone the subject.

Mr. LANE, of Kansas. I went with the Senator from Illinois on Saturday morning, and with him this morning, to hasten this reply; and when I left the War Office this morning, the President of the United States was in the office getting together the papers that he deemed important for a full and fair decision of this question; and he will transmit those papers to the Senate to-day. He so informed the Senator from Illinois and myself.

The question being taken by yeas and nays, resulted—yeas 17, nays 21; as follows:

YEAS—Messrs. Anthony, Breckinridge, Carlile, Cowan, Doolittle, Foot, Foster, Grimes, Harris, Johnson of Tennessee, King, Pearce, Powell, Simmons, Ten Eyck, Trumbull, and Wade—17.

NAYS—Messrs. Baker, Bingham, Bright, Browning, Chandler, Clark, Dixon, Fessenden, Hale, Harlan, Howe, Lane of Indiana, Latham, Polk, Rice, Saulsbury, Sherman, Sumner, Wilkinson, Wilmot, and Wilson—21.

So the Senate refused to proceed to the consideration of the report of the Committee on the Judiciary.

OFFICE OF PRESIDENT PRO TEMPORE.

Mr. SIMMONS. I suppose the resolution that was before the Senate prior to the motion of the Senator from Connecticut will come up now.

The PRESIDENT *pro tempore*. The Chair will state the business before the Senate. The question before the Senate which was set aside for this privileged question, was the resolution introduced by the Senator from Vermont, and that is now before the Senate.

Mr. FESSENDEN. I move that that be postponed for the present, and we can take up some legislative business that it is absolutely necessary to pass this morning.

The PRESIDENT *pro tempore*. By common consent the consideration of that resolution will be informally passed over.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed the following bills and joint resolution:

A bill (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes;"

A bill (S. No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases;

A bill (S. No. 58) supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861;

A bill (S. No. 64) to reduce the consular fees for vessels running to or between foreign ports; and

A joint resolution (S. No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills of the Senate:

A bill (No. 59) in relation to the office of attorney of the United States for the southern district of New York; and

A bill (No. 67) explanatory of an act entitled "An act concerning the Attorney General and the attorneys and marshals of the several districts."

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed an enrolled bill (H. R. No. 96) making further appropriation for the support of the naval service for the year ending June 30, 1862, and for other purposes; which thereupon received the signature of the President *pro tempore*.

ARMY AND VOLUNTEER MILITIA.

Mr. WILSON. I ask leave to introduce a bill of which no previous notice has been given; and I should like to have it considered now, for it is very important that it should be acted upon.

The bill (S. No. 70) in relation to the Army and volunteer militia of the United States was read a first time by its title.

The PRESIDENT *pro tempore*. The bill will now receive its second reading, if there be no objection.

Mr. PEARCE. I should like to hear the bill read at length before I consent that it shall have its second reading now. I do not think it is treating the Senate with proper consideration to have a bill read twice in one day before we know what it is. Let us see what it is; and if it be not objectionable, of course there will be no opposition to it.

The PRESIDENT *pro tempore*. The bill will be read at length for the information of the Senate.

The Secretary read it, as follows:

Be it enacted, &c., That all the acts, proclamations, and orders of the President of the United States, after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out, or relating to the militia, or volunteers from the States, are hereby approved, and in all respects legalized and made valid, to the same intent and with the same effect as if they had been done under the previous express authority and direction of the Congress of the United States.

Mr. PEARCE. I must object to its second reading to-day.

Mr. FESSENDEN. I hope my friend from Maryland will hear what I have to say before he objects. This bill takes up a single point only in the resolution that was introduced into the Senate, and upon which there has been considerable debate. It refers simply to the proclamations that were made for, and the employment of volunteers. We have since authorized the employment of the volunteers. But some of the volunteers now make a point that although they have enlisted for three years, yet the President having had no authority at that time, and no legal authority having been conferred upon him by Congress, they are discharged, and cannot be held under that enlistment. That idea will occasion considerable difficulty, and it is necessary that we should, so far as we have the power, legalize the acts of the President upon that particular point. The bill avoids all questions with regard to the *habeas corpus* and other matters, and refers simply to the military appropriations; and it is necessary we should do this in order to place that subject upon the right ground.

Now, sir, with regard to this bill, there can certainly be no objection that Senators can raise to it, unless they are desirous that a difficulty—I will not say that—but unless they fail to see the force of the position in which we are placed with reference to many of these volunteers. I hope, therefore, the Senator from Maryland will withdraw his objection. It takes but a single point, and avoids the points of debate in the joint resolution that was before the Senate, and simply legalizes the action of the President which we have already indorsed, by giving him the authority. It refers merely to a point which it is very necessary for us to consider.

Mr. PEARCE. If it refers purely and solely to the volunteers, which I did not exactly understand at first, I withdraw the objection.

Mr. FESSENDEN. Entirely so; to those acts only.

Mr. SAULSBURY. I renew the objection.

Mr. WILSON. The objection is renewed, and that settles it.

The PRESIDENT *pro tempore*. The Senator from Delaware interposes objection, and the bill cannot have its second reading.

Mr. FESSENDEN. I hope the Senator from Delaware will withdraw his objection. It is a matter of importance to pass the bill to-day.

Mr. SHERMAN. I will state, if it is in order, to the Senator from Delaware, that it is very easy for the chairman of the Committee on Military Affairs to get at what he desires in a more objectionable way, by taking up the resolution that we have been discussing, which contains this and other propositions. I am very glad this proposition has come up in this way, and I take it as a matter of course, that if this bill is passed, the other joint resolution will not be called up. It is much better to pass a bill of this kind upon which everybody can vote in the affirmative, than to take up that joint resolution, about which there is so much difference of opinion.

Mr. FESSENDEN. I will add that this is a mere matter of business, and avoids all disputed points.

Mr. SAULSBURY. My objection to the bill is that I have not seen it. In regard to the joint resolution originally submitted by the chairman of the Committee on Military Affairs, there were acts of the President of the United States that I approved. For instance: the proclamation calling out seventy-five thousand men, if it was necessary, to defend this capital, or to defend any portion of the territory of the United States. I was in favor of that. But I have not seen this bill; and I objected to it with a view——

Mr. KING. If the Senator from Delaware will allow me to make a single statement, he will perceive that his objection is not necessary to sustain any principle of his own; nor can it prevent the passage of this proposition.

The PRESIDENT *pro tempore*. The Senator from Delaware objecting to the second reading of this bill, it lies over under the rule of the Senate, and is not now before the Senate for consideration.

Mr. KING. I desire to state to the Senator from Delaware, which he had permitted me to do, that there is a bill on the table, which is intentionally there, which will be taken up, and which will be in order, to which this proposition will be moved as an amendment if this bill is not passed; but it is better that this single isolated proposition should go through by itself, disconnected with any other matter; and it will undoubtedly be agreed to by the House. I hope, therefore, the Senator from Delaware will not persist in his objection. This proposition will be placed on the other bill as an amendment, in a moment, if the objection is persisted in; but it is better that it should be passed as a separate, isolated proposition.

Mr. SAULSBURY. I should like to accommodate my friend from New York; certainly he is very accommodating himself; but if gentlemen on the other side will indulge me a moment, I will say why it was that interposed the objection.

Mr. President, in the earlier stage of this session, a joint resolution was introduced approving, in general terms, the acts of the President of the United States. For one, had not such a resolution been introduced, I never would have attacked the President of the United States for his course. I am one of those men who stand in a peculiar position on this point. I am one of those who approve of certain acts of the President, and disapprove of others. As this bill seemed to be only a mode of getting rid of a direct vote upon that joint resolution, by way of substitute, without knowing what was contained in the bill, I felt it incumbent on me to object to its consideration. If there is anything in this bill that looks to the toleration of the suspension of the writ of *habeas corpus*, I never will, under any circumstances, vote for it. Sir, that is the bulwark of the freedom of the citizen. If there is nothing in the bill, except to approve the calling out of volunteers——

Mr. KING. If the Senator will read it, he will see that there is nothing else in it.

Mr. FESSENDEN. There is nothing in the world in it except what relates to the Army and Navy volunteers. The Senator from Maryland has just read it, and says he is perfectly satisfied.

Mr. SAULSBURY. Then, on the assurance of the Senator from Maine, I will withdraw the objection.

Mr. POWELL. I renew the objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (No. 103) authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland; and

A bill (No. 104) fixing the number of the House of Representatives, from and after the 3d of March, 1863.

The message further announced that the House had passed the joint resolution of the Senate (No. 16) authorizing an examination of James's projectiles for rifled cannon.

The message further announced that the House had passed the bill of the Senate (No. 65) to authorize an increase in the corps of engineers and topographical engineers, with an amendment, in which the concurrence of the Senate was requested.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 87) authorizing additional enlistments in the Navy of the United States.

PAY OF THE TROOPS.

Mr. WILSON. I move to take up the bill I submitted a short time ago increasing the pay of the troops.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, and volunteers, and marines, and seamen, and ordinary seamen, in the service of the United States.

Mr. COLLAMER. I move to amend the bill by striking out two dollars and inserting four. An increase of two dollars to the pay will not amount to anything. The truth is, Mr. President, the idea of obtaining men to fight by the month for less than they work by the month for at home, is all out of the question anywhere. So much so is that the case that my State of Vermont, in the Legislature this year, by law enacted that they would pay the volunteers from Vermont seven dollars a month in addition to the pay received by them from the United States. Our volunteers, therefore, receive eighteen dollars a month. That given to ordinary laboring men on a farm, is fourteen or fifteen dollars a month; and we do not expect men to go off to the exposures of war at any less price than they receive for ordinary work at home. Besides that, we provide for the support of their families, while they are gone. Now, the idea of raising their pay two dollars a month, to my mind, amounts to nothing at all. I desire to amend it by saying four dollars a month.

The amendment was agreed to; there being, on a division—ayes 18, noes 17.

Mr. WILSON. I now move to amend the bill by adding to it, as an additional section, the bill I sent to the Chair a few moments ago:

And be it further enacted, That all the acts, proclamations, and orders of the President of the United States, after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved, and in all respects legalized and made valid to the same intent, and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

Mr. BRECKINRIDGE. That sounds a little like our joint resolution to ratify and approve and make valid and legal all the acts of the President since the 4th of March; but one or two features of it are left out. If I may so speak, I observe the absence of one or two features.

Mr. WILSON. I will say to the Senator from Kentucky, if he will allow me, that there is an absence of one or two features of the joint resolution; but as soon as we get the vote on this proposition, I will gratify him if he desires it, by moving to take up the joint resolution for the purpose of having it voted on. I should like to have it acted on to-day.

Mr. BRECKINRIDGE. I was afraid that, in the condition of the public business, with the hurry which exists towards the close of the session, we might lose the opportunity to put our opinions on record upon that resolution. With his promise, however, to call it up for the vote of the Senate, I shall waive any observations on this amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. POWELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. SAULSBURY. When substantially the same question was up before, I interposed an objection to its present consideration; but on the assurance of the Senator from Maine, I waived the objection. This amendment covers one thing that I cannot possibly vote for; and that is, to legalize the act of the President in reference to the increase of the Army and Navy of the United States. I honestly think that that act was not legal, and that we cannot make it legal. Therefore, I shall be compelled to vote against this proposition.

The question being taken by yeas and nays, resulted—yeas 33, nays 5; as follows:

YEAS—Messrs. Anthony, Baker, Browning, Carlile, Chandler, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Rice, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—33.

NAYS—Messrs. Breckinridge, Kennedy, Polk, Powell, and Saulsbury—5.

So the bill was passed.

On motion of Mr. WILSON, its title was

amended by adding the words: "and for other purposes;" so as to make it read: "A bill to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen and ordinary seamen in the service of the United States, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the bill of the Senate (No. 39) to provide for holding the district and circuit courts in judicial districts during a temporary vacancy in the judgeship.

The message further announced that the House had passed the bill of the Senate (No. 54) requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States, with an amendment in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 49) to create a metropolitan police district of the District of Columbia, and to establish a police therefor; and

A bill (H. R. No. 87) authorizing additional enlistments in the Navy of the United States.

PAY OF VOLUNTEERS.

The bill (H. R. No. 103) authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland, was read twice by its title, by unanimous consent, in order to be considered hereafter.

INCREASE OF THE ENGINEER CORPS.

On motion of Mr. WILSON, the Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No. 65) to authorize an increase in the corps of engineers and topographical engineers.

The amendment of the House is, to add at the end of the bill the following section:

SEC. 3. *And be it further enacted*, That the President of the United States is hereby authorized to appoint two additional inspectors general of the United States Army, to have the same rank and receive the same pay and allowances as now provided by law for inspectors general.

The amendment was concurred in.

OATH OF ALLEGIANCE.

On motion of Mr. TEN EYCK, the Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No. 54) requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States.

The amendment of the House was, on page 2, line seven, after the word "any," to insert the words "justice of the peace, or notary public, or other."

The amendment was concurred in.

SUSPENSION OF A RULE.

Mr. DIXON submitted the following resolution for consideration:

Resolved, That the 26th rule of the Senate be suspended for the residue of the present session.

The rule proposed to be suspended is the following:

"26. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees. A motion to suspend, or to concur in a resolution of the House to suspend, the 16th and 17th joint rules, or either of them, shall always be in order, be immediately considered, and be decided without debate."

COLLECTION OF THE REVENUE.

Mr. ANTHONY submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury be requested to institute an inquiry, and to report at the next session of Congress, what officers, if any, employed in the collection and protection of the revenue, may be discontinued without detriment to the public service.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a joint resolution (No. 9) in relation to the Congressional Globe, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the bill of the Senate (No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen and ordinary seamen in the service of the United States, and for other purposes, with an amendment, in which the concurrence of the Senate was requested.

The message further announced that the House had agreed to the amendment of the Senate to the bill of the House (No. 101) to promote the efficiency of the engineer and topographical engineer corps, and for other purposes.

PAY OF THE TROOPS.

On motion of Mr. WILSON, the Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate (No. 69) to increase the pay of the non-commissfoned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen and ordinary seamen in the service of the United States, and for other purposes.

The amendment of the House was to add the following as an additional section:

SEC. 3. *And be it further enacted*, That the provisions of the act entitled "An act for the relief of the Ohio and other volunteers," approved July 24, 1861, be, and the same are hereby, extended to all volunteers mustered into the service of the United States, whether for one, two, or three years, or for and during the war.

The amendment was concurred in.

EXECUTIVE SESSION.

On motion of Mr. HALE, the Senate proceeded to the consideration of executive business.

While the Senate was in executive session, Mr. TRUMBULL, at four o'clock, moved that the Senate take a recess till six o'clock, p. m.; but the motion was not agreed to.

The Senate remained in executive session for eight hours; and the doors were reopened at a quarter past ten o'clock.

WASHINGTON RAILWAY.

The bill (S. No. 68) to incorporate the Washington Railway Company was read the second time by its title, and referred to the Committee on the District of Columbia.

BILL INTRODUCED.

Mr. CARLILE asked and obtained leave to introduce a bill (S. No. 71) authorizing the Alexandria, Loudoun, and Hampshire railroad, to extend their road within the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

HOUR OF MEETING.

On motion of Mr. FESSENDEN, it was

Ordered, That when the Senate adjourns, it be to meet at half past nine o'clock, to-morrow morning.

PAY OF THE TROOPS.

Mr. WILSON moved to reconsider the vote by which the Senate concurred in the amendment of the House of Representatives to the bill (S. No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen and ordinary seamen in the service of the United States, and for other purposes; and the motion was agreed to.

Mr. WILSON. I now move that the House amendment and the bill be ordered to lie on the table.

The motion was agreed to.

Mr. WILSON. I now ask leave to introduce a new bill on the same subject, which is more restricted and guarded.

Leave was granted to introduce the bill (S. No. 72) to increase the pay of the privates in the regular Army, and of the volunteers in the service of the United States, and for other purposes; which was read twice, and considered as in Committee of the Whole. The bill proposes to increase the pay of the privates to thirteen dollars a month; and also extends the provisions of the act "for the relief of the Ohio and other volunteers" to all volunteers, no matter for what term of service they may have been accepted.

Mr. WILSON. I move to amend the bill by adding the following as an additional section:

SEC. 3. *And be it further enacted*, That all the acts, proclamations, and orders of the President of the United States after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

Mr. BRECKINRIDGE called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 37, nays 5; as follows:

YEAS—Messrs. Anthony, Bingham, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Pomeroy, Rice, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—37.

NAYS—Messrs. Breckinridge, Bright, Kennedy, Pearce, and Powell—5.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading; and was read the third time, and passed.

INCREASE OF REPRESENTATIVES.

The bill (H. R. No. 104) to increase the number of the House of Representatives from and after the 3d March, 1863, was read twice, and considered as in Committee of the Whole, and reported to the Senate.

Mr. SHERMAN. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The objection prevents further action on the bill to-day.

Mr. ANTHONY. I hope the Senator from Ohio will withdraw his objection to that bill, and give us a vote on it.

Mr. SHERMAN. I shall not withdraw my objection to the bill. I assure the Senator from Rhode Island that I have as high regard for his State as I have for any other, but I certainly will not change a fundamental law, or one which has been so regarded, merely for the benefit of Rhode Island. I will not stand in the way of a fair vote on the question.

Mr. ANTHONY. That is all I ask him to do, to withdraw his objection to its consideration.

Mr. SHERMAN. It cannot be passed to-night.

Mr. ANTHONY. It can be passed if the Senator from Ohio will assent to it. I do not ask the Senator from Ohio to vote for the bill. I ask him to withdraw his veto, the interposition of which is the only thing that prevents its consideration. I hope he will allow us to take the vote.

Mr. SHERMAN. I insist upon its going over until to-morrow. It is a proposition to increase the number of members of the House of Representatives, merely for the purpose of representing three or four fractions; and I give notice to gentlemen that I shall move to increase it one more, so that Ohio can have one for a fraction.

Mr. GRIMES. Ohio gets one under this very proposition. I have looked into it, and find that the States benefited by it are six—Vermont, Rhode Island, Ohio, Kentucky, Illinois, and Iowa.

Mr. SHERMAN. That was not claimed by you before.

Mr. KING. This debate is out of order.

Mr. GRIMES. I am only stating this in reply to what the Senator himself stated when he told me that this was to go to other States—Maryland, South Carolina, Alabama, and so on. The States that are to be benefited are those that I have stated, one of which the Senator represents.

The PRESIDENT *pro tempore*. The Senator from Ohio does not withdraw his objection, as the Chair understands, to the third reading of the bill.

Mr. SHERMAN. I will not make any objection to a vote on it to-morrow without any further discussion.

Mr. SIMMONS. I will say to the Senator from Ohio that, if he will withdraw his objection now, he can make any amendment he pleases.

Mr. BINGHAM. He cannot make any amendment. It is too late.

Mr. COLLAMER. I perhaps ought to say, that from the wording of this bill, as I have looked at it, the provision is, that the number of members of the House of Representatives shall be two hundred and thirty-nine, apportioned according to the act to which the bill refers. If it be made pursuant to that act, Rhode Island would not get one.

Mr. SHERMAN. It is a complicated problem.

Mr. COLLAMER. As the problem is worked out, I have passed it over to my Representative who had charge of the bill, and, according to the terms of the bill, the probability is that it would not reach Rhode Island at all. It would reach the States of Ohio, Illinois, Kentucky, Vermont, Pennsylvania, and Iowa.

Mr. SHERMAN. It depends entirely on the mode in which the sum is computed. If you take the divisor at two hundred and thirty-nine, and divide the representative population by it, it will give the increase to one class of States; but if you take the divisor at two hundred and thirty-three, as provided for by the law, and then give the largest fractions a Representative—and that is the just way—it will give it to another class of States. Thus the Senator will see, by a little reflection, that he is now involving us in difficulty. It makes a rivalry between two classes of States, whether it shall be the largest fraction with one divisor, or whether you shall use the larger divisor.

Mr. CARLILE. I rise to a question of order. I want to know what is before the Senate.

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. CARLILE. Then I move that the Senate now proceed to the consideration of executive business.

Mr. McDOUGALL. I want to ask the object or purpose of this bill.

Mr. CARLILE. I insist on my motion.

Mr. SUMNER. I move that the Senate do now adjourn. ["Oh, no!"]

The motion was not agreed to.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate resumed the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 5, 1861.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

The Journal of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of their clerks, notifying the House that the President of the United States had informed them that he had approved and signed, on the 2d of August, an act (S. No. 16) concerning the Attorney General and the attorneys and marshals of the several districts.

Also, that the President had approved and signed, on the 3d of August, the following acts:

An act (S. No. 3) providing for the better organization of the military establishment:

An act (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes; and

An act (S. No. 52) to provide for the purchase of arms, ordnance, and ordnance stores.

Also, that the Senate had agreed to the amendments of the House of Representatives making appropriations for fortifications, and for other purposes.

Also, that the Senate had agreed to the amendment of the House to the amendment of the Senate to the bill (H. R. No. 96) making further appropriation for the naval service for the year ending June 30, 1862, and for other purposes.

Also, that the Senate had passed a bill explanatory of an act entitled "An act concerning the Attorney General and attorneys and marshals of the several districts," in which he was directed to ask the concurrence of the House.

ANOTHER MEMBER SWORN.

Mr. McCLERNAND. I beg to announce to the House the presence of Hon. JOHN S. PHELPS, of Missouri, who is ready to take the oath of office.

Mr. PHELPS thereupon presented himself at the Speaker's chair, and took the oath to support the Constitution.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act (H. R. No. 80) authorizing the construction of twelve small side-wheel steamers; and an act (H. R. No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate, appointed at the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government; when the Speaker signed the same.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication:

WASHINGTON, *July* 29, 1861.

Other duties, connected with the military service of my country, have induced me to tender my resignation to the Governor of my State, to take effect from and after the 4th proximo. In thus withdrawing from the Thirty-Seventh Congress, I tender my grateful thanks to my honorable associates for all their indulgences towards me; and in bidding farewell to comrades with some of whom I have associated for years, I assure them, in parting, I shall cherish their memories with affectionate regard, and hope always to deserve their recollection and esteem.

Respectfully, your obedient servant,

SAMUEL R. CURTIS.

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

EXPENSES OF COMMITTEES.

Mr. STEVENS, by unanimous consent, offered the following resolution:

Resolved, That the Clerk of the House be directed to pay to the Sergeant-at-Arms of the House of Representatives such sums, out of the amount appropriated therefor, as may be required to defray the expenses of committees authorized to sit during the recess of Congress, on the approval of the chairman of said committees respectively.

Mr. STEVENS. The bill making appropriations for this purpose omitted to state who should disburse the money, and this resolution is to supply that deficiency.

The resolution was agreed to.

Mr. FENTON moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CHARLES E. DALY.

Mr. LOOMIS asked unanimous consent to offer the following resolution:

Resolved, That the Clerk of the House of Representatives pay to Professor Charles E. Daly, out of the contingent fund of the House, the sum of twenty-five dollars, for and on account of his services as conductor of singing on the Sabbath, in the Hall of Representatives, during the present session of Congress.

Mr. JOHNSON. How often has this gentleman conducted the singing in the Hall of this House?

Mr. LOOMIS. Every Sabbath during the present session. I am sorry that more members are not able to testify to the fact, from having been present themselves.

Mr. JOHNSON. I understood that this was paid for by subscription. I move to lay the resolution on the table.

The motion was agreed to.

CALL OF STATES.

The SPEAKER stated the business in order to be the call of States for bills of which previous notice had been given, for reference only, and not to be brought before the House by motions to reconsider.

B. Y. SHELLEY.

Mr. ANCONA introduced a bill to pay B. Y. Shelley for his claim and improvements taken from him by the Omaha reservation in Nebraska Territory; which was read a first and second time, and referred to the Committee on Indian Affairs.

CONSTITUTIONAL CONVENTION.

Mr. VALLANDIGHAM introduced a joint resolution for a convention of the States, to amend the Constitution; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. VALLANDIGHAM moved to reconsider the vote by which the joint resolution was referred; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NATIONAL ARMORY.

Mr. COLFAX, by unanimous consent, offered the following resolution:

Resolved, That the select committee on the national armory be requested to inquire into the expediency of establishing an armory at the city of Logansport, Indiana.

Mr. COX. I move to amend by adding the words, "or at Newark, Columbus, or Circleville, Ohio." I am in earnest about this thing.

Mr. COLFAX. Other amendments of this kind will be brought in, if I accept this one. I have a communication to lay before the committee, and this resolution is simply to give them jurisdiction.

Mr. COX. That is what I want, also.

Mr. COLFAX. If the gentleman persists in his amendment, I will withdraw the resolution.

Mr. COX. I withdraw my amendment.

The resolution was agreed to.

Mr. COX. I submit the resolution that the select committee on the national armory be directed to inquire into the expediency of establishing an armory at Columbus, Circleville, or Newark, Ohio.

Mr. VALLANDIGHAM. I move to amend by adding "Dayton."

The amendment was agreed to; and the resolution, as amended, was agreed to.

Mr. MORRIS offered the following resolution:

Resolved, That the committee on the establishment of a national armory west of the Alleghanies be instructed to inquire into the expediency of establishing the same at the city of Belleaire.

Mr. STEVENS. I move to amend it by inserting, "Maytown, Pennsylvania."

Mr. MORRIS. Is that west of the Alleghanies?

Mr. WICKLIFFE. I move to amend by inserting "one in every congressional district west of the Alleghany mountains." [Laughter.]

Mr. KELLOGG, of Illinois. It is utterly impossible to know what is going on. I have listened as well as I could, and have not heard a word of the resolution.

The SPEAKER. The Chair will say that it is one of half a dozen resolutions which have been presented this morning relative to the location of a national armory.

Mr. KELLOGG, of Illinois. I move to lay the resolution on the table.

Mr. ROSCOE CONKLING. I wish to inquire if it is in order to amend the amendment of the gentleman from Kentucky, so as also to include one for each congressional district east of the Alleghanies?

The SPEAKER. It would not be, while the motion to lay the resolution on the table is pending.

The question was taken, and the resolution was not laid on the table.

Mr. ROLLINS. I now move to amend the amendment, so as to insert "also east of the Alleganies."

Mr. WICKLIFFE. I accept that amendment. [Laughter.]

Mr. SHEFFIELD. I move to lay the resolution and amendment on the table.

The motion was disagreed to.

The amendment, as modified, was then agreed to.

The resolution, as amended, was adopted.

METROPOLITAN POLICE.

Mr. TRAIN offered the following resolution:

Resolved, That the Committee for the District of Columbia be instructed to report forthwith to the House Senate bill No. 69, entitled "An act to create a metropolitan police district of the District of Columbia, and to establish a police therefor."

Mr. ROSCOE CONKLING. I desire to object to that, unless I can be heard in making a statement in reference to it.

Mr. TRAIN. I move to suspend the rules.

Mr. VALLANDIGHAM. I raise the question of order, that that subject is excluded under the Holman resolution.

The SPEAKER. The gentleman, however, moves to suspend the rules.

Mr. VALLANDIGHAM. To suspend that rule?

The SPEAKER. To suspend all rules in the way of the resolution.

Mr. ROSCOE CONKLING. I would like to inquire whether it is in order, in any form, for the Committee for the District of Columbia to make such a statement of this matter as will make it intelligible to the House?

The SPEAKER. No debate is in order on a motion to suspend the rules.

The question was taken; and the rules were suspended, (two thirds having voted therefor.)

Mr. ROSCOE CONKLING. Is it in order to move to record the vote by which the rules were suspended?

The SPEAKER. It is not.

Mr. ASHLEY, from the Committee for the District of Columbia, then reported the bill to the House.

The bill constitutes the corporations of Washington and Georgetown, and the county of Washington outside of the limits of the corporations, for the purposes of this act, one district, to be called the Metropolitan Police District of the District of Columbia, and enacts that, immediately upon the passage of the act, and thereafter from time to time, as required by the act, there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, five commissioners of police, who shall be the chief officers of the metropolitan police district, and who shall severally possess and perform therein the powers and duties authorized and enjoined by the act. The commissioners, together with the Mayors of the cities of Washington and Georgetown *ex officio*, to form the board of police for the district; and a majority of them to constitute a quorum of such board for the transaction of business; three of the commissioners to be appointed from the city of Washington; one from Georgetown, and one from the county of Washington at large, for the term of three years, and until their successors are appointed and qualified, unless sooner removed by the President. The police force is to consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem necessary, not exceeding, for the regular service, one hundred and fifty. The offices created for the police force are to be severally filled by appointment from the board of police; and each person so appointed is to hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the board, the laws of the United States, and the laws or ordinances existing within the district, enacted by the city or county authorities within the same, and which laws or ordinances apply to such part of the district where the members of the police force may be on duty. It invests the board of police with all the powers now conferred by law upon the Mayors of Washington and Georgetown in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect property, and preserve the public tranquillity.

Mr. TRAIN demanded the previous question upon the third reading of the bill.

Mr. ROSCOE CONKLING. This is a somewhat extraordinary proceeding, and it is not remarkable, therefore, that I should desire to trouble the Chair with questions in relation to it. What I would now like to know is, whether there is any mode or manner by which the information can be brought to the House, that this is a bill that ought not to pass?

The SPEAKER. None that the Chair can suggest. The rules have been suspended, and the previous question demanded on the third reading of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. TRAIN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MAINTENANCE OF THE UNION.

Mr. CALVERT offered the following resolution:

That whilst it is the duty of Congress, by appropriate legislation, to strengthen the hands of Government in its efforts to maintain the Union and enforce the supremacy of the laws, it is no less our duty to examine into the original causes of our dissensions, and to apply such remedies as are best calculated to restore peace and union to the country: Therefore, it is

Resolved, (The Senate concurring herein,) That a joint committee, to consist of nine members of this House and four members of the Senate, be appointed to consider and report to Congress such amendments to the Constitution and laws as may be necessary to restore mutual confidence and insure a more perfect and durable union amongst these States.

Mr. LOVEJOY. I move to lay the resolution on the table.

Mr. BINGHAM. Is that resolution debatable?

The SPEAKER. It would be.

Mr. BINGHAM. I propose to debate it.

The SPEAKER No debate is in order pending the motion to lay on the table.

Mr. CALVERT called for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 72, nays 39; as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith F. Bailey, Baker, Baxter, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Dunn, Edwards, Eliot, Fenton, Fessenden, Frank, Goodwin, Granger, Gurley, Hale, Harrison, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Benjamin F. Thomas, Train, Trimble, Trowbridge, Van Horne, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Albert S. White, Windom, and Worcester—72.

NAYS—Messrs. Allen, Ancona, Joseph Baily, George H. Browne, Calvert, Cox, Cravens, Crisfield, Dunlap, English, Fisher, Fouke, Grider, Haight, Harding, Horton, Johnson, Law, Leary, Logan, May, McClernand, Morris, Noble, Odell, Pendleton, Phelps, Richardson, Robinson, James S. Rollins, Sheil, Smith, William G. Steele, Francis Thomas, Vallandigham, Wadsworth, Ward, Webster, and Wickliffe—39.

So the resolution was laid on the table.

ENROLLED BILL AND RESOLUTION.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and resolution of the following titles; when the Speaker signed the same:

A bill (S. No. 63) making appropriations for fortifications, and for other purposes; and

A joint resolution (S. No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

THE CIVIL WAR.

Mr. MAY offered the following resolution:

Whereas the Government of the United States of America was created by its written Constitution, and derived its first powers alone from the consent of the people, as contained in that instrument, and it has no other powers, and force and arms can neither preserve nor rightfully be permitted to violate it under any authority whatsoever; and whereas Washington and other great sages and patriots, who founded our General Government, solemnly warning their countrymen, predicted its destruction from the establishment of a sectional political party; and they also entreated a spirit of compromise whenever necessary to preserve the Union; and whereas a civil war now exists among the States which have been united, and which, having already prostrated the peace, prosperity, and happiness of the people, and destroyed many valuable citizens, now threatens their destruction in countless numbers, and by its inevitable tendency, if not necessity, the final overthrow of free constitutional government: Therefore,

1. *Be it resolved*, That the success of the Republican party, founded, as it is, on a sectional, social, and political question, is justly responsible for the origin of our present national misfortunes.

2. That the uncompromising spirit hitherto manifested by the representatives of that party has prevented a peaceful compromise and adjustment of our unhappy difficulties when the same was practicable.

3. That if the present war continues, the only safety and refuge of constitutional government and civil liberty will be found in the constitutions and sovereignty of the several States, and afterwards, through them, the only hope of a future and more harmonious reconstruction of the Union.

4. That it is impossible by arms to subjugate the people of the seceded States, united as they are in such numbers, so fully prepared and resolved, and actuated by motives which represent the just pride and dignity of equals, of trained freemen, of American citizens; and also believing, as they do to a man, that State, home, wife, children, property, all and every security and benefit of Government is at stake, and that the most cruel and merciless means, forced by the necessities of an exhausting and desolating war, are to be employed against them.

5. That in view of all these public calamities, and to avoid them, recognizing the necessities which control human affairs, as our fathers of the Revolution did, it becomes the duty of Congress, before it closes its present session, to provide for the appointment of commissioners to procure an armistice between the contending armies, and restore peace at all events; and who shall be empowered to arrange a compromise to preserve the Union, if possible; but if not, then a peaceful separation of the respective States of the Union, as well such as now claim to have seceded, as others which may by the sovereign will of their citizens also hereafter ordain to secede; and that the said commissioners be solemnly enjoined so to conduct their negotiations as to obtain, if possible, in the future, a happy, harmonious, and perpetual reconstruction of our Union of States.

Mr. BINGHAM. I propose to debate that resolution.

The SPEAKER. Then it must go over.

Mr. MAY. I move to suspend the rules, for the purpose of allowing the resolution to be considered at this time.

Mr. LOVEJOY. I raise a question upon the reception of the resolution, that it is not within the order adopted by the House at the commencement of the session.

The SPEAKER. The gentleman from Maryland moves to suspend the rules, which is in order, it being within the last ten days of the session.

Mr. MAY demanded the yeas and nays upon his motion to suspend the rules.

The yeas and nays were not ordered; only seven members having voted therefor.

Mr. ARNOLD. Is it in order to move to lay the resolution on the table?

The SPEAKER. It is not. The resolution is not before the House.

The question was taken; and the rules were not suspended (two thirds not having voted therefor.)

TREASONABLE RESOLUTIONS.

Mr. DIVEN. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That at a time when an armed rebellion is threatening the integrity of the Union and the overthrow of the Government, any and all resolutions or recommendations designed to make terms with armed rebels, are either cowardly or treasonable.

Mr. VALLANDIGHAM. I propose to debate that resolution.

Mr. DIVEN. I have not yielded the floor. I demand the previous question on the adoption of the resolution.

Mr. VALLANDIGHAM. I proposed to debate it before the call for the previous question.

The SPEAKER. The gentleman from New York is entitled to the floor by courtesy, having offered the resolution. The question is on the reception of the resolution.

Mr. VALLANDIGHAM. I object.

Mr. DIVEN. I move to suspend the rules for the introduction of the resolution.

The House was divided; and there were—ayes 58, noes 23.

The SPEAKER. There is no quorum voting, and the Chair will order tellers.

Messrs. VALLANDIGHAM and BINGHAM were appointed.

Mr. THOMAS, of Massachusetts. That resolution impugns the motives of members of the House.

Mr. VALLANDIGHAM. It is neither cowardly nor treasonable for the stronger to propose terms of peace to the weaker. The resolution is unjust, unfounded, and offensive.

Mr. McCLERNAND. I hope the gentleman from New York will withdraw his resolution.

The House divided; and the tellers reported—ayes 56, noes 36.

So (two thirds not voting in the affirmative) the resolution was not received.

NEW POST ROAD.

Mr. BAILY, of Pennsylvania. Mr. Speaker, I ask the unanimous consent of the House for leave to introduce the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a new mail route from Morleytown to New Bloomfield, in the county of Perry, State of Pennsylvania.

There was no objection, and the resolution was received, and adopted.

BILLS, RESOLUTIONS, ETC.

Mr. WICKLIFFE. I desire, Mr. Speaker, to offer a resolution which concerns every member of this House; and when it is read, if the House will permit me, I will make a brief explanation.

The resolution was read, as follows:

Resolved, That the Journals, bills, and all other matter ordered to be printed for the use of members, shall, so soon as printed, one copy of each be laid upon the desk of each member on the morning prior to the meeting of the House.

There was no objection to the introduction of the resolution.

Mr. WICKLIFFE. Let me explain this matter. I believe there is but one member present, Mr. Speaker, who served with me in Congress

thirty years ago. He knows that the habit then was to place one copy of all papers ordered to be printed upon the table of each member. I am sorry it has been done away with. I have been here a month, and I can hardly now say what has been before the House. I cannot hear very well; and as the printed bills and resolutions are not laid before us, it is impossible that I should know everything that is before us. I hope that the House will adopt my resolution as a matter of convenience. At the next session we can amend it if it does not work well.

The resolution was adopted.

LIEUTENANT S. L. PHELPS.

Mr. RIDDLE, by unanimous consent, introduced the petition of S. L. Phelps, lieutenant United States Navy, praying for an act declaratory of the construction to be given to the third section of an act approved June 1, 1860, entitled "An act increasing and regulating the pay of the Navy;" which was referred to the Committee on Naval Affairs.

CONTESTED SEATS.

Mr. McKNIGHT. I offer the following resolution:

Resolved, That the Sergeant-at-Arms be instructed, whenever a seat in this House is contested, to make no payment of compensation or mileage until said contest is concluded, unless otherwise ordered.

Mr. VALLANDIGHAM. What does the gentleman propose to do with the resolution?

Mr. McKNIGHT. To refer it to the Committee of Elections.

The resolution was received, and referred to the Committee of Elections.

SOUTHERN DISTRICT, NEW YORK.

Mr. BINGHAM. I move to take up and put on its passage Senate bill No. 59, in relation to the attorney of the United States for the southern district of New York. Unless it is passed that attorney can receive no compensation.

There was no objection; and the bill was taken up and read a first and second time by its title.

The bill, which was read, provides that there shall be paid to the attorney of the United States for the southern district of New York, quarterly, a salary at the rate of $6,000 per annum, and such additional sum as shall be necessary, together with the costs and fees now allowed by law, to pay such amount as shall be fixed by the Secretary of the Interior for the proper expenses of the office, including salaries of assistants and clerks, and that the accounts of said attorney, from and after the 4th day of April last, shall be adjusted and settled in the same manner as the same would have been adjusted and settled had this act been in operation on and after that day.

Mr. BINGHAM. This bill allows precisely the same compensation, and no more, to the district attorney of the southern district of New York hitherto allowed him under the construction of Attorney General Black. Under the construction of the present Attorney General and of the Solicitor of the Treasury he can obtain no compensation at all. I demand the previous question on the third reading of the bill.

The previous question was seconded, and the main question ordered.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SOLICITOR OF THE TREASURY.

Mr. BINGHAM. I ask the unanimous consent of the House for leave to report back, from the Committee on the Judiciary, Senate bill No. 67, explanatory of an act concerning the Attorney General and the attorneys and marshals of the several districts. It is explanatory of so much of the bill passed last week as refers to the Solicitor of the Treasury. It provides that there shall be reserved to that officer all the control over the accounts of the Government that he has heretofore exercised. It makes no appropriation. It meets with the approval of the Attorney General. It leaves unchanged legislation in reference to the Solicitor of the Treasury.

Mr. COX. Does it meet with the approval of the Secretary of the Treasury?

Mr. BINGHAM. Yes, sir; and with the approval of the Solicitor of the Treasury.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NATIONAL CONVENTION.

Mr. VALLANDIGHAM. I ask the unanimous consent of the House for leave to present certain petitions in favor of a convention of the States for a peaceful adjustment of our present controversy. If the House will permit me, I will state why I desire to offer them openly. The Congressional Globe does not contain any record of the presentation of petitions, and nobody ever reads the Journal of the House.

Mr. BLAKE. I object.

Mr. VALLANDIGHAM. I move to suspend the rules, to enable me to introduce the petitions I have referred to.

The question was taken, and the motion was disagreed to.

Mr. VALLANDIGHAM. Where has the right of petition gone?

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled House bill No. 96, making a further appropriation for the support of the naval service for the year ending June 30, 1862, and for other purposes; when the Speaker signed the same.

OAKLAND VOLUNTEERS.

Mr. BLAIR, of Missouri, by unanimous consent, from the Committee on Military Affairs, reported back a bill authorizing the Secretary of War to pay volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Alleghany county, Maryland, with the recommendation that it do pass.

Mr. VALLANDIGHAM. Does that come under the Holman resolution?

The SPEAKER. It relates to a portion of the Army; and the Chair thinks it is in order.

Mr. THOMAS, of Maryland. If I am permitted, I will explain. The truth in reference to this case is, that these troops volunteered at the request of Brigadier General Hill. They served as a guard to prevent the destruction of a bridge upon the Baltimore and Ohio railroad, which bridge was necessary to keep up intercourse between General Hill, who was stationed at Grafton, Virginia, and Colonel Wallace, who was in command of a regiment at Cumberland, Maryland. They were in service forty days; and this proposition is that the Secretary of War shall pay them as if they had been called into service specially by the proclamation of the President. I take occasion to say that the parties who performed these services, at the time they were rendered, did not advert, perhaps, to the necessity of the proclamation of the President preceding the services. The claim is equitable and fair, and addresses itself to the sense of justice of the House.

Mr. VALLANDIGHAM. I raise the point of order that the resolution is excluded by the Holman resolution, which has been strictly enforced hitherto.

Mr. BLAIR, of Missouri. This matter was specially referred to the Committee on Military Affairs.

Mr. VALLANDIGHAM. But that gives the bill no position in the House.

The SPEAKER. The Chair is unable to see why the bill does not relate to the military operations of the Government.

Mr. VALLANDIGHAM. It is a proposition to pay men who voluntered without any authority whatever.

The SPEAKER. But the Government has recognized these services.

Mr. VALLANDIGHAM. We have no knowledge of that.

The SPEAKER. So far as the face of the bill is concerned, it relates to military operations; and the Chair overrules the point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARNOLD WILLETT AND HENRY WORTH.

Mr. BLAIR, of Missouri, asked leave to report, from the Committee on Military Affairs, a bill to provide for the payment of Arnold Willett, for bread &c., and Henry Worth, for wood, supplied to the United States volunteers in Maryland.

Mr. VALLANDIGHAM. I raise the point of order on that.

The SPEAKER. The Chair thinks this bill is in the nature of a private claim, and therefore sustains the point of order.

Mr. BLAIR, of Missouri. I do not see how we can carry on the war unless we supply the soldiers with bread. I move to suspend the rules to enable me to report the bill.

Mr. THOMAS, of Massachusetts. I rise to a point of order. It is, that the Constitution of the United States having invested this House with certain powers of legislation over certain subject-matters therein described, the Holman resolution, so called, by which the House excluded itself from the exercise of those powers, is itself invalid and not binding upon the House.

The SPEAKER. The Chair would state that that is a point for the House to determine. The Chair can hardly decide a constitutional question.

The question being on suspending the rules, the House was divided, when no quorum voted.

Mr. BLAIR, of Missouri. As I do not wish to interfere with the business of the House, I withdraw my application.

ORDER OF BUSINESS.

Mr. KELLOGG, of Illinois, asked unanimous consent to introduce the following resolution:

Resolved, That the Speaker do now proceed to call the committees for reports; and until the call is completed, no motion to suspend the rules shall be in order.

Mr. COX objected.

Mr. KELLOGG, of Illinois, moved to suspend the rules.

The House was divided; and no quorum voting,

Mr. KELLOGG, of Illinois, demanded tellers.

Tellers were ordered; and Messrs. COBB, and KELLOGG of Illinois, were appointed.

The House divided; and the tellers reported—ayes 67, noes 4—no quorum voting.

Mr. COX. I have a resolution I desire to offer.

The SPEAKER. No quorum having voted, no motion is in order except for a call of the House, or to adjourn.

Mr. FENTON. I rise to a privileged question. I move that when the House adjourns, it adjourn to meet at eleven o'clock, a. m., to-morrow.

The motion was agreed to.

Mr. F. A. CONKLING. I move that the House do now adjourn.

The motion was not agreed to.

CALL OF THE HOUSE.

Mr. COX. I move that there be a call of the House.

The motion was agreed to.

The roll of the House was called; when the following members failed to answer to their names:

Messrs. Appleton, Arnold, Babbitt, Francis P. Blair, Samuel S. Blair, William G. Brown, Burnett, Burnham, Campbell, Chamberlain, Clark, Roscoe Conkling, Cooper, Corning, Crittenden, Cutler, Davis, Dawes, Delano, Delaplaine, Dunlap, Edgerton, Ely, Fouke, Franchot, Gooch, Grider, Gurley, Hale, Hanchett, Harding, Hicknan, Holman, Horton, Johnson, Kerrigan, Killinger, Lazear, Lehman, Logan, Marston, Menzies, Anson P. Morrill, Nixon, Noell, Norton, Nugen, Patton, Perry, Pomeroy, Potter, Reid, Richardson, Robinson, James S. Rollins, Sloan, Spaulding, William G. Steele, Stevens, Stratton, Thayer, Trimble, Trowbridge, Upton, Vandever, Van Valkenburgh, Van Wyck, Vibbard, Voorhees, Wallace, Washburne, Wheeler, Chilton A. White, Wood, Woodruff, and Wright.

Mr. FENTON. A quorum having answered to their names, I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

ORDER OF BUSINESS AGAIN.

The question recurring on the motion of Mr.

KELLOGG, of Illinois, to suspend the rules, the tellers resumed their places.

The House divided; and the tellers reported—ayes 79, noes 3—no quorum voting.

Mr. KELLOGG, of Illinois. In order to relieve the House from this difficulty, I withdraw my resolution.

CONTINUANCE OF THE WAR.

Mr. ALLEN asked the unanimous consent of the House to introduce the following resolution:

Resolved, That whenever the people of the disloyal States shall cease their rebellion against the General Government and become loyal and law-abiding citizens, the present war should cease; that, in the judgment of this House, it is no part of the object of the present war to interfere with the institution of slavery in any of the slaveholding States of this Union.

Objection was made.

Mr. ALLEN. I move to suspend the rules.

Mr. McKNIGHT. I would inquire of the gentleman from Ohio if the principle of this resolution is not precisely the same as that of the resolution of the gentleman from Kentucky, which this House adopted, almost unanimously, the other day?

Mr. ALLEN. It is not. I call for the yeas and nays upon the motion to suspend the rules.

The yeas and nays were not ordered.

The rules were not suspended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PATTON, one of their clerks, announced that the Senate had passed a bill of this House (No 87) to authorize additional enlistments in the Navy of the United States, with amendments, in which he was directed to ask the concurrence of the House.

Also, that the Senate had agreed to the amendment of this House to the bill of the Senate (No. 25) confiscating property used for insurrectionary purposes.

Also, that the Senate had passed a joint resolution (No. 16) authorizing an examination of James's projectiles for rifled cannon; in which he was directed to ask the concurrence of the House.

NUMBER OF MEMBERS OF THE HOUSE.

Mr. KELLOGG, of Illinois. I ask the unanimous consent of the House to report, from the Committee on the Judiciary, a bill fixing the number of members of the House of Representatives, from and after the 3d of March, 1861.

Mr. PHELPS. I desire to inquire if it is the intention of the gentleman to ask the consideration of that bill at this time.

Mr. KELLOGG, of Illinois. I desire to put it upon its passage. I think there is no objection to it, and when the gentleman understands it, he will not object.

Mr. PHELPS. I must object. I do not know what the bill is. I do not desire to object captiously to any measure presented here, but I desire to say that, by the act of 1850, the apportionment was regulated, and I desire to see the number of Representatives assigned to the States of this Union by that act. I do not desire to see that law changed, when there is no opportunity given for a fair consideration of the question.

Mr. KELLOGG. The gentleman is mistaken in his impressions of the effect of this bill. I move to suspend the rules.

Mr. PHELPS. I will say that no election, under the laws of the several Sates, can take place for members of the next Congress until August, 1862; and there is time to consider it next winter.

Mr. WICKLIFFE. I rise to a point of order. It is, that under the order restricting our business, it is not legitimate to pass that bill. It does not relate to the Army, the Navy, or the war.

The SPEAKER. The gentleman moves to suspend all the rules.

Mr. KELLOGG, of Illinois. I call for tellers.

Tellers were ordered; and Messrs. KELLOGG of Illinois, and ALLEY, were appointed.

The House divided; and the tellers reported—ayes 86, noes 7.

So the rules were suspended (two thirds voting in favor thereof.)

Mr. KELLOGG, of Illinois, then reported the bill from the Committee on the Judiciary, and moved the previous question upon its engrossment and third reading.

Mr. PHELPS. I do not desire to raise a question upon the engrossment and third reading; but I hope the gentleman will give us the yeas and nays upon the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS. I call the yeas and nays upon the passage of the bill.

The yeas and nays were not ordered.

Mr. PHELPS. I move to lay the bill upon the table. I desire to show my opposition to it.

The motion was not agreed to.

The bill was passed.

Mr. KELLOGG, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENLISTMENTS IN THE NAVY.

Mr. SEDGWICK. I move to take up from the Speaker's table House bill No. 87, with the Senate amendments thereto, for the purpose of agreeing to the amendments.

The motion was agreed to; and the bill and amendments were taken up for consideration.

The amendments were read, as follows:

Line ten, after the word "seamen," insert "and;" and after the word "boys," strike out the words "and marines."

Mr. SEDGWICK. I move that the Senate amendments be concurred in; and on that I move the previous question.

The previous question was seconded, and the main question ordered; and under its operation, the amendments were concurred in.

Mr. SEDGWICK moved to reconsider the vote by which the amendments were concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agred to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. NICOLAY, his Private Secretary, notifying the House that he had approved and signed an act (H. R. No. 55) supplementary to an act entitled "An act to protect the commerce of the United States, and to punish the crime of piracy;" and

An act to provide for an increase of revenue from imports; and for other purposes.

JAMES'S PROJECTILES.

Mr. SEDGWICK. I ask unanimous consent to have taken from the Speaker's table joint resolution (S. No. 16) authorizing an examination of James's projectiles for rifled cannon.

There being no objection, the resolution was taken up, and read a first and second time.

It authorizes the Secretary of the Navy to allow Charles T. James, of Providence, Rhode Island, to rifle one of the large ordinary Navy guns, and have it tested sufficiently to settle the question of the capacity to use rifled projectiles without danger, and also to direct such experiments as may be necessary to ascertain the relative and comparative value of said projectiles and cannon thus rifled.

Mr. SEDGWICK moved the previous question on the third reading of the joint resolution.

The previous question was seconded, and the main question ordered; and under its operation, the joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

ENGINEER CORPS.

Mr. BLAIR, of Missouri. I move to take from the Speaker's table Senate bill No. 65.

There being no objection, the bill (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers was taken from the Speaker's table and read. It proposes to add to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors. It also proposes to add to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of the corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act "for the organization of a company of sappers and miners and pontoniers," approved May 16, 1846.

Mr. BLAIR, of Missouri. I am directed by the Committee on Military Affairs to offer the following amendment, as an additional section:

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint two additional inspectors general of the United States Army, to have the same rank and receive the same pay and allowances as are now provided by law for inspectors general.

The amendment was agreed to.

Mr. PHELPS. This bill, as I understand, proposes an increase of two field officers to the engineer corps and the topographical corps of engineers, and also two inspectors general, and does not propose an increase of the captains and subalterns of those two corps, unless that has been done by preceding legislation at this session of Congress.

Mr. BLAIR, of Missouri. I will state to the gentleman that that has been already done by preceding legislation. This bill, substantially, has passed the House three times.

Mr. PHELPS. Not being aware of the legislation that has taken place this session, it appeared to me that this bill was merely an addition of two field officers to the two corps of engineers, without an increase of captains and subalterns. It seemed to me wrong in that particular; but if there has been a corresponding increase of captains and subalterns, I have no objection.

Mr. BLAIR, of Missouri. There has been.

The bill was read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

VACANCIES IN DISTRICT COURTS.

Mr. PORTER asked leave to report from the Committee on the Judiciary, with amendments, the bill (S. No. 39) to provide for holding the district and circuit courts in judicial districts, during a temporary vacancy in the judgeship.

The bill was read. It provides that, in case of vacancy in the office of district judge in any State where there are two judicial districts, it shall be lawful for the district judge of the other district of the State to hold the court of such vacated district in the adjoining district; and it gives effect and validity to all acts and proceedings of such court.

Mr. PORTER. The Committee on the Judiciary has directed me to report an amendment as an additional section, declaring that the district courts of the United States shall have concurrent jurisdiction with the circuit courts of the United States of all causes and offenses against the laws of the United States, and repealing all acts and parts of acts inconsistent with this provision.

Mr. VALLANDIGHAM. I think the gentleman had better withdraw that amendment, and let the bill pass as it came from the Senate. I have no objection to that.

Mr. PORTER. The amendment is merely to give the district courts jurisdiction in capital cases.

Mr. VALLANDIGHAM. It proposes a very great change in the jurisprudence of the United States, as it has existed for some seventy years; and I submit that, without a quorum, and in this hasty manner, it should not be acted on.

Mr. PORTER. I think no inconvenience will result from the adoption of the amendment.

Mr. VALLANDIGHAM. If the gentleman insists on his amendment, I will object to the reception of the report.

Mr. PORTER. I understand that the gentleman from Ohio will withdraw his objection if I withdraw the amendment. I ask leave to do so, in order that the bill may be put upon its passage.

Mr. BINGHAM. I would like to have the privilege of saying to the House——

The SPEAKER. No debate is in order.

Mr. BINGHAM. I ask the consent of the House.

Mr. VALLANDIGHAM. I am very sorry, but I must object.

The amendment was withdrawn.

Mr. PORTER moved the previous question on the third reading.

The previous question was seconded, and the main question ordered; and under its operation the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. PORTER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

OATH OF ALLEGIANCE.

Mr. PORTER. I am directed by the Committee on the Judiciary to report back, with an amendment, Senate bill No. 54, requiring an oath of allegiance and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States.

The bill was read. It makes it the duty of the heads of the several Departments to cause to be administered to each officer, clerk, and employé now in their respective Departments, or in any way connected therewith, or who may be hereafter connected therewith, an oath or affirmation that he will support, protect, and defend the Constitution and Government of the United States against all enemies, whether foreign or domestic; will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State convention or Legislature to the contrary notwithstanding—without mental reservation or evasion; and will well and faithfully perform all the duties required of him by law. Any officer or employé refusing to take this oath is to be immediately dismissed.

The second section provides that the oath or affirmation may be taken before any person legally authorized to administer oaths, and subjects all who violate the oath to all the pains and penalties of willful and corrupt perjury.

The Committee on the Judiciary report an amendment to the second section, by adding the words "justice of the peace, or notary public, or other;" so as to allow oaths to be taken before any justice of the peace, or notary public, or other person legally authorized to administer oaths.

Mr. VALLANDIGHAM. I should like that bill to go over to the next session of Congress. I object to it.

Mr. PORTER. I move that the rules be suspended, in order to allow me to report the bill; and on that I call for tellers.

Tellers were ordered; and Messrs. UPTON and SHERMAN were appointed.

Mr. ASHLEY. I move that the House do now adjourn.

The motion was not agreed to.

Mr. MORRILL, of Vermont. As a matter of information to the House, in the absence of the chairman of the Committee of Ways and Means, I desire to state that there is important business before the Senate, which a quorum of the House will be required to act upon when it shall come here. I hope the House will not adjourn, and that a quorum will remain. Otherwise the reassembling of Congress may be required before the meeting of the regular session in December.

The House then divided; and the tellers reported—ayes 60, noes 16—no quorum voting.

Mr. WICKLIFFE. I wish to say to the House that it is impossible to transact legislative business in the present condition of the House.

The SPEAKER. No debate is in order.

Mr. WICKLIFFE. I am about to appeal to the House for unanimous consent for the proposition I make. I say that, upon the statement of the gentleman from Vermont, that a quorum will be required to transact important business to come from the Senate, and as there is probably no quorum present now, I make the proposition that we take a recess until five o'clock. If there be objection I will not persist in it.

Mr. BINGHAM. I object.

Mr. COLFAX. I now demand the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 83, nays 11; as follows:

YEAS—Messrs. Aldrich, Allen, Alley, Arnold, Ashley, Goldsmith F. Bailey, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Buffinton, Cobb, Colfax, Frederick A. Conkling, Conway, Covode, Diven, Duell, Dunn, Edwards, Eliot, Fenton, Fessenden, Foulke, Frank, Goodwin, Granger, Gurley, Haight, Hale, Hanchett, Harrison, Horton, Hutchins, Jackson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Law, Loomis, Lovejoy, McClernand, McKean, McKnight, McPherson, Mallory, Moorhead, Anson P. Morrill, Justin S. Morrill, Odell, Olin, Phelps, Porter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, John B. Steele, Stevens, Francis Thomas, Train, Trowbridge, Upton, Van Horne, Verree, Wall, Charles W. Walton, Whaley, Albert S. White, Windom, and Worcester—83.

NAYS—Messrs. Joseph Baily, Calvert, Crisfield, May, Noble, Pendleton, Sheil, Benjamin F. Thomas, Vallandigham, Webster, and Wickliffe—11.

So the rules were suspended, (two thirds having voted therefor.)

Mr. PORTER demanded the previous question upon the third reading of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. PORTER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate was received by Mr. PATTON, one of their clerks, notifying the House that the Senate have passed a bill of the House (No. 101) to promote the efficiency of the engineer and topographical engineer corps, and for other purposes, with amendments, in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed a bill (No. 60) relative to appeals to the Supreme Court of the United States, in which he was instructed to ask the concurrence of the House.

RESOLUTION OF CENSURE.

Mr. COX asked the consent of the House to introduce the following resolution:

Resolved, That the member from New York who endeavored to introduce the resolution denouncing over forty members of this House, because of their vote for propositions to adjust our national difficulties, as cowards and traitors, deserves the censure of this House, and of all true patriots, for the arrogance, falsity, and insult towards his peers contained in his unparliamentary resolution.

Mr. COLFAX. I wish to call the gentleman's attention to the fact that the member from New York, to whom his resolution refers, is not in his seat. I wish that fact to go on record.

Mr. COX. Very well; I want this resolution to go on record along with that of the member from New York.

Mr. BINGHAM. I object to the resolution.

Mr. COX. I move to suspend the rules.

The question was taken; and the rules were not suspended, (two thirds not voting therefor.)

Mr. LOVEJOY. I desire to ask the consent of the House to introduce a bill, to which, if the House will hear me in a short statement in reference to it, I presume there will be no objection. If there is, I will not insist on the proposition.

Mr. VALLANDIGHAM. I object.

Mr. LOVEJOY. I hope the gentleman will not object to hearing a short statement of the substance of the bill.

Mr. VALLANDIGHAM. I object.

INCREASE OF ARMY PAY.

Mr. STEVENS. I now ask the consent of the House to call up from the Speaker's table Senate bill No. 69, to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen and ordinary seamen, in the service of the United States, and for other purposes.

Mr. VALLANDIGHAM. I ask for the reading of the bill.

Mr. STEVENS. I will state in a few words the substance of the bill. The first section contains a provision for increasing the pay of our soldiers and seamen four dollars per month. The second section legalizes the proclamations and acts of the President in calling out the militia heretofore, and in accepting the services of volunteers.

Mr. VALLANDIGHAM. I object to the bill until I can hear it read.

The bill was read at length.

Mr. VALLANDIGHAM. I must still object to the introduction of the bill.

Several MEMBERS. Move to suspend the rules.

Mr. STEVENS. I will vary the motion, and move to proceed to the business on the Speaker's table.

The House divided on the motion; and there were—ayes 68, noes 10; no quorum voting.

Mr. STEVENS. I hope the gentleman will withdraw his objection to taking up the bill.

Mr. VALLANDIGHAM. I will withdraw my objection to the first section, if the gentleman will consent to have the second stricken out.

Mr. STEVENS. I cannot do that.

Mr. MORRILL, of Vermont. I call for tellers on the motion to go to the business on the Speaker's table.

Tellers were ordered; and Messrs. WEBSTER, and KELLOGG of Michigan, were appointed.

The House divided; and the tellers reported—ayes sixty-six.

Mr. STEVENS. I call for the yeas and nays.

Mr. VALLANDIGHAM. If the House will hear me a moment, I will perhaps withdraw my objection to taking up the bill. I say to the gentleman from Pennsylvania that, if he will allow me to move to strike out the second section, and have a vote upon it by yeas and nays, I will withdraw my objection.

Mr. STEVENS. I will then agree that the gentleman shall offer his amendment before I call the previous question.

Mr. VALLANDIGHAM. I withdraw my objection.

Mr. STEVENS. I desire to offer an amendment to the bill myself. I move to amend the first section, which provides for increasing the pay of soldiers and seamen four dollars per month, by reducing the increase to two dollars per month. I will merely say that I make that motion because I am alarmed at the expense we are incurring. This day and every day for some time the nation has incurred an expense of some one million two hundred and fifty thousand dollars. I cannot see where the money is to come from. I am willing to give the soldiers any pay; but we must reduce the expenses as much as possible. I now yield to the gentleman from Ohio, to submit his amendment.

Mr. VALLANDIGHAM. I now move to strike out the second section of the bill, which proposes to ratify the proclamations, orders, and other acts of the President, relating to the Army and Navy, some of which, upon grounds of public policy, as stated to us in response to resolutions of inquiry, have not yet been disclosed to the country. I should be glad to discuss and to denounce this monstrous proposition as it deserves, but want of time forbids.

Mr. STEVENS. I demand the previous question.

Mr. OLIN. Will the gentleman from Pennsylvania waive his demand for the previous question until I oppose his amendment?

Mr. STEVENS. I must decline to withdraw it.

On seconding the demand for the previous question, there were—ayes 61, noes 5; no quorum voting.

Mr. OLIN. I move that there be a call of the House.

The motion was disagreed to.

Mr. STEVENS. I demand the yeas and nays on ordering the main question to be now put.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 80, nays 12; as follows:

YEAS—Messrs. Allen, Ancona, Arnold, Ashley, Joseph Baily, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Cobb, Colfax, Frederick A. Conkling, Conway, Covode, Cox, Diven, Duell, Dunn, Edwards, Eliot, Fenton, Fessenden, Frank, Granger, Gurley, Hale, Hanchett, Harrison, Horton, Hutchins, Jackson, Johnson, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Leary, Loomis, Lovejoy, McClernand, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Morris, Noble, Pendleton, Pike, Porter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sheil, Stevens, Benjamin F. Thomas, Francis Thomas, Train, Upton, Vallandigham, Van Horne, Verree, Wall, Charles W. Walton, E. P. Walton, Albert S. White, Wood, and Worcester—80.

NAYS—Messrs. George H. Browne, Calvert, Crisfield, Haight, May, Mallory, Olin, Smith, John B. Steele, Trowbridge, Webster, and Wickliffe—12.

So the main question was ordered.

The question recurred on Mr. STEVENS's amendment; and, on a division of the House, there were—ayes 50, noes 29.

Mr. OLIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 32, nays 66; as follows:

YEAS—Messrs. Joseph Baily, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Calvert, Frederick A. Conkling, Cravens, Crisfield, Diven, Dunn, Eliot, Fenton, Horton, Jackson, Kelley, Law, Mallory, Anson P. Morrill, Justin S. Morrill, Alexander H. Rice, John H. Rice, Sedgwick, Ste-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1ST SESSION. WEDNESDAY, AUGUST 7, 1861. NEW SERIES.....No. 29.

vens, Benjamin F. Thomas, Francis Thomas, Upton, Verree, Wadsworth, Webster, and Wickliffe—32.

NAYS—Messrs. Aldrich, Allen, Ancona, Arnold, Ashley, Babbitt, Baxter, Beaman, Bingham, George H. Browne, Cobb, Colfax, Covode, Cox, Duell, Edwards, English, Fessenden, Frank, Goodwin, Granger, Gurley, Haight, Hanchett, Harrison, Hutchins, Johnson, Julian, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, May, McKean, McKnight, McPherson, Mitchell, Moorhead, Morris, Noble, Odell, Olin, Pendleton, Pike, Porter, Riddle, Edward H. Rollins, Shanks, Sheffield, Shellabarger, Sherman, Sheil, Smith, John B. Steele, Trowbridge, Vallandigham, Van Horne, Voorhees, Wall, Charles W. Walton, E. P. Walton, Whaley, Albert S. White, Windom, and Worcester—66.

So the amendment was rejected.

Mr. STEVENS. I ask the unanimous consent of the House to allow me to move an additional section to the bill. It is as follows:

SEC. 3. *And be it further enacted*, That the provisions of the act entitled "An act for the relief of the Ohio and other volunteers," approved July 26, 1861, be, and the same are hereby, extended to all volunteers mustered into the service of the United States, whether for two or three years or for and during the war.

There was no objection; and the amendment was allowed to be presented.

Mr. STEVENS. The amendment only corrects a mistake which was made in the bill we passed, where we used the word "militia" instead of volunteers. The bill is passed; but the Department holds that the word "militia" only embraces the three-months men, and not the three-years men, as in the case of the State of Ohio. It simply corrects that.

Mr. COLFAX. The gentleman desires to exclude the three-months men?

Mr. STEVENS. The word militia is held to embrace the three-months men of all the States except Ohio. I want this section for the purpose of putting them all upon the same condition with the people of Ohio; that is, that the word "militia," in that law, shall mean all, of whatever length of time.

Mr. COLFAX. There are only two regiments in service for one year.

Mr. STEVENS. I modify the amendment so as to include them.

The question was taken; and the amendment was agreed to.

The question then recurred on striking out the second section, which is in these words:

"SEC. 2. *And be it further enacted*, That all the acts, proclamations, and orders of the President of the United States, after the 4th of March, 1861, respecting the Army and Navy of the United States, and the calling out, or relating to the militia or volunteers from the States, are hereby approved, and in all respects legalized and made valid to the same intent and with the same effect as if they had been issued and done under the previous express authority of the Congress of the United States."

Mr. WICKLIFFE. I ask the unanimous consent of the House to propound an interrogatory to the chairman of the Committee of Ways and Means.

There was no objection.

Mr. WICKLIFFE. I would like to know what will be the additional expense of this addition of four dollars to the pay of soldiers, marines, &c., upon the hypothesis that we are to have four hundred thousand men in the field?

Mr. STEVENS. I make it out, according to the calculation I have already made, to be between sixteen and twenty million dollars.

Mr. WICKLIFFE. I make it out to be $19,000,000. Believing that this is a sum which ought not to be allowed, I will test the validity of this bill by moving that it be laid upon the table; and on that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and the motion to lay upon the table was not agreed to.

The question then recurred on Mr. VALLANDIGHAM's motion to strike out the second section.

Mr. WICKLIFFE. I ask to be excused from voting on that proposition. Some of the measures I approve, and some I do not.

The SPEAKER. After the main question has been ordered, it is not in order to ask to be excused from voting.

Mr. BLAIR, of Missouri. I will state to the gentleman, that by the terms of the resolution, everything that is questionable is left out.

Mr. MALLORY. Is it in order to move to strike out the enacting clause of the bill?

The SPEAKER. It is not. No amendment or debate is in order during the pendency of the previous question. The Chair would state to the gentleman from Kentucky, that he was laboring under a mistake in deciding that the gentleman could not ask to be excused. The ordering of the main question would not exclude the gentleman's request, and if the gentleman insists upon the request, the Chair will put the question to the House.

Mr. WICKLIFFE. I insist upon it.

The question was put; and it was decided in the negative.

So Mr. WICKLIFFE was not excused from voting.

The question was then taken on striking out the second section; and it was decided in the negative—yeas 19, nays 74; as follows:

YEAS—Messrs. Allen, Ancona, George H. Browne, Calvert, Cox, Crisfield, Jackson, Johnson, May, Noble, Pendleton, James S. Rollins, Sheil, Smith, Vallandigham, Voorhees, Wadsworth, Ward, and Webster—19.

NAYS—Messrs. Aldrich, Alley, Arnold, Ashley, Goldsmith F. Bailey, Baxter, Beaman, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Cobb, Colfax, Frederick A. Conkling, Conway, Covode, Diven, Duell, Dunn, Edwards, Eliot, Fenton, Fessenden, Frank, Goodwin, Granger, Gurley, Haight, Hale, Hanchett, Harrison, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Leary, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Olin, Pike, Porter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Stevens, Benjamin F. Thomas, Francis Thomas, Train, Trowbridge, Van Horne, Verree, Wall, Charles W. Walton, E. P. Walton, Albert S. White, Windom, and Worcester—74.

So the House refused to strike out the section.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. MORRILL, of Vermont, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act to create a metropolitan police district of the District of Columbia, and to establish a police therefor; when the Speaker signed the same.

EXECUTIVE COMMUNICATION.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House, of the 3d instant, requesting the Secretary to inform the House why a portion of the persons engaged in the loyal States, in 1860, in taking the census, as deputy marshals, have not been paid, and when payment to such persons may reasonably be expected; which was laid on the table, and ordered to be printed.

CONGRESSIONAL GLOBE.

Mr. KELLOGG, of Illinois. I ask the unanimous consent of the House to introduce a joint resolution, in relation to the publication of the Globe of this session. I ask that it may be read, and then, I think, there will be no objection to its passage.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following proviso contained in the act entitled "An act making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending 30th June, 1861," approved July 27, 1861: "*Provided*, That the said proceedings shall be reported with and bound in the Congressional Globe and Appendix for the first regular session of the present Congress," be, and the same is hereby, repealed.

No objection being made to the introduction of the resolution, it was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KELLOGG, of Illinois, moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CORPS OF ENGINEERS.

Mr. BLAIR, of Missouri. There is on the Speaker's table a bill of the House (No. 101) to promote the efficiency of the engineer and topographical engineer corps, and for other purposes, returned from the Senate, with an amendment. I move to take up that bill for the purpose of acting upon the Senate amendment.

There being no objection, the bill and amendment were taken up for consideration.

The amendment of the Senate, which was read, was to strike out all after the enacting clause, and insert a substitute which proposes to add to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors. It also proposes to add to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of the corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act "for the organization of a company of sappers and miners and pontoniers," approved May 16, 1846.

The Senate amendment was concurred in.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARNOLD WILLETT AND HENRY NORTH.

Mr. VALLANDIGHAM. I desire to say to the gentleman from Missouri that I withdraw my objection to a bill which he desired to report this morning.

Mr. BLAIR, of Missouri. Then, Mr. Speaker, I desire to report, from the Committee on Military Affairs, a bill to provide for the payment to Arnold Willett, for bread, &c., and Henry North, for wood provided for the United States volunteers of Maryland.

No objection being made, the bill was received, read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PUNISHMENT OF CRIMINALS.

Mr. LOVEJOY. I ask leave to introduce a bill to repeal all acts or parts of acts which operate to exempt traitors and other criminals from punishment; and if there is any objection, I move to suspend the rules.

The bill, which was read for information, proposes to repeal so much of the act approved January 24, 1857, as provides that no person, examined and testifying before either House of Congress or any committee of either House, shall be held to answer criminally in any court of justice, or shall be subject to any penalty for an act touching which he shall have so testified; and to repeal all acts that operate to exempt persons guilty of treason and other crimes from trial and punishment.

Mr. VALLANDIGHAM. I object: that act was maturely considered and passed by this body.

Mr. LOVEJOY. If the House will allow me I will say——

Mr. VALLANDIGHAM. I object.

Mr. LOVEJOY. Then I hope the House will suspend the rules.

Mr. WICKLIFFE. I desire to ask the gentleman from Illinois one single question. Is it the object of the bill to repeal that law under which the contractor Russell, who stole the Indian trust bonds, got clear?

Mr. LOVEJOY. It is to repeal the law which

provides that when a witness testifies before a committee of the House, he cannot be tried in any criminal court for any act about which he testified.

Mr. WICKLIFFE. Then I am for repealing it.

Mr. LOVEJOY. It simply makes him answerable upon any other testimony than his own, before any other court.

On the motion to suspend the rules the Speaker ordered tellers, and appointed Messrs. PENDLETON and PORTER.

The House divided; and the tellers reported—ayes 82, noes 6; no quorum voting.

Mr. LOVEJOY. I demand the yeas and nays on suspending the rules.

The yeas and nays were ordered.

The question was taken; and there were—ayes 84, nays 5; as follows:

YEAS—Messrs. Aldrich, Allen, Arnold, Ashley, Joseph Baily, Baxter, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Calvert, Cobb, Colfax, Frederick A. Conkling, Covode, Cox, Cravens, Diven, Duell, Edwards, Eliot, English, Fenton, Fessenden, Frank, Goodwin, Granger, Haight, Hale, Hanchett, Harrison, Horton, Hutchins, Jackson, Julian, Kelley, William Kellogg, Lansing, Law, Loomis, Lovejoy, McKean, McKnight, McPherson, Mallory, Mitchell, Moorherd, Anson P. Morrill, Justin S. Morrill, Morris, Noble, Olin, Pike, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Smith, John B. Steel, Francis Thomas, Train, Trowbridge, Upton, Van Horne, Verree, Wadsworth, Wall, Charles W. Walton, E. P. Walton, Ward, Webster, Whaley, Albert S. White, Wickliffe, Windom, and Worcester—84.

NAYS—Messrs. George H. Browne, Crisfield, May, Benjamin F. Thomas, and Vallandigham—5.

No quorum voting,

On motion of Mr. PENDLETON, (at half past four o'clock, p. m.,) the House adjourned until eleven o'clock to-morrow morning.

IN SENATE.

TUESDAY, *August* 6, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Secretary proceeded to read the Journal of yesterday; and, at the expiration of fifteen minutes,

Mr. GRIMES. I move that the further reading of the Journal be dispensed with.

The motion was agreed to, by unanimous consent.

WASHINGTON CITY RAILWAY.

Mr. GRIMES. The Committee on the District of Columbia, to whom was referred the bill (S. No. 68) to incorporate the Washington Railway Company, have instructed me to report the same back, that it may go on the Calendar, without a recommendation, either favorable or unfavorable to its passage. I will state, that the bill was referred to the committee last night about nine o'clock, and we have been utterly unable to give to it any consideration.

The PRESIDENT *pro tempore*. It will go on the Calendar.

SENATOR FROM KANSAS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

EXECUTIVE MANSION, *August* 5, 1861.

To the Senate of the United States:

In answer to the resolution of your honorable body of date of July 31, 1861, requesting the President to inform the Senate whether Hon. JAMES H. LANE, a member of that body from Kansas, has been appointed a brigadier general in the Army of the United States, and, if so, whether he has accepted such appointment, I have the honor to transmit herewith certain papers, numbered 1, 2, 3, 4, 5, 6, and 7, which, taken together, explain themselves; and which contain all the information I possess upon the question propounded. It was my intention, as shown by my letter of June 20, 1861, to appoint Hon. JAMES H. LANE, of Kansas, a brigadier general of United States volunteers, in anticipation of the act of Congress, since passed, for raising such volunteers; and I have no further knowledge upon the subject, except as derived from the papers herewith inclosed.

ABRAHAM LINCOLN.

Mr. HALE. I move that it lie on the table, and be printed.

The motion was agreed to.

Mr. TRUMBULL. The printing of the documents, of course, would be useless for this session. That disposes of the case. If the Senator from New Hampshire designs to place them out of the possession of the Senate——

Mr. HALE. No.

Mr. TRUMBULL. I do not see the Senator from Connecticut [Mr. FOSTER] in his place, and he may desire, as he made the report of the committee, to take some action in regard to it. I think it had better lie on the table for the present.

Mr. HALE. Very well.

The PRESIDENT *pro tempore*. The papers will lie on the table; and the order to print will be regarded as not having been made.

SUSPENSION OF A RULE.

Mr. DIXON. I move that the Senate proceed to the consideration of the resolution offered by me yesterday for the suspension of the 26th rule.

The resolution was read, as follows:

Resolved, That the 26th rule of the Senate be suspended for the residue of the present session.

Mr. DIXON. I propose an amendment to the resolution before it is adopted.

Mr. BINGHAM. I suppose the resolution is not necessarily under consideration without a vote of the Senate to take it up. I call for a vote of the Senate on the question of taking it up.

Mr. DIXON. I understood it was taken up by general consent.

The PRESIDENT *pro tempore*. The question is on taking up the resolution. The Chair will state that a resolution touching the rules of the Senate, and having reference to the order and proceeding of business, is a preferred question.

The question being taken, on a division, resulted—ayes 18, noes 3; no quorum voting.

Mr. TRUMBULL. I think we had better have the yeas and nays, and we shall get a quorum in that way. We have to wait now. I ask for the yeas and nays on the question of taking up the resolution, with a view of getting a quorum.

Mr. COLLAMER. I desire to know what is the rule to be suspended.

Mr. DIXON. The rule requires that all resolutions granting money from the contingent fund shall be read three times on three several days. Will the Senator from Michigan allow the sense of the Senate to be taken on the question?

Mr. BINGHAM. The sense of the Senate has just been taken, I think.

Mr. DIXON. I mean on the other question—the resolution for which this makes way.

Mr. TRUMBULL. I believe I called for the yeas and nays, with a view to seeing if we could not get a quorum. I think that will have a tendency to fill the Senate quicker than anything else. I suppose it is not too late to ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Chair will entertain the call.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 3; as follows:

YEAS—Messrs. Anthony, Breckinridge, Bright, Browning, Carlile, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Grimes, Hale, Johnson of Tennessee, Johnson of Missouri, Lane of Kansas, Morrill, Polk, Powell, Rice, Saulsbury, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—32.

NAYS—Messrs. Bingham, Chandler, and King—3.

So the motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. DIXON. The last clause of the 26th rule should not be suspended. It escaped my attention at the time I drew the resolution. It is, that "a motion to suspend or to concur in a resolution of the House to suspend the 16th and 17th joint rules, or either of them, shall always be in order, be immediately considered, and be decided without debate." I propose to amend the resolution by adding the words "except the last clause of said rule."

The PRESIDENT *pro tempore*. The resolution will be so modified.

The resolution, as modified, was agreed to.

ASBURY DICKINS.

Mr. DIXON. I now move to take up the resolution reported by the Committee to Audit and Control the Contingent Expenses of the Senate, with regard to the salary of Mr. Dickins, the late Secretary of the Senate; and I ask that it be put on its passage.

The PRESIDENT *pro tempore*. The first question is on taking up the resolution.

Mr. BINGHAM. I ask for the yeas and nays on that question; and I want the resolution read.

Mr. ANTHONY. It will do to take the yeas and nays on its passage.

Mr. BINGHAM. I am against it all through.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The resolution was read, as follows:

Resolved, That the salary of Asbury Dickins, late Secretary of the Senate, be continued for one year from the commencement of the present session, to be paid out of the contingent fund.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, to strike out all after the word "resolved," and insert:

That there be paid, out of the contingent fund, to Asbury Dickins, the late Secretary of the Senate, a sum equal to one year's salary as Secretary and disbursing officer, to mark the sense of the Senate of the long and faithful services of the said Asbury Dickins as Secretary.

The PRESIDENT *pro tempore*. The question is on taking up the resolution for consideration. On this question the yeas and nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 6; as follows:

YEAS—Messrs. Anthony, Breckinridge, Bright, Browning, Carlile, Clark, Collamer, Cowan, Dixon, Fessenden, Foot, Foster, Grimes, Hale, Johnson of Tennessee, Johnson of Missouri, Lane of Kansas, Morrill, Powell, Rice, Saulsbury, Simmons, Sumner, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—29.

NAYS—Messrs. Bingham, Chandler, Doolittle, King, Sherman, and Ten Eyck—6.

So the motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee.

Mr. HALE. I want to inquire whether, if the Senate adopt that amendment, it will be in order to move to amend the amendment?

The PRESIDENT *pro tempore*. Not after it is adopted.

Mr. HALE. Then I move to amend the amendment by striking out the words "and disbursing officer;" and also the latter clause of the resolution which assigns the reason for it.

Mr. DIXON. Is it in order for me to accept the amendment?

The PRESIDENT *pro tempore*. The original amendment, the Chair understands, is reported from a committee, and is not within the control of an individual member.

Mr. HALE. I want to state to the Senate that I am in favor of this payment of $3,000 to Mr. Dickins, as an old and faithful servant of the Senate; but I think he ought never to have had $1,080 as disbursing agent. It was an evasion; an improper interpolation. I am willing to give him the fair salary he was always entitled to when here; but I move to amend the resolution by striking out the words, "and disbursing officer." If it is amended as I propose, the resolution will give him $3,000 instead of $4,080, as it now stands. I think he ought to have his pay as Secretary; but not as disbursing agent.

The PRESIDENT *pro tempore*. Will the Senator from New Hampshire again repeat his motion?

Mr. HALE. Well, sir, I am content with striking out the words "and disbursing officer."

The amendment to the amendment was agreed to.

Mr. CHANDLER. Is it in order to move a further amendment?

The PRESIDENT *pro tempore*. It is still in order.

Mr. CHANDLER. I move to add, "and the late Sergeant-at-Arms, D. R. McNair." If we are going to be so liberal, I want to do justice to all around.

Mr. DIXON. I will state that I have a separate report to make on that case.

Mr. CHANDLER. We had better have them both together. I have some more that I want to put on yet.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Michigan to the amendment reported from the committee.

Mr. DIXON. I hope it will not be amended.

Mr. BRIGHT. I hope that amendment will not be agreed to. It is calculated to embarrass this resolution, which is intended for a very benevolent object. I think the Senator had better wait for the report of the committee, who will make another report covering that case.

Mr. CHANDLER. He was a very worthy officer, and I wish them all to go together. I hope the amendment will be adopted.

Mr. TRUMBULL. I hope it will not be adopted, and I hope that my friend from Michigan will not press it. "Let each tub stand on its

own bottom." This is, as was well remarked by the Senator from Indiana, a peculiar case, and I hope he will not press others upon it to embarrass it.

Mr. BRIGHT. We can vote on that afterwards, and not embarrass this.

Mr. BINGHAM. I should like to know what there is peculiar in this case beyond that of any other employé of the Senate. It is true, he was the oldest, and had been in the employment of the Senate about twenty-five years; one gentleman says thirty years. He received over four thousand dollars a year, making more than one hundred thousand dollars that he has received from the Treasury of the country. Now, these other employés, the pages, doorkeepers, and messengers, whom we have turned out, have not received anything like that sum; and they have just as good a claim on the Senate, when we dismiss them, as the Secretary. If the Secretary ought to be paid, he ought to be kept in office. We ought not to be paying two Secretaries at the same time; but if we are to do this with him, I do not see why we should not do the same thing with the Sergeant-at-Arms, the messengers, and all the other officers we have been dismissing during the present session.

Mr. President, it seems to me this is setting a bad example. It is establishing a system of pensioning on the civil list. We have been pensioning, during this session, those on the military and naval list, and we are now beginning at the civil list. If you pension your Secretary, whom you have had in your service over twenty years, and who has received a quarter more pay than Senators, why not pension the widow of the late Senator Douglas? Why not have it understood that, when Senators go out of office, they shall be pensioned, because they do not get as much pay here as the Secretary got? I oppose this thing on principle; not because I have anything against Mr. Dickins, or any of the late employés of the Senate; but I think Senators ought to pause, in the present condition of the Treasury, before they begin to make disbursements so liberally, giving away money here and there.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Michigan [Mr. CHANDLER] to the amendment of the committee.

Mr. BINGHAM. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. KING. I shall vote against the amendment, which I suppose is designed to defeat the original proposition, because I am opposed to the whole proposition.

The question being taken by yeas and nays, resulted—yeas 9, nays 27; as follows:

YEAS—Messrs. Chandler, Cowan, Johnson of Tennessee, Latham, McDougall, Polk, Powell, Rice, and Saulsbury—9.

NAYS—Messrs. Anthony, Bingham, Bright, Browning, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Hale, Harris, Howe, King, Lane of Kansas, Morrill, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—27.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the committee, as amended.

The amendment, as amended, was agreed to.

The PRESIDENT *pro tempore*. If no other amendment be moved, the question will be on the resolution as amended.

Mr. BINGHAM. It would be pretty easy for me now to defeat the measure; but it is apparent that a majority of the Senate want to pass the resolution in the confusion of the last hours of the session, and I shall content myself simply with asking for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 9; as follows:

YEAS—Messrs. Anthony, Breckinridge, Bright, Browning, Clark, Collamer, Cowan, Dixon, Fessenden, Foot, Foster, Hale, Harris, Johnson of Tennessee, Latham, McDougall, Morrill, Polk, Powell, Rice, Saulsbury, Simmons, Sumner, Trumbull, Wade, Willey, Wilmot, and Wilson—28.

NAYS—Messrs. Bingham, Chandler, Doolittle, Howe, King, Lane of Indiana, Lane of Kansas, Ten Eyck, and Wilkinson—9.

So the resolution was adopted.

NUMBER OF REPRESENTATIVES.

Mr. GRIMES. I move that the Senate now proceed to the consideration of the bill lying on the table relative to the apportionment of Representatives in the House of Representatives.

Mr. DIXON. Allow me to make a report.

Mr. GRIMES. I am afraid I shall lose my right to the floor.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to take up House bill No. 104, fixing the number of the House of Representatives from and after the 3d of March, 1863.

Mr. TRUMBULL. As the bill is likely to occupy some time, I ask the Senator from Iowa to allow me to move that the Senate take up House bill No. 86, which is a short bill—I think of one page—and I think it is somewhat important that it should pass. It is a bill to punish persons for enlisting troops for the southern confederacy in the northern States. It will take but a moment, I think, to pass it.

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his motion?

Mr. GRIMES. This is a bill of very great importance. It was passed by an almost unanimous vote through the House of Representatives, and I apprehend it will not take over fifteen minutes to pass it here.

Mr. DIXON. I rise to a privileged motion. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report a resolution in regard to the pay and mileage of the contesting Senator from Kansas.

The PRESIDENT *pro tempore*. That is not a privileged question. The question is on the motion of the Senator from Iowa to take up the bill indicated by him.

The motion was not agreed to.

ENLISTMENTS AGAINST THE UNITED STATES.

Mr. TRUMBULL. I ask the Senate now to take up House bill No. 86.

The motion was agreed to; and the bill (H. R. No. 86) to punish certain crimes against the United States was considered as in Committee of the Whole. It makes it a misdemeanor, punishable by fine and imprisonment, for any person to recruit soldiers or sailors in any State or Territory of the United States, to engage in armed hostility against the United States, or for any person to volunteer or enlist for such service.

Mr. POWELL. I ask how often that bill has been read? I think it has been read but once.

The PRESIDENT *pro tempore*. The bill has been twice read, and is before the Senate as in Committee of the Whole, and is not liable to objection by a single individual. It is in the control of the majority.

Mr. POWELL. My understanding is, that I objected to the second reading of that bill yesterday; but I may be mistaken.

Mr. TRUMBULL. I can state to the Senator from Kentucky how it was.

The PRESIDENT *pro tempore*. The Chair speaks from the record; it has been read twice already.

Mr. TRUMBULL. I reported it back yesterday from the Committee on the Judiciary, and the Senator then objected to action on it.

The bill was reported to the Senate, and ordered to a third reading. It was read the third time, and passed.

ARREST OF BALTIMORE POLICE COMMISSIONERS.

Mr. POWELL. I presented a resolution the other day in relation to the arrest and imprisonment of Charles Howard, William H. Gatchell, and John W. Davis, police commissioners of the city of Baltimore. The Committee on the Judiciary reported back the memorial of these three persons, and asked to be discharged. I gave notice that I would move to refer the matter back to the committee, and instruct them to report the resolution which I submitted. I send it to the table, and ask to have it read.

Mr. DIXON. I ask the Senator from Kentucky to allow me to make a report in regard to a citizen of his State.

Mr. COLLAMER. I object to taking up the question referred to by the Senator from Kentucky.

The PRESIDENT *pro tempore*. The first question is on taking it up.

Mr. POWELL called for the yeas and nays; and they were ordered.

Mr. POWELL. I ask to have the resolution read before the vote is taken.

The Secretary read it, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the memorial of Charles Howard, William H. Gatchell, and John W. Davis, and the memorial of the Mayor and City Council of Baltimore, relative to the suspension of the functions of the board of police of that city.

Mr. POWELL. I desire the resolution which I presented to be read.

The PRESIDENT *pro tempore*. Does the Senator offer an amendment to the resolution reported by the committee?

Mr. POWELL. Yes, sir.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

Mr. TRUMBULL. I submit that it is not competent to amend the report of a committee in that way, where the committee merely ask to be discharged from the consideration of a subject. It is not competent for one of the members to move an amendment to that resolution.

Mr. WADE, and others. The question is on taking it up.

The PRESIDENT *pro tempore*. The proposition intended to be offered by the Senator from Kentucky as an amendment will be read to the Senate for information.

The Secretary read the proposition of Mr. POWELL, as follows:

Whereas the Constitution of the United States declares that no warrant shall issue but upon probable cause, supported by oath or affirmation; that no citizen shall be deprived of his liberty without due process of law; and that the accused shall enjoy the right of a speedy trial by a jury of the district where the offense was committed: and whereas Charles Howard, William H. Gatchell, and John W. Davis, citizens of Baltimore, in the State of Maryland, were, on the 1st day of July, 1861, seized without warrant, and without any process of law whatever, by a body of soldiers of the Army of the United States, by order of Major General Banks, alleged to have been made in pursuance of orders issued from the headquarters of the Army at Washington, and were removed by force and against their will from their homes to Fort McHenry, where they have ever since been, and now are, confined as prisoners; and whereas the said military officer, without warrant or authority of law, superseded and suspended the official functions of the said Charles Howard and others, members of the board of police of Baltimore; and whereas the constitutional privilege of the writ of *habeas corpus* has been treated with contempt, and a military officer (the predecessor of General Banks) has taken upon himself the responsibility of willful disobedience to the writ, thereby subordinating the civil to the military power, thus violating and overthrowing the Constitution of the United States, and setting up in its stead a military despotism; and whereas the Congress of the United States regards the acts aforesaid as clear and palpable violations of the Constitution of the United States, and destructive to the liberties of a free people: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the arrest and imprisonment of Charles Howard, William H. Gatchell, and John W. Davis, without warrant and process of law, is unconstitutional and illegal; and they should, without delay, be released, or their case remitted to the judicial tribunals, to be lawfully heard and determined.

The PRESIDENT *pro tempore*. The question is on taking up this subject for consideration; on which the yeas and nays have been ordered. The Clerk will proceed to call the roll.

The question being taken by yeas and nays, resulted—yeas 7, nays 33; as follows:

YEAS—Messrs. Breckinridge, Bright, Johnson of Missouri, Latham, Polk, Powell, and Saulsbury—7.

NAYS—Messrs. Anthony, Baker, Bingham, Browning, Carlile, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Howe, Johnson of Tennessee, King, Lane of Kansas, McDougall, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson—33.

So the motion was not agreed to.

SENATOR FROM KANSAS.

Mr. WILSON. I propose to take up the joint resolution (S. No. 1) to approve and confirm certain acts of the President for suppressing insurrection and rebellion. I notify Senators that I want a vote on this subject.

Mr. DOOLITTLE. I move that the Senate proceed to the consideration of executive business.

Mr. TRUMBULL. I appeal to my friend from Wisconsin to withdraw that motion, to allow an order to be made to print a communication in regard to the contested seat of the Senator from Kansas. I objected till the Senator from Connecticut came in. I hope he will allow that order to be made, so that we may print the message of the President.

Mr. DOOLITTLE. I have no objection to that being done by unanimous consent; but I cannot yield the floor for any purpose.

The PRESIDENT *pro tempore*. By unanimous consent, the order to print will be made.

Mr. TRUMBULL. In connection with that, I have been requested by the contestant to ask for the printing of certain other papers. It is manifest the case must go over; and I move to print all the papers which I send to the table.

The PRESIDENT *pro tempore*. That may be done by unanimous consent.

EXECUTIVE BUSINESS.

The PRESIDENT *pro tempore*. The question is on the motion for an executive session.

Mr. BRECKINRIDGE. Is not the motion of the Senator from Massachusetts in order.

The PRESIDENT *pro tempore*. The Senator yielded the floor.

Mr. WILSON. I made a distinct motion, and the Senator from Wisconsin followed.

Mr. DOOLITTLE. I believe I am now entitled to the floor.

The PRESIDENT *pro tempore*. Not if the Senator from Massachusetts claims that he did not yield the floor after making his motion. The question is on the motion of the Senator from Massachusetts. Will the Senator repeat his motion?

Mr. WILSON. The motion is to take up for consideration the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion.

Mr. DOOLITTLE. I move that the Senate proceed to the consideration of executive business. My motion is in order.

Mr. BRECKINRIDGE. I rise to a question of order, that that motion is not in order.

Mr. TRUMBULL. I apprehend there can be no question about it as a question of order. A motion may be made at any time to proceed to the consideration of executive busines, whenever a person can get the floor. It has always been the practice.

The PRESIDENT *pro tempore*. The Chair regards that as the rule, that a Senator who is entitled to the floor is entitled to move, as in case of adjournment, that the Senate go into executive session.

Mr. SHERMAN. I will remind the Senator from Wisconsin that the Senator from Massachusetts agreed to give a vote on the joint resolution, and that, on that suggestion, the Senator from Kentucky [Mr. BRECKINRIDGE] waived the privilege which he had yesterday. I trust that agreement will be complied with.

Mr. DOOLITTLE. I will remind the Senator from Ohio that it is now about one hour to the adjournment of Congress, and we have important matters pending in executive session that must be disposed of, and it may take the whole of the time.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of executive business.

Mr. BRECKINRIDGE. With the leave of the Senate I will follow the example of those two Senators who have spoken on this motion. I do not propose to be persistent, or to press this matter on the attention of the Senate. I merely desire to call the attention of the Senate to the fact that, whereas the Senator from Wisconsin was exceedingly eager, at the beginning of the session, to deal in acts and not in words, to pass bills and not to argue anything, and was a devoted friend, I believe, of this joint resolution No. 1, which now wanders about without any parent or sponsor, he is now anxious to give it the go-by. I mention this fact for the purpose of showing that some little progress has been made since the Senate met in the way of vindicating the freedom of utterance here, and in the way of recording ourselves to some notions of personal and public liberty. I beg the Senator from Oregon [Mr. BAKER] also to give me credit for being, at least in one instance, a prophet. He said the other day, that my predictions were not likely to be fulfilled. I predicted that the Senate never intended to vote on this joint resolution No. 1; and I take it to be one gleam of sunshine in the midst of the gloom that surrounds us, that the Senate recoils from that.

Mr. WADE. I hope we shall take a vote on this resolution. I have not been very partial to it; and if it was voted on at an earlier period, I intended to give my views on the whole subject; but I am willing to vote on it now or at any time, and I hope we shall vote. Indeed, I think we are under some obligation to pass upon it, because gentlemen have foregone some opportunities they had to resist other measures, on the ground that there was an implied promise that we should vote on this.

Mr. DOOLITTLE. The remark of the Senator from Kentucky perhaps demands a reply. If he supposes that, on my part, there is any disposition to recoil from the responsibility of approving the acts of the Administration, he makes a very great mistake. My only idea was that we are now within an hour of the end of the session, and we must dispose of the executive business——

Mr. POWELL, Mr. BRECKINRIDGE, and others. Take up the resolution.

Mr. DOOLITTLE. If you will vote without talking, I have no objection.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion to proceed to the consideration of executive business. It is not debatable.

Mr. KING called for the yeas and nays; and they were ordered, and being taken, resulted—yeas 20, nays 21; as follows:

YEAS—Messrs. Baker, Bayard, Bingham, Carlile, Chandler, Collamer, Dixon, Doolittle, Fessenden, Foot, Harlan, King, Lane of Kansas, Morrill, Powell, Rice, Saulsbury, Ten Eyck, Trumbull, and Wilmot—20.

NAYS—Messrs. Breckinridge, Bright, Browning, Clark, Cowan, Foster, Grimes, Howe, Johnson of Tennessee, Johnson of Missouri, Kennedy, Lane of Indiana, Latham, McDougall, Polk, Pomeroy, Sherman, Sumner, Wade, Wilkinson, and Wilson—21.

So the Senate refused to go into executive session.

SENATOR FROM KANSAS.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of the Senate joint resolution No. 1.

Mr. TRUMBULL. A moment ago I asked for the printing of certain papers called for in the case of the Senator from Kansas. On looking at the resolution which was handed me by the contestant, I find that all the papers have not been furnished that he desires. I now offer a resolution requesting the President to communicate certain papers to the Senate, that they may be here at the next session. I ask that the resolution be passed. It relates to a privileged matter, and will take no time:

Resolved, That the President be requested to communicate to the Senate at its next session copies of any order under which General James H. Lane is authorized to raise troops for the war; also, all requisitions made by the said Lane, and of all orders given by the War Department at his instance, for rations, arms, clothing, subsistence, and for mustering into service troops composing the brigade known as General Lane's brigade in Kansas.

Mr. LANE, of Kansas. I hope it will be passed.

The resolution was considered by unanimous consent, and agreed to.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, on which the yeas and nays have been ordered.

Mr. KING. There is a proposition in this resolution which has not been called to the attention of the Senate, but in my judgment is entitled to its consideration before its passage; and that is the question of blockade—a question involving international law—and the closing of the ports by an act of Congress. I do not know what construction may be placed upon the fact of Congress undertaking to pass upon this question of blockade. I have no disposition to disapprove or to criticise the action of the Executive; I think the vigorous measures which he took are entitled to all credit; but I have a disinclination to pass upon a question the whole length and breadth and extent of which I do not entirely comprehend. When the President proclaimed the blockade, Congress had passed no act authorizing the closing of the ports in the disaffected localities. I suppose a blockade is not exactly a question for Congress; but at any rate it is one governed by international law affecting the rights of neutrals in relation to entries into and departures from ports declared to be under blockade; and there is a great variety of questions in relation to the efficiency of a blockade.

Now, I am unwilling that Congress should, by any act here, undertake to pass upon that question in such a way as, in diplomacy, or in any other respect, to give any advantage to our opponents in reference to the mode in which we shall act upon these ports. My own preference was, at the last session of Congress, for an act of Congress which should close these ports by municipal, internal regulation. One of the great differences is, that a vessel which comes into and goes out of one of these ports under a blockade, if she has escaped the force at the mouth of the port, may pass freely; but, under the action of our internal law, she may, like vessels under our custom-house regulations, be forfeited and seized in any of our ports, and at any place.

It has been said that this resolution is not important. I do not consider it to be so, except in this point. I would prefer not to interfere with the action of the Executive upon this subject. Congress at this session has passed a law authorizing the President by proclamation to close these ports. I hope, therefore, upon the single question that I suggest, that this resolution will pass by without the action of Congress. We have no time to amend it; we have no time to change it. There is no probability that it will pass the other House, and have the effect of law, if we act on it now. We have, by an act adopted yesterday, ratified and made valid and legal the action of the President as far as there is any occasion or necessity for its validity, so far as our Army and the volunteers are concerned. I have stated my objections about this matter, and I would prefer that the Senate should go into executive session. I believe a vote on the resolution here would be entirely nugatory; and if anybody has anything to say on this subject, I should like to hear him.

Mr. WILSON. To satisfy gentlemen, I am willing to modify the second declaration, which now reads: "he did, on the 19th day of April last, issue a proclamation setting on foot a blockade," by striking out "setting on foot a blockade," and inserting "closing the ports." I would be willing also to change the resolution by striking out the words "declared to be," so as to make it read:

Be, and the same are hereby, approved, and in all respects legalized and made valid.

I believe this expresses the idea more fully and more completely. If it is in order, I move these amendments. I think it is important to pass this resolution, and I think it can pass the House of Representatives.

Mr. BRECKINRIDGE. This resolution is more familiar to the Senate than any other resolution which has been before it during the session. It was earliest introduced. It was the pet measure of the majority here. It was put in just such shape as that majority thought was right. It was the outbreak of the patriotic ardor with which the Senate assembled. They matured it; and before the Senate got cool, Senators expressed their purpose to vote for it. It has been up again and again; it has been amendable for more than a month. It is just in the shape in which a majority of the Senate deliberately said they wanted it to be, for some time. So eager was the Senate to pass it, that it was difficult for any of us to get the floor to make a protest in the name of the Constitution against it; but at last we secured that right. There it is. It has gone to the country. It is on its passage, and not amendable. Let the Senate vote it down, or pass it.

Mr. McDOUGALL. It is true this resolution was introduced in the Senate at an early day, and the Senate approved it. Our time has been occupied by the Opposition to the Administration—no, I will not say to the Administration, but the Opposition to the Government. We have been ready to pass this resolution at any day, but it has been postponed for Senators' accommodation, and now we come to the day of adjournment. This has not been occasioned by any want of faith in the soundness of the resolution, but a desire to accommodate Senators. I agree with the Senator from Massachusetts that the term "closing the ports" is a better term than "blockade." But we have been ready to pass it all the time; and both of the

gentlemen from Kentucky and the Senator from Missouri have made their fight on this resolution and been heard at length. They are responsible for the delay. I did not come here intending to say a word, but to vote only. I was only induced to say anything at all because of the course of the Opposition.

Mr. POLK. This resolution is on its passage; it is not amendable; I recollect that fact well because it was up on the first day that business of that character was to be transacted by the Senate, and I wished to give some views to the Senate on the subject, and an attempt was made to have it put over. The Senate refused it, and I postponed any remarks until the resolution was on its passage, after all amendments had been made. Then, sir, when it was impossible to do anything else, and when a postponement was refused by the Senate, the Senator from California [Mr. McDOUGALL] voting for it and making a speech against the postponement, I addressed the Senate. The resolution was then on its passage, and it was the very last moment at which I could get the floor. Subsequently we have seen how it has been made a foot ball, continued over from time to time; first one day and then another, and then another. Now we come to the very last moment of the session, and I am opposed to anything that will postpone it. Let us vote directly and squarely on it.

Mr. FESSENDEN. Mr. President, one thing is very obvious; and that is, that our friends on the other side of the Chamber are exceedingly anxious not to have this question voted on, but to have an opportunity to say that we were afraid to vote on it. That now seems to be perfectly manifest to the Senate. They expect to get some advantage somehow from the argument to the people. So far as I am concerned, I am perfectly willing that they should have it all, for my observation has been that nothing is made out of such trifles. They amount to nothing one way or the other. The only question in my mind has been, from the beginning, whether there was any practical utility in this resolution. I have thought that there was; and I will say to Senators on the other side, that from the beginning, although I did not like the phraseology of the resolution in some respects, and should prefer to amend it, I have been willing, and I am now ready to vote for it just as it is, without crossing a *t* or dotting an *i*. There is nothing in it that I cannot vote for; and I believe there is nothing in it that the Senators on this side of the Chamber (although some of them would prefer to amend it and change the phraseology in some particulars) cannot and are not willing to vote for. But, sir, my declaration to that effect will go for nothing, if it is not acted on. There is the argument. I am perfectly willing that the gentlemen on the other side of the Chamber, so far as they are able, may make what they can of it, whether it takes one course or another. I do not attach importance enough to it to be troubled about it, either in one aspect of the case or the other. The truth is, that the people understand very well the argument made on such questions from beginning to end, as a general rule, and I have no sort of apprehension that they will be deceived about it.

If the Senate choose to come to a vote on this subject, I am ready to vote, and to vote for the passage of the resolution, although I think it is of no sort of use to pass it here at this late hour, because it cannot pass the House of Representatives. There is no time to pass it there.

Mr. WILSON. I think the other House will pass it.

Mr. FESSENDEN. I do not think there is a quorum there, and hence I do not suppose it will pass that body. It would if there were a quorum present, and the House could have a vote.

Now, sir, I say that this case is not exactly as it has been stated by Senators on the other side. We have been ready to act on this resolution; and I assert that the Senators on the other side of the Chamber have been contesting it from the beginning. The resolution does not propose legislation—I mean essential legislation; and when we brought in this resolution, we brought in also bills of very great importance, that it was absolutely essential to pass at this session. The Senators made fight upon this, and they asked us, with a good deal of shrewdness, "why not proceed with legislation that had some practical result? why be pushing this? why not give us time on this?" They asked for time to address the Senate on it. They obtained it, not from courtesy, but as a matter of right, although we were not disposed to push it beyond reason. The Senator from Delaware, [Mr. BAYARD,] I believe, on this resolution, had a postponement for three several days, and he notified us that he had an argument to make upon the subject. We all know that when that Senator makes an argument, it is worth listening to; there is a great deal of it, and it is good, what there is of it. We expected that, and waited for that, and were disposed to gratify the Senator, although he was disposed to yield all the time if we would not touch it; he did not care about speaking if we did not trouble ourselves to take it up. I was one of those who thought, and think still, that absolute, positive legislation in this state of the country was of more importance than this resolution. It was not that we were not willing and ready to vote on the resolution at any moment, but we could not force it down the throats of the minority if we would, and we would not if we could.

Mr. POLK. I suppose the Senator means to be accurate.

Mr. FESSENDEN. I do.

Mr. POLK. The argument that the Senator from Delaware wished to make was not on this resolution, but on the bill reported by the chairman of the Judiciary Committee, in regard to sedition and insurrection.

Mr. FESSENDEN. He claimed the right to make his argument on this resolution.

Mr. POLK. And he did make a speech on this resolution.

Mr. FESSENDEN. He claimed to make it for three successive days on this resolution.

Mr. POLK. And he did make it on this resolution.

Mr. FESSENDEN. No, sir; it has not been made to this day.

Mr. POLK. I am not in error.

Mr. FESSENDEN. I understand that the Senator from Delaware says you are.

Mr. BAYARD. I did speak on this resolution.

Mr. POLK. That is just what I said.

Mr. FESSENDEN. The Senator from Delaware claimed to make another argument on this question.

Mr. POLK. The speech he claimed to make, and was waiting to make, was on the bill reported by the chairman of the Committee on the Judiciary.

Mr. FESSENDEN. There never has been a time when the gentlemen on the other side have conceded that the debate was closed on this resolution, so far as they were concerned. It has been closed on our side.

Mr. BRECKINRIDGE. It does not seem to be closed yet on that side.

Mr. FESSENDEN. I am not arguing on the resolution itself; I am simply answering the point which my friends on the other side—I say it with all respect—are endeavoring to make upon us with respect to the resolution. While I deny that, and deny the inference they would draw from it, I repeat again that I do not care a rush whether they have the benefit of the argument or not; and for myself, I am perfectly ready to vote on the resolution, and to vote on it at any moment the question is presented.

Mr. DIXON. I ask the unanimous consent of the Senate to offer a resolution, which I will send to the Secretary to be read for information. I think there will be no objection to it at this time. I offer it by direction of the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BINGHAM. Objection being made, and it requiring unanimous consent, the resolution cannot be considered at the present time.

Mr. DIXON. Does it require unanimous consent to have it read for information?

The PRESIDENT *pro tempore*. It requires unanimous consent to suspend the consideration of any business pending before the Senate, even to read a resolution for information. By unanimous consent, the resolution will be read for information.

Mr. BINGHAM. I object.

The PRESIDENT *pro tempore*. Then the joint resolution of the Senate No. 1 is still before the Senate.

Mr. TRUMBULL. Mr. President, the Senator from Massachusetts is very anxious for a vote on this subject. I am not willing that a vote should be taken, under the misapprehensions which seem to exist in the Chamber, and the imposition which will be practiced by it upon the country. The Senator from Kentucky has, on several occasions, very good-naturedly alluded to this as being the "pet measure" of this side of the Chamber; that it was brought forward at an early day, and matured, and then there was an indisposition to vote upon it; that we were all for it, our "pet measure;" matured and brought in here, one would think, by some general understanding. Now, I desire to say—and I desire to say it in part because of what has fallen from the Senator from Maine, who has undertaken to speak for this side of the Chamber, as he supposed—there never was a moment, from the time the resolution was introduced up to this hour, that it could have received my vote. It never was matured as a party measure—never. It is an entire misapprehension. The Senator from Massachusetts, I believe, reported it from a committee, and has urged it; but that it has been any "pet measure," or anything that everybody was bound to vote for, whether he liked it or disliked it, is an entire misapprehension.

Mr. COLLAMER. It was not reported from a committee.

Mr. TRUMBULL. It seems it never was before a committee. It is an individual proposition brought in here. Now what authority is there for undertaking to assume that this is a pet measure of any party in the country?

Mr. POWELL. If the Senator from Illinois will allow me, I will say it was reported from the Committee on Military Affairs.

Mr. TRUMBULL. I was just informed that it was not reported from that committee, but was brought in by the Senator from Massachusetts on his individual responsibility. I have not looked into the record. I do not know how that may have been, nor is it important.

I desired to say this much, that there might be no misapprehension either in the minds of gentlemen on the other side, or in the country in reference to this matter, and that——

Mr. WILSON. Let us have a vote.

Mr. TRUMBULL. Now, my friend is clamorous. He cannot keep still. He says "let us have a vote." I am not disposed to vote upon the resolution. I will tell the Senator from Kentucky I am not prepared to vote for the resolution, and it is not going to pass without consideration. It is not going to pass in the shape it is by my approbation.

Mr. KING. Will the Senator from Illinois allow me to make a motion to go into executive session? There is some business in executive session that ought to be disposed of.

Mr. TRUMBULL. I will yield to my friend from New York, whom I never could resist, for he is nearly always right; and I give way to a motion to proceed to the consideration of executive business.

Mr. KING. I make that motion.

CONTINUANCE OF BUSINESS TO NEXT SESSION.

Mr. FOSTER. Before that motion is put, I ask the unanimous consent of the Senate to take up a resolution, which I offered the other day, in reference to continuing the business of the Senate to the next session, which it is important should pass. The Senator from New Hampshire [Mr. HALE] at that time objected——

Mr. LANE, of Kansas. I object.

Mr. FOSTER. I make the motion. The Senator from New Hampshire objected to it at the time; but I presume he has examined it, and is quite aware it ought to be passed.

The PRESIDENT *pro tempore*. This is a resolution touching the general order of business of the Senate, and as such is entitled to privilege. Is objection offered to its consideration?

Mr. LANE, of Kansas. I withdraw my objection.

There being no objection, the Senate proceeded to consider the resolution; and it was adopted, as follows:

Resolved, That all subjects before the Senate at the close of the present session, including those before committees,

shall be continued to the next session, and shall then be proceeded with in the same manner as if no adjournment of the Senate had taken place; and the papers which have been referred to the committees, and may be in their possession at the close of the session, shall be returned informally to the Secretary, and by him restored to the committees, when appointed, at the next session.

SENATOR FROM KANSAS.

The PRESIDENT *pro tempore*. The pending motion is on the motion to proceed to the consideration of executive business.

Mr. DIXON. Before the motion is put, I desire to offer a resolution.

Mr. KING. The time is wearing away, and I do not think I can give way any longer.

Mr. DIXON. It is an important matter, and will not occupy a single moment. It is a resolution for the payment of the mileage of the contestant of the seat of the Senator from Kansas. If the Senate see fit to consider it, they can do so.

The PRESIDENT *pro tempore*. It requires unanimous consent.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved, That the usual mileage and pay be allowed and paid to Frederick P. Stanton while contesting his right to a seat in the Senate from the State of Kansas.

The resolution was adopted.

EXECUTIVE SESSION.

Mr. KING. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened.

REPORT FROM A COMMITTEE.

Mr. DOOLITTLE, from the Committee on Indian Affairs, asked to be discharged from the further consideration of a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, copies of all papers, evidence, vouchers, and a statement of the character and origin of the claim of the Delaware Indians for depredations upon timber and loss of property by whites; which was agreed to.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed the following bill and joint resolution:

An act (S. No. 63) making appropriations for fortifications, and for other purposes; and

A joint resolution (S. No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 105) to provide for the payment to Arnold Willett, for bread, &c., and Henry North, for wood, provided for the United States volunteers of Maryland; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 67) explanatory of an act entitled "An act concerning the Attorney General and the attorneys and marshals of the several districts;"

A bill (S. No. 54) requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States;

A bill (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers;

A joint resolution (S. No. 16) authorizing an examination of James's projectiles for rifled cannon;

A bill (S. No. 25) to confiscate property used for insurrectionary purposes;

A bill (S. No. 59) in relation to the office of attorney of the United States for the southern district of New York; and

A bill (S. No. 39) to provide for holding the district and circuit courts in judicial districts during a temporary vacancy of the judgship.

ALTERATION OF THE SENATE CHAMBER.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the committee appointed July 8, 1861, on alterations in the construction of the Senate Chamber, be continued to the next session of Congress, with power then to report by bill or otherwise.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed a bill (S. No. 49) to create a metropolitan police district of the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the bill of the Senate (No. 60) relative to appeals to the Supreme Court of the United States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (H. R. No. 101) to promote the efficiency of the engineer and topographical corps; and

A bill (H. R. No. 86) to punish certain crimes against the United States.

PAY OF VOLUNTEERS.

The bill (H. R. No. 103) authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by the order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland, was considered as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed the following bills and joint resolution:

An act (S. No. 39) to provide for holding the district and circuit courts in judicial districts during a temporary vacancy of the judgeship;

An act (S. No. 59) in relation to the office of attorney of the United States for the southern district of New York;

An act (S. No. 67) explanatory of an act entitled "An act concerning the Attorney General, and the attorneys and marshals of the several districts;"

An act (S. No. 54) requiring an oath of allegiance and to support the Constitution of the United States to be administered to certain persons in the civil service of the United States;

An act (S. No. 25) to confiscate property used for insurrectionary purposes;

An act (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers; and

A joint resolution (S. No. 16) authorizing an examination of James's projectiles for rifled cannon.

ARNOLD WILLETT AND HENRY NORTH.

The bill (H. R. No. 105) to provide for the payment to Arnold Willett, for bread, &c., and Henry North, for wood, provided for the United States volunteers of Maryland, was read twice by its title, and considered as in Committee of the Whole.

No amendment being proposed, it was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONGRESSIONAL GLOBE.

The joint resolution (H. R. No. 9) in relation to the Congressional Globe was read twice by its title.

Mr. SHERMAN objected to the consideration of the joint resolution; and it was laid over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed the bill of the Senate (No. 72) to increase the pay of the privates in the regular Army, and of the volunteers in the service of the United States, and for other purposes.

The message further announced that the House had passed the bill of the Senate (No. 46) to provide for the construction of a bridge across the Potomac river, with an amendment, in which the concurrence of the Senate was requested.

BILLS BECOME LAWS.

The message further announced that the President of the United States had this day approved and signed the following bills:

An act (H. R. No. 86) to punish certain crimes against the United States; and

An act (H. R. No. 101) to promote the efficiency of the engineer and topographical corps.

THE LONG BRIDGE.

Mr. GRIMES. I move that the Senate concur in the amendment made by the House to the bill (S. No. 46) to provide for the construction of a bridge across the Potomac river.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read the amendment, which was to strike out all after the enacting clause of the bill to the end of the second section; so that the remainder of the bill will read:

That the sum of $20,000 be, and the same is hereby, appropriated for the repair of the present Long Bridge across the Potomac river.

The amendment was concurred in.

INDEPENDENCE OF HAYTI.

Mr. SUMNER presented resolutions of the Legislature of Massachusetts concerning the recognition of the independence of the Republic of Hayti; which were ordered to lie on the table, and be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the President *pro tempore:*

A bill (S. No. 60) relative to appeals to the Supreme Court of the United States; and

A bill (S. No. 72) to increase the pay of the privates in the regular Army, and of the volunteers in the service of the United States, and for other purposes.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed the following bills:

An act (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers;

An act (S. No. 39) to provide for holding the district and circuit courts in judicial districts during a temporary vacancy in the judgeship; and

An act (S. No. 59) in relation to the office of attorney of the United States for the southern district of New York.

D. R. M'NAIR.

Mr. JOHNSON, of Tennessee. I wish to report a resolution from the Committee to Audit and Control the Contigent Expenses of the Senate, and to ask the Senate to pass on it at once:

Resolved, That the Secretary of the Senate pay out of the contingent fund of the Senate, to D. R. McNair, late Sergeant-at-Arms, an amount equal to the salary of the said Sergeant-at-Arms, from the 5th day of July until the 1st Monday of December next.

It is a small matter.

Mr. BINGHAM and others objected.

The PRESIDENT *pro tempore*. Objection is made, and it carries the resolution over under the rule.

EXECUTIVE SESSION.

Mr. GRIMES. I move that the Senate proceed to the consideration of executive business. There are some nominations, I hear.

Mr. JOHNSON, of Tennessee. We cannot get in before the time expires.

Mr. LANE, of Kansas. The President has sent in some nominations that it is very important to have confirmed.

Mr. DOOLITTLE. I move that the Senate proceed to the consideration of executive business.

Mr. GRIMES. I have made that motion.

The motion was agreed to.

In a few minutes the doors were reopened.

EXTENSION OF THE SESSION.

A message from the House of Representatives by Mr. ETHERIDGE, its Clerk, announced that the House had passed the following resolution:

Resolved, (the Senate concurring,) That the present session be extended until twelve o'clock and thirty minutes, p. m., this day.

The resolution was considered by unanimous consent, and concurred in.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had this day approved and signed a bill (S. No. 25) to confiscate property used for insurrectionary purposes.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the Speaker had signed the following bills; which thereupon received the signature of the President *pro tempore:*

A bill (H. R. No. 103) authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland; and

A bill (H. R. No. 105) to provide for the payment to Arnold Willett, for bread, &c., and Henry Worth, for wood, provided for the United States volunteers for Maryland.

EXECUTIVE BUSINESS.

On motion of Mr. CHANDLER, the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were reopened.

TERMINATION OF THE SESSION.

On motion of Mr. DOOLITTLE, it was

Resolved, That a committee be appointed on the part of the Senate to join such committee as may be appointed by the House of Representatives, to wait on the President of the United States, and inform him that unless he may have any further communication to make, the two Houses are now ready to adjourn.

Mr. DOOLITTLE, and Mr. JOHNSON of Tennessee, were appointed.

Mr. BAKER stated that he had declined to accept the office of brigadier general, tendered to him by the President of the United States. He considered it his duty to make this statement, as the subject had been spoken of.

Mr. DOOLITTLE, from the committee appointed to wait upon the President of the United States, and inform him that unless he may have any further communication to make, the two Houses of Congress are now ready to adjourn, reported that the committee had performed the duty assigned them, and that the President replied that he had no further communication to make.

The PRESIDENT *pro tempore* announced that the hour fixed by the joint resolution of the two Houses for the adjournment of Congress had arrived, and declared the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 6, 1861.

The House met at eleven o'clock, a. m. Prayer by the Chaplain, Rev. THOMAS H. STOCKTON.

Mr. BLAIR, of Pennsylvania. I move that the reading of the Journal be dispensed with.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, covering a copy of a letter from Hon. Joseph Holt, in compliance with a resolution of the House of Representatives of the 27th ultimo, requesting the reasons for assembling the United States troops at the seat of Government of the United States; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of War, in compliance with the resolution of the House of Representatives of the 13th ultimo, covering a copy of the several reports which have been made by General Harney, during his command of the United States forces in the State of Missouri.

CALIFORNIA PRIVATE LAND CLAIMS.

Mr. BLAIR, of Pennsylvania. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 60, relative to the California private land claims.

The bill was read. It provides that, in all cases of appeal which have been taken, or may hereafter be taken, by both parties from either of the district courts of California to the Supreme Court of the United States in proceedings to ascertain and settle private land claims under the provisions of the act of March 3, 1851, and in proceedings upon the survey and location of confirmed private land claims in California under the provision of the act of June 14, 1860, a transcript of the record filed in the Supreme Court by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party in the Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases. It further provides that the district attorney of the United States of any district in California may transcribe and certify to the Supreme Court of the United States the records of the district court of his proper district in all land cases wherein the United States is a party, upon which appeals have been or may be taken to the Supreme Court; and records so certified by such district attorney under his hand, and filed in the Supreme Court, shall be taken as true and valid transcripts, to the same intent and purpose as if certified by the clerk of the proper district court; and the district attorneys for California are to be authorized to employ such clerks, not exceeding three in number, as may be necessary to transcribe the records, at a compensation not exceeding $150 per month, to be paid out of the appropriation for special and other extraordinary expenses of California land claims.

Mr. COX. I think that bill should be referred to the Committee on Private Land Claims; and I object.

Mr. BLAIR, of Pennsylvania. I appeal to the gentleman from Ohio to withdraw his objection until I make a statement which has been furnished by the Attorney General with reference to the necessity of the immediate passage of this bill. The object of this bill is to enable the Government to obtain the transmission of the record in all cases in California arising from these land claims without subjecting the Government to the extraordinary expenses which it has been subjected to in obtaining the records. It is well known that, owing to the extensive frauds perpetrated by private land agents in California—unparalleled on this continent—it has become necessary for the Attorney General, in all cases, without discrimination, to direct appeals to be entered whenever the decision is adverse to the interests of the Government. The records are often voluminous, extending in several instances to large printed volumes; and the Government is subjected to the expense, not only of printing these records, but to the additional extraordinary expenses of the clerk of the court under the fee bill, extending to several thousand dollars for a single record. In 1858 these grievances were so obvious, that Congress provided that the clerks of the office of the district attorney should make up the record in these cases. That law, however, expired by its own limitation. This bill proposes to revive the law of 1858; and I perceive, since it has come from the Senate, that they have extended it to all cases in California.

There is another mischief, Mr. Speaker, and a very obvious one, which this bill is designed to meet and cure; that is, the necessity in all cases where an appeal is entered by both parties, to file duplicate copies of the record. This is unnecessary, one copy being ordinarily sufficient; and I suppose that, in such cases, both parties would consent to have but one record. In a celebrated case that has been brought to my notice—the New Almaden quicksilver-mines case—involving the title of real estate, estimated to be worth at least $1,000,000 dollars a year, the Government has found it impossible to procure this assent from the claimants. How far the personal interest of the clerk of the district court may be concerned in this, I know not; but this I do know, that the clerk refuses—notwithstanding the Government has expended $15,000 in the preparation and printing of the record—to certify a duplicate copy, unless he is paid $3,400 in advance. The effect of this will be, as I learn, that if he were paid the $3,400 to-day for this copy of the record, he would simply attach his certificate and the seal of the court to the volume already printed at the expense of the Government, and would receive this enormous compensation for what, in good conscience and honesty, he would not be entitled receive more than a nominal compensation. Besides this, I am advised by the Attorney General, in a letter which I hold in my hand, that the appeal in this New Almaden case will be lost, owing to the lapse of time, together with appeals in other cases, unless the bill is passed. I hope, therefore, that no obstacle will be presented to its passage.

Mr. JOHNSON. I did not understand the gentleman to state wherein it was necessary to make the district attorney the actual clerk of the court to certify the records; why we should change the order of things in that regard.

Mr. BLAIR, of Pennsylvania. It is only in reference to these California land claims, that the district attorney is authorized to copy the record and to employ clerks for that purpose, at a great saving to the Government. This provision does not extend to all cases, but to this particular class of cases, in which the Government is specially interested—cases which arise under special acts of Congress. I move the previous question.

Mr. COX. I have not withdrawn my objection. I do not think this the proper time to discuss, much less to examine, a bill of the importance of this one. It ought to go to the Committee on Private Land Claims, and be thoroughly investigated next session.

Mr. BLAIR, of Pennsylvania. I will send to the Clerk's desk a letter from the Attorney General, setting forth the necessity of passing this bill.

The letter was read, as follows:

ATTORNEY GENERAL'S OFFICE, *July* 31, 1861.

SIR: The passage of the bill relative to appeals in California land cases, prepared by the Assistant Attorney General, Mr. Coffey, and now in the Senate, is of great importance to the Government. Appeals are now taken by the United States in all the California land cases in which the decision is adverse to her. This is necessary, in order that the record may be sent up here for examination, and injustice to the Government, through carelessness or fraud, prevented. These records are numerous, and always voluminous. To prepare them involves large expense to the Government. The purpose of this bill is to relieve the Government of a great part of that expense.

As an illustration, I refer you to the celebrated New Almaden case. In that case, involving the title to a quicksilver mine, worth, at a low estimate, $1,000,000 a year, an appeal has been taken from the decision of the district court by *both parties*. The claimants have filed a transcript of the record, (contained in several large printed volumes,) and refuse to agree that that record shall be used in both appeals. The clerk of the district court refuses to make out or certify a transcript of the record for the Government, unless he is paid $3,400 *in advance*. I am informed that even if he were paid this large sum, the only record we would obtain would be a copy of the printed volumes above mentioned, with the clerk's certificate and seal attached. This record was printed by the Government at a cost of $15,000; so that the clerk would receive $3,400 for work already done at the expense of the Government. And yet we have no method of compelling the clerk to certify the record without compliance with his terms, since he holds his office by appointment of the court; and in two or three months the time for appeal will have elapsed, and if the record be not filed, the Government will lose not only the mine, but the large sums already paid for costs.

To remedy this, the bill proposes, first, to make the appeal of both parties valid on filing a copy of the record by one party. This is open to no objection, for the one transcript exhibits all that two could show.

Second, it revives a provision of the act of June 2, 1858, (11 Statutes at Large, p. 307,) which authorized the district attorney to have these records made out by clerks employed at a salary for that purpose, which is much the cheaper and more reliable method. This act is now necessary, because the act of 1858 expired by limitation on March 3, 1859. The penalty annexed is put in, because it is necessary that these records should be promptly obtained.

This bill requires no additional appropriation, as the salaries of the clerks employed by the district attorney are to come out of money already appropriated for the California land cases. The purpose of the bill is simply to relieve the Government of the necessity of paying exorbitant sums for copies of these records.

The passage of the bill is necessary at this time, because several of these records, including the New Almaden record, must be filed within three or four months, or the appeal will be lost.

I am, very respectfully, your obedient servant,

EDWARD BATES, *Attorney General.*

Hon. S. S. BLAIR, *Chairman of the Committee on Private Land Claims, House of Representatives.*

Mr. COX. I withdraw my objection to the bill, and fix the responsibility of it on the Government.

The previous question was seconded, and the

main question ordered; and under its operation the bill was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that the Senate had agreed to the amendments of the House to the bill (S. No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen in the service of the United States.

Also, that the Senate had agreed to the amendment of the House to the bill (S. No. 54) requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States.

Also, that the Senate had agreed to the amendments of the House to the bill (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers.

Also, that the Senate had concurred in the bill (H. R. No. 86) to punish certain crimes against the United States.

Also, that the Senate had passed a bill (No. 72) to increase the pay of the privates in the regular Army and in the volunteers in the service of the United States, and for other purposes; in which he was directed to ask the concurrence of the House.

Also, that the President of the United States had notified the Senate that he had approved and signed bills and a resolution of the following titles:

An act (S. No. 41) supplementary to an act entitled "An act to authorize a national loan, and for other purposes;"

An act (S. No. 53) to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia in certain cases;

An act (S. No. 58) supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861;

An act (S. No. 64) to reduce the consular fees for vessels running to or between foreign ports; and

A joint resolution (S. No. 5) to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death.

INCREASE OF PRIVATES' PAY.

Mr. STEVENS. I move to take from the Speaker's table Senate bill No. 72, to increase the pay of the privates in the regular Army, and in the volunteers in the service of the United States, and for other purposes.

Mr. CRISFIELD. I object to the consideration of that bill.

Mr. STEVENS. I hope gentlemen will not object. If the bill cannot be passed now, there will be a called session within twenty-four hours.

Mr. VALLANDIGHAM. I desire to ask the chairman of the Committee of Ways and Means a question in reference to this bill. I desire to know how this bill comes back here, after the House passed it yesterday?

Mr. STEVENS. This is a new bill.

The SPEAKER. It is an original Senate bill.

Mr. VALLANDIGHAM. I do not understand the matter yet.

The SPEAKER. The Senate has just sent this bill to the House, and asks the concurrence of the House in it.

Mr. VALLANDIGHAM. We concurred in a similar bill yesterday.

Mr. MORRILL, of Vermont. I will inform the gentleman, by leave of the House. I believe this is identically the bill that passed the House, with this exception: that, instead of increasing the pay of privates four dollars per month, this bill increases it but two dollars per month. I suppose that if this bill should not pass, Congress would be called back.

Mr. VALLANDIGHAM. It is very easy for the House to recede from its amendment to the bill passed yesterday; and that will leave it all right.

Mr. STEVENS. That bill, with the amendments, was lost in the Senate.

The SPEAKER. Is there any objection to taking up the bill?

Mr. CRISFIELD. I have objected to it.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen in the service of the United States;

A bill to provide for holding the district and circuit courts in judicial districts during a temporary vacancy in the judgeship;

A bill (S. No. 54) requiring an oath of allegiance, and to support the Constitution of the United States, to be administered to certain persons in the civil service of the United States;

A bill (S. No. 59) in relation to the office of attorney of the United States for the southern district of New York;

A bill (S. No. 67) explanatory of an act entitled "An act concerning the Attorney General and the attorneys and marshals of the several districts;"

A joint resolution (S. No. 16) authorizing an examination of James's projectiles for rifled cannon;

A bill (S. No. 65) to authorize an increase in the corps of engineers and topographical engineers;

A bill to confiscate property used for insurrectionary purposes; and

A bill (H. R. 101) to promote the efficiency of the engineer and topographical engineer corps, and for other purposes.

COMMUNICATION WITH THE ENEMY.

Mr. BINGHAM. I hold in my hand a bill which has been read the first and second time, and referred to the Judiciary Committee. That committee has not had an opportunity to pass upon it. It is a bill to define, prohibit, and punish certain unlawful communications with the enemy. I ask that the House will allow the bill to be read and passed.

Mr. VALLANDIGHAM. I object. To communicate with the enemy is treason already, and I desire the law to remain as our fathers made it.

Mr. BINGHAM. Communication in writing may not be treason. There is a special saving in the statute itself of anything that is treason already, so that the gentleman from Ohio has not answered the point.

Mr. VALLANDIGHAM. I object to the bill.

LONG BRIDGE.

Mr. ASHLEY. I desire to take up Senate bill (No. 46) appropriating $220,000 for the rebuilding of the Long Bridge across the Potomac, which was reported some days ago from the Committee for the District of Columbia, and sent to the Committee of the Whole on the state of the Union.

The bill was read by its title, as follows:

An act to provide for the construction of a bridge across the Potomac river.

Mr. F. A. CONKLING. I object.

Mr. ASHLEY. I desire to make a single statement to the gentleman from New York.

Mr. F. A. CONKLING. I have been unable to hear a single word of what has been going on; and I give notice that I will object to every thing that I cannot hear.

Mr. ASHLEY. I desire to state that I have a letter here from General Meigs, which says that an appropriation for the purpose of keeping the present bridge in repair is absolutely necessary. He says that the sum of $220,000 for building a new bridge would be wholly inadequate for the construction of such a bridge as the bill proposes. If the House will indulge me in taking the bill up, I will move to strike out the provision for building a new bridge, and move to increase the appropriation for the repair of the present structure from $10,000 to $100,000.

MESSAGE FROM THE PRESIDENT.

A message was received from the President, by Mr. NICOLAY, his Private Secretary, informing the House that he had this day approved and signed bills of the following titles:

An act authorizing the construction of twelve small side-wheel steamers;

An act making an appropriation to defray the expenses of investigating committees of the House and Senate, appointed at the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of the various officers of the Government;

An act authorizing additional enlistments in the Navy of the United States; and

An act making further appropriations for the support of the naval service for the year ending June 30, 1862, and for other purposes.

LONG BRIDGE—AGAIN.

Mr. ASHLEY. I hope now there will be no objection to discharging the Committee of the Whole on the state of the Union from the consideration of the bill for the construction of the Long Bridge.

There being no objection, the bill was brought before the House for consideration.

Mr. ASHLEY. I now move to strike out the first section of the bill, which provides for the construction of a new bridge, and to increase the appropriation in the second section for the repairs of the present structure from $10,000 to $100,000.

Mr. F. A. CONKLING. Do I understand the motion to be to strike out $10,000, and insert $100,000?

The SPEAKER. That is the latter portion of the gentleman's motion.

Mr. F. A. CONKLING. I have objected to the consideration of the bill at all, and I have not withdrawn my objection.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill to punish certain crimes against the United States; when the Speaker signed the same.

LONG BRIDGE—AGAIN.

Mr. STEELE, of New York. I desire to state to the House that the Committee for the District of Columbia had this subject under consideration, and came to the conclusion that $10,000 is sufficient to be appropriated at this time for repairs of the Long Bridge.

Mr. ASHLEY. I am informed by General Miegs that $10,000 will not keep the bridge in repair three months.

Mr. F. A. CONKLING. I call the attention of the Chair again to the fact that I have not withdrawn my objection to the bill.

The SPEAKER. The Chair thinks the gentleman's objection comes too late. The Chair put the question to the House, looking directly to the gentleman from New York, if there was objection to the consideration of the bill, and no one objected.

Mr. McCLERNAND. Do I understand the gentleman moves to increase the appropriation from $10,000 to $100,000 for repairs merely?

Mr. ASHLEY. Yes, sir.

Mr. McCLERNAND. Is not $10,000 enough for that purpose?

Mr. ASHLEY. No, sir; General Meigs says it is not enough to keep the bridge in repair for three months.

Mr. MOORHEAD. If the House will hear a single statement, I think there can be no difficulty about this matter.

Mr. F. A. CONKLING. I rise to a question of order. I want to know if this bill can be considered in the face of my objection, which I have not withdrawn?

The SPEAKER. The Chair overrules the question of order, and decides that the gentleman did not object in time.

Mr. F. A. CONKLING. I find myself, then, under the very disagreeable necessity of appealing from the decision of the Chair.

The SPEAKER. The Chair decides that the appeal comes too late. The bill is before the House for consideration, and it is too late to raise the question of its reception.

Mr. ASHLEY. In order to satisfy gentlemen who think $100,000 is too much for this purpose, I will vary my motion, so as to make the appropriation $20,000. I think there can be no objection to that amount.

Mr. ALLEY. If the gentleman from Ohio will yield a moment, I will explain this matter so that there will be no objection. I think General Meigs stated to me this morning that the appropriation of $220,000 would be entirely inadequate to build even a small portion of the bridge, as it must cost over a million dollars to build it as proposed; and also, that $10,000 was entirely too small a sum to repair it so that it would be reasonably safe. He thought $100,000 as small a sum as would answer

to repair it properly; and that it would, in his judgment, be far better, so far as army purposes were concerned, to repair the present bridge thoroughly than to build a new one at such a vast expenditure.

Mr. ASHLEY. I now move the previous question on the bill.

The previous question was seconded, and the main question ordered to be put.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. ASHLEY, the title of the bill was amended so as to read "An act to provide for repairs of the Long Bridge across the Potomac river."

The title as amended was then agreed to.

INCREASED PAY OF PRIVATES, ETC.

Mr. STEVENS. I again appeal to the gentleman who objected to the consideration of the bill for increasing the pay of privates in the regular Army and of volunteers, to withdraw that objection. I understand the bill passed by this House was laid on the table in the Senate. This is a new bill which has passed the Senate, and if we adjourn without passing it, it will cause very great inconvenience, and perhaps create the necessity of our being called back in another extra session.

Mr. CRISFIELD. I withdraw my objection.

Mr. JOHNSON. I object.

Mr. STEVENS. I move to suspend the rules.

The question was taken; and the rules were suspended, (two thirds having voted therefor.)

The bill was thereupon taken up for consideration. It proposes to increase the pay of the privates to thirteen dollars a month; and also extends the provisions of the act "for the relief of the Ohio and other volunteers" to all volunteers, no matter for what term of service they may have been accepted. It also directs that all the acts, proclamations, and orders, of the President of the United States, after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

The bill was read a first and second time, and was ordered to a third reading. It was read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CENSUS TAKERS.

Mr. ALLEN. I ask the unanimous consent of the House to order that the communication received this morning from the Secretary of the Interior, in reference to the pay of deputy marshals for taking the census, be printed in the Globe.

There was no objection, and it was so ordered.

The communication is as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, *August* 5, 1861.

SIR: In response to a resolution of the House of Representatives of the 3d instant, in the following words:

"*Resolved*, That the Secretary of the Interior be requested to inform this House why it is that a portion of the persons engaged in the loyal States in 1860 in taking the census, as deputy marshals, have not been paid; and when payment to such persons may be reasonably expected.

"Attest: EM. ETHERIDGE, *Clerk.*"

I herewith transmit a statement of the Superintendent of the Census, explanatory of the reasons why it is that a portion of the persons engaged in the loyal States in taking the census as deputy marshals have not been paid; and also his statement respecting the period when payment to such persons may reasonably be expected.

I have the honor to be, your obedient servant,
CALEB B. SMITH, *Secretary.*

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

CENSUS OFFICE, DEPARTMENT OF THE INTERIOR,
WASHINGTON, *August* 5, 1861.

SIR: In reply to the resolution of the House of Representatives of the 3d August, (which has just been received,) in the following words, viz:

"*Thirty-Seventh Congress—first session. Congress of the United States.*

"IN THE HOUSE OF REPRESENTATIVES,
"*August* 3, 1861.

"*Resolved*, That the Secretary of the Interior be requested to inform this House why it is that a portion of the persons engaged in the loyal States in 1860 in taking the census, as deputy marshals, have not been paid; and when payment to such persons may reasonably be expected.

"Attest: EM. ETHERIDGE, *Clerk.*"

I have the honor to state that four thousand three hundred and seven assistant marshals have received their first payment, being one half the amount certified by the marshals to be due these officers for their services in taking the eighth census. Second and final payment has been made to eleven hundred, and receipts are now *in transitu* to and from four hundred more for final payment, which will be made in these cases as their vouchers come to hand. Up to this date there has been paid to these officers the sum of $757,264 65, being $108,867 52 more than was paid at a corresponding period for taking the seventh census. Final payments are being made daily, as fast as our requisitions are honored at the Treasury, and in the order wherein the United States marshals certified to the completion of their duties.

Some faint idea of the labor attendant upon the settlement of these accounts may be formed from a knowledge of the fact that they involve an examination of more than thirty-five million separate items comprising the basis of payment, and this office is restricted by the twenty-first section of the law to a careful examination of these entries previous to completing the pay of the assistants. Some accounts are suspended, awaiting the amendment of unsatisfactory returns, but the majority have not yet been reached in their regular order for final settlement. Payments have necessarily been suspended for a short time on several occasions, on account of the want of funds at the Treasury.

In my opinion, all these accounts will be balanced on the books of this office in ninety days, and final payments (except in cases suspended by the action of the assistants) may reasonably be expected prior to the 1st of January.

I have the honor to be, your obedient servant,
JOSEPH C. G. KENNEDY,
Superintendent.

Hon. CALEB B. SMITH, *Secretary.*

ANNALS OF CONGRESS.

Mr. WALTON, of Vermont. I am directed by the Committee on Printing to report the following resolution:

Resolved, That the Clerk of the House be directed to purchase, for the use of the Library of the House of Representatives, by the meeting of the next session of Congress, one hundred sets of the "Annals of Congress and Register of Debates," at a price not exceeding that heretofore paid for said works.

The report of the committee was read, as follows:

The Committee on Printing, to which was referred the petition of Gales and Seaton, for the purchase of one hundred or more sets of the Debates, proceedings and statistics of Congress from 1789 to 1837, for the use of the library of the House, submits the following report:

The petitioners state that they "have on hand a large number of copies of the work, which it would be a material relief to them under the great depression of their business, brought on by the secession of the southern States and the consequent deranged state of all private affairs, to dispose of." But they have a double proprietorship in the work, the materials having been furnished by the reports and labors of the petitioners for nearly half a century, and without any compensation from the Government, other than what has been derived from the copies heretofore purchased. The committee is therefore unanimously of the opinion that if an additional supply is to be ordered, justice requires that the purchase should be made of the petitioners.

From a letter of the Clerk of the House of Representatives, accompanying this report, it appears that there are now eighty-five complete sets of the work in the Library; that each set consists of seventy-one volumes and costs $355; and "that an additional number will be required to enable the library to furnish a set of the debates to each member, during the session of Congress, at his lodgings." One hundred additional copies will supply each member of the present Congress a set for reference at his room, and leave thirteen copies for use in the library.

In the multitude of claims, and of delicate and important questions, hereafter to arise out of the present war, the members of the House may well be disposed to consult early established principles and precedents, and it will perhaps be just to anticipate that there will be an enlarged demand for this work. In this view of the subject, and in the ordinary state of the Treasury, the committee would unhesitatingly recommend the purchase of one hundred additional copies. This would incur an expenditure of $35,500, to be provided for at the next session of Congress. This large expenditure at the present time embarrasses a question which would otherwise be clear. The Committee therefore reports the following resolution, and submits the question to the judgment of the House.

Mr. WALTON, of Vermont. There are only about eighty-five copies of the proceedings and debates in Congress, from 1789 to 1836, when Rives's Globe begins, now in the library of the House of Representatives; and if members of Congress did their duty in the various delicate and important questions which arise in this war, they would constantly consult these "Annals of Congress;" and to do that, there must be more copies of the work in our library. If this order is made, it will require an expenditure of $35,500. We doubt whether we ought to expend that amount in the present condition of the Treasury, although we believe this book ought to be ordered. I demand the previous question.

Mr. TRIMBLE moved that the resolution be laid upon the table.

The question was taken; and the motion was disagreed to.

The previous question was seconded, and the main question ordered.

The resolution was not adopted.

HOLT'S LETTER.

Mr. WICKLIFFE. I ask the unanimous consent of the House for leave to have read Secretary Holt's letter giving the reasons for assembling a military force in Washington.

Objection was made.

Mr. ASHLEY. I move that it be printed in the Globe, with the communication from the Acting Secretary of War.

It was so ordered.

The communications are as follows:

WAR DEPARTMENT, *August* 5, 1861.

SIR: In compliance with the resolution of the House of Representatives of the 27th ultimo, I have the honor to transmit herewith "a copy of the letter and report of the Hon. Joseph Holt to the President of the United States, dated the 18th February, 1861, in response to a resolution of the House of Representatives of the 11th of said month, requesting the reasons for assembling the United States troops at the seat of Government of the United States."

I am, very respectfully, your obedient servant,
THOMAS A. SCOTT,
Acting Secretary of War.

Hon. GALUSHA A. GROW,
Speaker House of Representatives.

WAR DEPARTMENT, *February* 18, 1861.

SIR: On the 11th February, the House of Representatives adopted a resolution requesting the President, if not incompatible with the public interests, to communicate "the reasons that had induced him to assemble so large a number of troops in this city, and why they are kept here; and whether he has any information of a conspiracy upon the part of any portion of the citizens of this country to seize upon the capital and prevent the inauguration of the President elect."

This resolution having been submitted to this Department for consideration and report, I have the honor to state, that the body of troops temporarily transferred to this city is not large, as is assumed by the resolution, though it is a well appointed corps and admirably adapted for the preservation of the public peace. The reasons which led to their being assembled here will now be briefly stated.

I shall make no comment upon the origin of the revolution which, for the last three months, has been in progress in several of the southern States, nor shall I enumerate the causes which have hastened its advancement or exasperated its temper. The scope of the question submitted by the House will be sufficiently met by dealing with the facts as they exist, irrespective of the cause from which they have proceeded. That revolution has been distinguished by a boldness and completeness of success rarely equaled in the history of civil commotions. Its overthrow of the Federal authority has not only been sudden and widespread, but has been marked by excesses which have alarmed all and been sources of profound humiliation to a large portion of the American people. Its history is a history of surprises and treacheries and ruthless spoliations. The forts of the United States have been captured and garrisoned, and hostile flags unfurled upon their ramparts. Its arsenals have been seized, and the vast amount of public arms they contained appropriated to the use of the captors; while more than half a million dollars, found in the mint at New Orleans, has been unscrupulously applied to replenish the coffers of Louisiana. Officers in command of revenue cutters of the United States have been prevailed on to violate their trusts and surrender the property in their charge; and instead of being branded for their crimes, they, and the vessels they betrayed, have been cordially received into the service of the seceded States. These movements were attended by yet more discouraging indications of immorality. It was generally believed that this revolution was guided and urged on by men occupying the highest positions in the public service, and who, with the responsibilities of an oath to support the Constitution still resting upon their consciences, did not hesitate secretly to plan, and openly to labor for, the dismemberment of the Republic whose honors they enjoyed and upon whose Treasury they were living. As examples of evil are always more potent than those of good, this spectacle of demoralization on the part of States and statesmen could not fail to produce the most deplorable consequences. The discontented and the disloyal everywhere took courage. In other States, adjacent to and supposed to sympathize in sense of political wrong with those referred to, revolutionary schemes were set on foot, and forts and arms of the United States seized. The unchecked prevalence of the revolution, and the intoxication which its triumphs inspired, naturally suggested wilder and yet more desperate enterprises than the conquest of ungarrisoned forts or the plunder of an unguarded mint. At what time the armed occupation of Washington city became a part of the revolutionary programme, is not certainly known. More than six weeks ago, the impression had already extensively obtained that a conspiracy for the accomplishment of this guilty purpose was in process of formation, if not fully matured. The earnest endeavors made by men known to be devoted to the revolution, to hurry Virginia and Maryland out of the Union, were regarded as preparatory steps for the subjugation of Washington. This plan was in entire harmony with the aim and spirit of those seeking the subversion of the Government, since no more fatal blow at its existence could be struck than the permanent and hostile possession of the seat of its power. It was in harmony, too, with the avowed designs of the revolutionists, which looked to the formation of a confederacy of all the slave States, and necessarily to the conquest of the capital within their limits. It seemed not very indistinctly prefigured in a proclamation made upon

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the floor of the Senate, without qualification, if not exultingly, that the Union was already dissolved—a proclamation which, however intended, was certainly calculated to invite, on the part of men of desperate fortunes or of revolutionary States, a raid upon the capital. In view of the violence and turbulent disorders already exhibited in the South, the public mind could not reject such a scheme as at all improbable. That a belief in its existence was entertained by multitudes, there can be no doubt, and this belief I fully shared. My conviction rested not only on the facts already alluded to, but upon information, some of which was of a most conclusive character, that reached the Government from many parts of the country, not merely expressing the prevalence of the opinion that such an organization had been formed, but also often furnishing the plausible grounds on which the opinion was based. Superadded to these proofs, were the oft-repeated declarations of men in high political positions here, and who were known to have intimate affiliations with the revolution—if indeed they did not hold its reins in their hands—to the effect that Mr. Lincoln would not, or should not, be inaugurated at Washington. Such declarations, from such men, could not be treated as empty bluster. They were the solemn utterances of those who well understood the import of their words, and who, in the exultation of the temporary victories gained over their country's flag in the South, felt assured that events would soon give them the power to verify their predictions. Simultaneously with these prophetic warnings, a southern journal of large circulation and influence, and which is published near the city of Washington, advocated its seizure as a possible political necessity.

The nature and power of the testimony thus accumulated may be best estimated by the effect produced upon the popular mind. Apprehensions for the safety of the capital were communicated from points near and remote, by men unquestionably reliable and loyal. The resident population became disquieted, and the repose of many families in the city was known to be disturbed by painful anxieties. Members of Congress, too—men of calm and comprehensive views, and of undoubted fidelity to their country—frankly expressed their solicitude to the President and to this Department, and formally insisted that the defenses of the capital should be strengthened. With such warnings, it could not be forgotten that, had the late Secretary of War heeded the anonymous letter which he received, the tragedy at Harper's Ferry would have been avoided; nor could I fail to remember that, had the early admonitions which reached here in regard to the designs of lawless men upon the forts of Charleston harbor been acted on by sending forward adequate reinforcements before the revolution began, the disastrous political complications that ensued might not have occurred.

Impressed by these circumstances and considerations, I earnestly besought you to allow the concentration, at this city, of a sufficient military force to preserve the public peace from all the dangers that seemed to threaten it. An open manifestation, on the part of the Administration, of a determination, as well as of the ability, to maintain the laws, would, I was convinced, prove the surest, as also the most pacific, means of baffling and dissolving any conspiracy that might have been organized. It was believed, too, that the highest and most solemn responsibility resting upon a President withdrawing from the Government was to secure to his successor a peaceful inauguration. So deeply, in my judgment, did this duty concern the whole country and the fair fame of our institutions, that, to guaranty its faithful discharge, I was persuaded no preparation could be too determined or too complete. The presence of the troops alluded to in the resolution is the result of the conclusion arrived at by yourself and Cabinet, on the proposition submitted to you by this Department. Already this display of life and loyalty on the part of your Administration has produced the happiest effects. Public confidence has been restored, and the feverish apprehension which it was so mortifying to contemplate has been banished. Whatever may have been the machinations of deluded, lawless men, the execution of their purpose has been suspended, if not altogether abandoned, in view of preparations which announce more impressively than words that this Administration is alike able and resolved to transfer in peace, to the President elect, the authority that, under the Constitution, belongs to him. To those, if such there be, who desire the destruction of the Republic, the presence of these troops is necessarily offensive; but those who sincerely love our institutions cannot fail to rejoice that, by this timely precaution, they have possibly escaped the deep dishonor which they must have suffered had the capital, like the forts and arsenals of the South, fallen into the hands of the revolutionists, who have found this great Government weak only because, in the exhaustless beneficence of its spirit, it has refused to strike, even in its own defense, lest it should wound the aggressor.

I have the honor to be, very respectfully, your obedient servant,

J. HOLT,
Secretary of War.

The PRESIDENT.

MARITIME RIGHTS.

Mr. COX. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the President of the United States, if not incompatible with the public interest, communicate to this House, at its next session, the correspondence with foreign nations since 1853, with reference to maritime rights.

There was no objection; and the resolution was adopted.

CLERK OF A COMMITTEE.

Mr. VERREE, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Accounts be authorized to allow the account of the clerk of the Committee on Revolutionary Pensions, for his services during the second session of the Thirty-Sixth Congress.

SENATE BILLS RETURNED.

The SPEAKER. If there be no objection, certain bills asked for by the Senate will be returned to that body.

There was no objection; and it was so ordered.

PERSONAL EXPLANATION.

Mr. MAY. I ask the consent of the House to make a personal explanation. I may say that I rise to a question of privilege. I was not here yesterday when the gentleman from New York [Mr. DIVEN] offered his resolution.

Objection was made.

The SPEAKER. The gentleman cannot proceed, objection being made.

Mr. CRISFIELD. I move that the rules be suspended, in order to permit my colleague to make his personal explanation.

The motion was disagreed to, (two thirds not voting in favor thereof.)

BOOKS FOR NEW MEMBERS.

Mr. McCLERNAND. I have been requested by several new members to offer the following resolution:

Resolved, That a copy of the Congressional Globe and Appendix be purchased by the Clerk of the House, at the usual price, for each member of the present House who has never received the same.

Mr. McPHERSON. I object.

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 72) to increase the pay of privates of the regular Army and of the volunteers in the service of the United States, and for other purposes; and

A bill (H. R. No. 60) relative to appeals to the Supreme Court of the United States.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had passed bills of the following titles:

A bill (H. R. No. 103) authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland; and

A bill (H. R. No. 105) to provide for the payment of Arnold Willett, for bread, &c., and Henry Worth, for wood, supplied to the United States volunteers in Maryland.

EXTENSION OF THE SESSION.

Mr. ASHLEY. I move that the session be extended thirty minutes.

Mr. VALLANDIGHAM. The clock has been stopped five or ten minutes.

Mr. COLFAX. The Senate desires that extension.

There was no objection, and it was so ordered.

Mr. STEVENS. Will that allow the clock to go on? [Laughter.]

ENROLLED BILLS.

Mr. GRANGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 103) authorizing the Secretary of War to pay volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland; and

A bill (H. R. No. 105) to provide for the payment of Arnold Willett, for bread &c., and Henry Worth, for wood, supplied to the United States volunteers in Maryland.

THE HOUSE CLOCK.

Mr. JOHNSON. I offer the following resolution:

Resolved, That inasmuch as the clock has refused to go by the House, the House refuses to go by the clock.

Objected to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President, by Mr. NICOLAY, his Private Secretary, notifying the House that he had approved and signed an act (H. R. No. 86) to punish certain crimes against the United States.

HOLT'S LETTER.

Mr. WICKLIFFE. I again ask for the reading of Secretary Holt's letter, giving the reasons for assembling a military force in this city.

There was no objection; and the reading of the letter was ordered.

Mr. WICKLIFFE. Mr. Speaker, before the Clerk proceeds to read that letter, I will inform the House that this morning the news from Kentucky is to the effect that she is wholly for the Union; that, as she was one of the first to come into it, she will be one of the last to leave it. [Protracted applause upon the floor and in the galleries.]

The Clerk then read the letter referred to, and published in the preceding portion of the day's proceedings.

MESSAGE FROM THE PRESIDENT.

A message was received from the President, by Mr. NICOLAY, notifying the House that he had approved and signed bills of the following titles:

An act (H. R. No. 103) authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A Morris, enlisted to protect the railroad bridge and other property in the vicinity of Oakland, Allegany county, Maryland; and

An act (H. R. No. 105) to provide for the payment of Arnold Willett, for bread, &c., and Henry Worth, for wood, supplied to the United States volunteers in Maryland.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that that body had agreed to the resolution for the extension of the session thirty minutes.

EXPLANATION.

Mr. DIVEN. I ask the House to permit me to make an explanation in reference to the resolution introduced by me yesterday, and which I understand is regarded as offensive to some members of this House.

Objection was made.

A MEMBER. Mr. MAY was not allowed to explain.

Mr. DIVEN. Then I ask that he be allowed to make an explanation. I want to say that I meant nothing personally offensive by the wording of that resolution. I meant simply to condemn a principle, and not to question the motives, the integrity, or honesty of anybody who advocated that principle.

Mr. MAY. I was not here when the resolution was offered, or I should have adverted to its terms at the time. The gentleman's explanation is entirely satisfactory.

Mr. DIVEN. While the vote was being taken, an alteration of the terms of the resolution was being prepared; but it was too late.

Mr. COX. It is the desire of members around here to make a clean thing of the matter that transpired yesterday. At the time the gentleman from New York offered his resolution, it excited a general flash of indignation on this side of the House. The gentleman says now that there was nothing personal in it. But members on this side who have consistently supported the war policy of the Administration, and who have also been desirous, at all times, of a proper and honorable peace, believing that the war was to be conducted with a view to peace and union, and members, too, who had other motives and other objects in view, all looking to pacification, felt that the resolution was a personal indignity offered to them. This feeling induced the resolution which I offered. I take, however, the present opportunity of saying that, as the gentleman from New York has withdrawn all that was obnoxious in his resolution, I would, if it were in my power, wipe out the whole of mine.

SECRETARY HOLT'S LETTER.

Mr. TROWBRIDGE. I move that five thousand copies of the letter of Hon. Joseph Holt, just read, be printed for the use of the House.

Mr. VALLANDIGHAM. I object.

Mr. TROWBRIDGE. I move to suspend the rules for that purpose.

The SPEAKER. The Chair will state to the gentleman from Michigan that his resolution could not be acted on at this time. It must go, by law, to the Committee on Printing.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. KELLOGG of Illinois. I move that a committee be appointed to wait on the President of the United States, and ascertain whether he has any further communication to make to the House.

The motion was agreed to; and Messrs. KELLOGG of Illinois, FENTON, and CRISFIELD, were appointed such committee.

NORTHWESTERN INTERESTS.

Mr. COLFAX. Would it be in order to hear the gentleman from Minnesota [Mr. ALDRICH] in reference to the condition of our northwestern frontier?

Mr. STEVENS. And of the Red River of the North?

The SPEAKER. If there be no objection, the Chair will make none.

There was no objection.

Mr. ALDRICH. The gentleman from Missouri desires to know if the gentleman from Ohio objects?

Mr. VALLANDIGHAM. Which gentleman from Ohio?

Mr. ALDRICH. The gentleman in the aisle, [Mr. VALLANDIGHAM.]

Mr. VALLANDIGHAM. I belong to the Northwest myself, and object to nothing that concerns her interests.

Mr. COX. I would like to know the effect of the new tariff on whisky in the Red River country. [Laughter.]

The SPEAKER. The Chair cannot permit any personalities to be indulged in.

Mr. ALDRICH. I desire to say at the outset, to my friends from Ohio, these young men, worthy young men, educated young men, talented young men, young men, Mr. Speaker—can I have the Speaker's ear?—[roars of laughter]—I was saying, Mr. Speaker, with due solemnity, [continued laughter,] to the young men here from Ohio, one standing in the aisle—where he has stood nearly all the session—on the frontier, [great laughter]——

The SPEAKER. The Chair hopes gentlemen will preserve the decorum due to the occasion.

Mr. ALDRICH. The other one scribbling away as he ought not to do. They are worthy young men, talented young men; but the trouble is they are laboring under a mental hallucination of the mind. [Uproarious laughter.] But before I get to the Red River of the North, Mr. Speaker, let me say to the gentleman from Lancaster, Pennsylvania—the worthy chairman of the Committee of Ways and Means——

A VOICE. Committee of mean ways.

Mr. ALDRICH. Sometimes they are mean ways, especially when they oppose anything for the Red River of the North, as they sometimes have done, which was very much to be regretted. I have almost forgotten what I was going to say. [Laughter.]

Mr. STEVENS made some suggestion.

Mr. ALDRICH. The gentleman has reminded me that my light-haired young friend from Indiana [Mr. PORTER] sometimes gets off the track, and votes against appropriations for the Red River of the North. That, too, is very much to be regretted. But the gentleman from Lancaster himself, [Mr. STEVENS,]—the place where "J. B." comes from—a young man who ought to know what is right, and ought to vote what is right, sometimes gets off the track, too. Mr. Speaker, we of the Northwest, living on the buffalo trail between the Atlantic and Pacific, have asked favors at the hands of this House. Sometimes we have been favored, and sometimes we have not. When we asked an appropriation of $200,000 for a mail route from the Mississippi to Puget Sound, the gentleman from Lancaster, Pennsylvania, said there was nothing there to transport except rabbit skins. [Laughter.] But that gentleman aint posted. The gentleman ought to come into our country and look at it, as you have done, Mr. Speaker, and as my friend from Indiana, this nice young man, [Mr. COLFAX,] has done. He understands all these things. But what was to me more surprising than anything else, that nice young man, as chairman of the Committee on the Post Office and Post Roads, when the Senate had voted to give us $200,000 for an overland mail route, opposed it. [Mr. HUTCHINS. "Louder."] The gentleman from Ohio will recollect that I informed his colleague last session that my lungs were weak, [laughter,] and that I could not speak loud. Here is my friend, the chairman of the Committee on Military Affairs, [Mr. BLAIR, of Missouri,] who has also been out to my country, and who told me himself, individually, that he found Christians out there. [Loud laughter.]

The SPEAKER. The gentleman will suspend his remarks, to permit a committee to report.

Mr. ALDRICH. I will yield for my friend from Illinois; not for any other man.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. KELLOGG, of Illinois. Mr. Speaker, the committee appointed by this House to confer with the President, and ascertain if he had any further communication to make to this House, have discharged that duty; and are authorized by the President to say that he has no further communication to make to the House this session.

FINAL ADJOURNMENT.

The SPEAKER. Gentlemen of the House of Representatives, the clock is evidently out of order. [Laughter.] The hour having arrived fixed by the two Houses of Congress for their adjournment, I declare this House adjourned *sine die*.

Mr. ALDRICH. Mr. Speaker, I wish to know if I am cut off?

The SPEAKER. The gentleman will be entitled to the floor at the commencement of the next session of Congress, as unfinished business. [Laughter.]

THE END.

APPENDIX

TO

THE CONGRESSIONAL GLOBE:

CONTAINING

SPEECHES, IMPORTANT STATE PAPERS, LAWS, ETC.,

OF THE

FIRST SESSION THIRTY-SEVENTH CONGRESS.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE
1861.

APPENDIX

TO THE CONGRESSIONAL GLOBE.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES.

Fellow-Citizens of the Senate and House of Representatives:

Having been convened on an extraordinary occasion, as authorized by the Constitution, your attention is not called to any ordinary subject of legislation.

At the beginning of the present presidential term, four months ago, the functions of the Federal Government were found to be generally suspended within the several States of South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida, excepting only those of the Post Office Department.

Within these States all the forts, arsenals, dock-yards, custom-houses, and the like, including the movable and stationary property in and about them, had been seized, and were held in open hostility to this Government, excepting only Forts Pickens, Taylor, and Jefferson, on and near the Florida coast, and Fort Sumter, in Charleston harbor, South Carolina. The forts thus seized had been put in improved condition, new ones had been built, and armed forces had been organized and were organizing, all avowedly with the same hostile purpose.

The forts remaining in the possession of the Federal Government in and near these States were either besieged or menaced by warlike preparations, and especially Fort Sumter was nearly surrounded by well-protected hostile batteries, with guns equal in quality to the best of its own, and outnumbering the latter as perhaps ten to one. A disproportionate share of the Federal muskets and rifles had somehow found their way into these States, and had been seized to be used against the Government. Accumulations of the public revenue, lying within them, had been seized for the same object. The Navy was scattered in distant seas, leaving but a very small part of it within the immediate reach of the Government. Officers of the Federal Army and Navy had resigned in great numbers; and of those resigning, a large proportion had taken up arms against the Government. Simultaneously, and in connection with all this, the purpose to sever the Federal Union was openly avowed. In accordance with this purpose, an ordinance had been adopted in each of these States, declaring the States, respectively, to be separated from the National Union. A formula for instituting a combined government of these States had been promulgated; and this illegal organization in the character of confederate States, was already invoking recognition, aid, and intervention, from foreign Powers.

Finding this condition of things, and believing it to be an imperative duty upon the incoming Executive to prevent, if possible, the consummation of such attempt to destroy the Federal Union, a choice of means to that end became indispensable. This choice was made, and was declared in the inaugural address. The policy chosen looked to the exhaustion of all peaceful measures, before a resort to any stronger ones. It sought only to hold the public places and property not already wrested from the Government, and to collect the revenue, relying for the rest on time, discussion, and the ballot box. It promised a continuance of the mails, at Government expense, to the very people who were resisting the Government; and it gave repeated pledges against any disturbance to any of the people, or any of their rights. Of all that which a President might constitutionally and justifiably do in such a case, everything was forborne, without which it was believed possible to keep the Government on foot.

On the 5th of March, (the present incumbent's first full day in office,) a letter of Major Anderson, commanding at Fort Sumter, written on the 28th of February, and received at the War Department on the 4th of March, was, by that Department, placed in his hands. This letter expressed the professional opinion of the writer, that reinforcements could not be thrown into that fort within the time for his relief, rendered necessary by the limited supply of provisions, and with a view of holding possession of the same, with a force of less than twenty thousand good and well disciplined men. This opinion was concurred in by all the officers of his command, and their *memoranda* on the subject were made inclosures of Major Anderson's letter. The whole was immediately laid before Lieutenant General Scott, who at once concurred with Major Anderson in opinion. On reflection, however, he took full time, consulting with other officers, both of the Army and the Navy; and, at the end of four days, came reluctantly, but decidedly, to the same conclusion as before. He also stated at the same time that no such sufficient force was then at the control of the Government, or could be raised and brought to the ground within the time when the provisions in the fort would be exhausted. In a purely military point of view, this reduced the duty of the Administration in the case, to the mere matter of getting the garrison safely out of the fort.

It was believed, however, that to so abandon that position, under the circumstances, would be utterly ruinous; that the *necessity* under which it was to be done would not be fully understood; that by many it would be construed as a part of a *voluntary* policy; that at home it would discourage the friends of the Union, embolden its adversaries, and go far to insure to the latter a recognition abroad; that, in fact, it would be our national destruction consummated. This could not be allowed. Starvation was not yet upon the garrison; and ere it would be reached *Fort Pickens* might be reinforced. This last would be a clear indication of *policy*, and would better enable the country to accept the evacuation of Fort Sumter as a military *necessity*. An order was at once directed to be sent for the landing of the troops from the steamship Brooklyn into Fort Pickens. This order could not go by land, but must take the longer and slower route by sea. The first return news from the order was received just one week before the fall of Fort Sumter. The news itself was that the officer commanding the Sabine, to which vessel the troops had been transferred from the Brooklyn, acting upon some *quasi* armistice of the late Administration, (and of the existence of which the present Administration, up to the time the order was dispatched, had only too vague and uncertain rumors to fix attention,) had refused to land the troops. To now reinforce Fort Pickens before a crisis would be reached at Fort Sumter was impossible—rendered so by the near exhaustion of provisions in the latter-named fort. In precaution against such a conjuncture, the Government had a few days before commenced preparing an expedition, as well adapted as might be, to relieve Fort Sumter, which expedition was intended to be ultimately used or not, according to circumstances. The strongest anticipated case for using it was now presented; and it was resolved to send it forward. As had been intended in this contingency, it was also resolved to notify the Governor of South Carolina that he might expect an attempt would be made to provision the fort; and that, if the attempt should not be resisted, there would be no effort to throw in men, arms, or ammunition, without further notice, or in case of an attack upon the fort. This notice was accordingly given; whereupon the fort was attacked and bombarded to its fall, without even awaiting the arrival of the provisioning expedition.

It is thus seen that the assault upon and reduction of Fort Sumter was in no sense a matter of self defense on the part of the assailants. They well knew that the garrison in the fort could by no possibility commit aggression upon them. They knew—they were expressly notified—that the giving of bread to the few brave and hungry men of the garrison was all which would on that occasion be attempted, unless themselves, by resisting so much, should provoke more. They knew that this Government desired to keep the garrison in the fort, not to assail them, but merely to maintain visible possession, and thus to preserve the Union from actual and immediate dissolution—trusting, as hereinbefore stated, to time, discussion, and the ballot-box, for final adjustment; and they assailed and reduced the fort for precisely the reverse object—to drive out the visible authority of the Federal Union, and thus force it to immediate dissolution. That this was their object, the Executive well understood; and having said to them in the inaugural address, "You can have no conflict without being yourselves the aggressors," he took pains not only to keep this declaration good, but also to keep the case so free from the power of ingenious sophistry that the world should not be able to misunderstand it. By the affair at Fort Sumter, with its surrounding circumstances, that point was reached. Then and thereby the assailants of the Government began the conflict of arms, without a gun in sight or in expectancy to return their fire, save only the few in the fort, sent to that harbor years before for their own protection, and still ready to give that protection in whatever was lawful. In this act, discarding all else, they have forced upon the country the distinct issue, "immediate dissolution or blood."

And this issue embraces more than the fate of these United States. It presents to the whole family of man the question, whether a constitu-

tional republic, or democracy—a Government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily, without any pretense, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: "Is there, in all republics, this inherent and fatal weakness?" "Must a Government, of necessity, be too *strong* for the liberties of its own people, or two *weak* to maintain its own existence?"

So viewing the issue, no choice was left but to call out the war power of the Government; and so to resist force employed for its destruction, by force for its preservation.

The call was made, and the response of the country was most gratifying, surpassing in unanimity and spirit the most sanguine expectation. Yet none of the States commonly called slave States, except Delaware, gave a regiment through regular State organization. A few regiments have been organized within some others of those States by individual enterprise, and received into the Government service. Of course, the seceded States, so called, (and to which Texas had been joined about the time of the inauguration,) gave no troops to the cause of the Union. The border States, so called, were not uniform in their action, some of them being almost *for* the Union, while in others—as Virginia, North Carolina, Tennessee, and Arkansas—the Union sentiment was nearly repressed and silenced. The course taken in Virginia was the most remarkable—perhaps the most important. A convention, elected by the people of that State to consider this very question of disrupting the Federal Union, was in session at the capital of Virginia when Fort Sumter fell. To this body the people had chosen a large majority of *professed* Union men. Almost immediately after the fall of Sumter, many members of that majority went over to the original disunion minority, and, with them, adopted an ordinance for withdrawing the State from the Union. Whether this change was wrought by their great approval of the assault upon Sumter, or their great resentment at the Government's resistance to that assault, is not definitely known. Although they submitted the ordinance, for ratification, to a vote of the people, to be taken on a day then somewhat more than a month distant, the convention and the Legislature, (which was also in session at the same time and place,) with leading men of the State, not members of either, immediately commenced acting as if the State were already out of the Union. They pushed military preparations vigorously forward all over the State. They seized the United States armory at Harper's Ferry, and the navy-yard at Gosport, near Norfolk. They received—perhaps invited—into their State large bodies of troops, with their warlike appointments, from the so-called seceded States. They formally entered into a treaty of temporary alliance and coöperation with the so-called "confederate States," and sent members to their congress at Montgomery; and, finally, they permitted the insurrectionary government to be transferred to their capital at Richmond.

The people of Virginia have thus allowed this giant insurrection to make its nest within her borders; and this Government has no choice left but to deal with it *where* it finds it. And it has the less regret, as the loyal citizens have in due form claimed its protection. Those loyal citizens this Government is bound to recognize and protect as being Virginia.

In the border States, so called—in fact, the middle States—there are those who favor a policy which they call "armed neutrality;" that is, an arming of those States to prevent the Union forces passing one way, or the disunion the other, over their soil. This would be disunion completed. Figuratively speaking, it would be the building of an impassable wall along the line of separation—and yet not quite an impassable one; for, under the guise of neutrality, it would tie the hands of the Union men, and freely pass supplies from among them to the insurrectionists, which it could not do as an open enemy. At a stroke it would take all the trouble off the hands of secession, except only what proceeds from the external blockade. It would do for the disunionists that which of all things they most desire—feed them well and give them disunion without a struggle of their own. It recognizes no fidelity to the Constitution, no obligation to maintain the Union; and while very many who have favored it are doubtless loyal citizens, it is, nevertheless, very injurious in effect.

Recurring to the action of the Government, it may be stated that at first a call was made for seventy-five thousand militia; and rapidly following this a proclamation was issued for closing the ports of the insurrectionary districts by proceedings in the nature of a blockade. So far all was believed to be strictly legal. At this point the insurrectionists announced their purpose to enter upon the practice of privateering.

Other calls were made for volunteers to serve for three years, unless sooner discharged, and also for large additions to the regular Army and Navy. These measures, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity; trusting then as now that Congress would readily ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress.

Soon after the first call for militia, it was considered a duty to authorize the commanding general in proper cases, according to his discretion, to suspend the privilege of the writ of *habeas corpus*, or, in other words, to arrest and detain, without resort to the ordinary processes and forms of law, such individuals as he might deem dangerous to the public safety. This authority has purposely been exercised but very sparingly. Nevertheless, the legality and propriety of what has been done under it are questioned, and the attention of the country has been called to the proposition that one who is sworn to "take care that the laws be faithfully executed" should not himself violate them. Of course some consideration was given to the questions of power and propriety before this matter was acted upon. The whole of the laws which were required to be faithfully executed were being resisted, and failing of execution in nearly one third of the States. Must they be allowed to finally fail of execution, even had it been perfectly clear that by the use of the means necessary to their execution some single law, made in such extreme tenderness of the citizen's liberty, that practically it relieves more of the guilty than of the innocent, should to a very limited extent be violated? To state the question more directly: are all the laws *but one* to go unexecuted, and the Government itself go to pieces, lest that one be violated? Even in such a case, would not the official oath be broken if the Government should be overthrown, when it was believed that disregarding the single law would tend to preserve it? But it was not believed that this question was presented. It was not believed that any law was violated. The provision of the Constitution that "the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it," is equivalent to a provision—is a provision—that such privilege may be suspended when, in case of rebellion or invasion, the public safety *does* require it. It was decided that we have a case of rebellion, and that the public safety does require the qualified suspension of the privilege of the writ which was authorized to be made. Now, it is insisted that Congress, and not the Executive, is vested with this power. But the Constitution itself is silent as to which or who is to exercise the power; and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together; the very assembling of which might be prevented, as was intended in this case, by the rebellion.

No more extended argument is now offered, as an opinion, at some length, will probably be presented by the Attorney General. Whether there shall be any legislation upon the subject, and if any, what, is submitted entirely to the better judgment of Congress.

The forbearance of this Government had been so extraordinary, and so long continued, as to lead some foreign nations to shape their action as if they supposed the early destruction of our national Union was probable. While this, on discovery, gave the Executive some concern, he is now happy to say that the sovereignty and rights of the United States are now everywhere practically respected by foreign Powers; and a general sympathy with the country is manifested throughout the world.

The reports of the Secretaries of the Treasury, War, and the Navy, will give the information in detail deemed necessary and convenient for your deliberation and action; while the Executive and all the Departments will stand ready to supply omissions, or to communicate new facts considered important for you to know.

It is now recommended that you give the legal means for making this contest a short and a decisive one; that you place at the control of the Government, for the work, at least four hundred thousand men, and $400,000,000. That number of men is about one tenth of those of proper ages within the regions where, apparently, *all* are willing to engage; and the sum is less than a twenty-third part of the money value owned by the men who seem ready to devote the whole. A debt of $600,000,000 *now*, is a less sum per head than was the debt of our Revolution when we came out of that struggle; and the money value in the country now bears even a greater proportion to what it was *then*, than does the population. Surely each man has as strong a motive *now* to *preserve* our liberties, as each had *then* to *establish* them.

A right result, at this time, will be worth more to the world than ten times the men and ten times the money. The evidence reaching us from the country leaves no doubt that the material for the work is abundant, and that it needs only the hand of legislation to give it legal sanction, and the hand of the executive to give it practical shape and efficiency. One of the greatest perplexities of the Government is to avoid receiving troops faster than it can provide for them. In a word, the people will save their Government if the Government itself will do its part only indifferently well.

It might seem, at first thought, to be of little difference whether the present movement at the South be called "secession" or "rebellion." The movers, however, well understand the difference. At the beginning they knew they could never raise their treason to any respectable magnitude by any name which implies *violation* of law. They knew their people possessed as much of moral sense, as much of devotion to law and order, and as much pride in, and reverence for, the history and Government of their common country, as any other civilized and patriotic people. They knew they could make no advancement directly in the teeth of these strong and noble sentiments. Accordingly they commenced by an insidious debauching of the public mind. They invented an ingenious sophism, which, if conceded, was followed by perfectly logical steps, through all the incidents, to the complete destruction of the Union. The sophism itself is, that any State of the Union may, *consistently* with the national Constitution, and therefore *lawfully* and *peacefully*, withdraw from the Union without the consent of the Union or of any other State. The little disguise that the supposed right is to be exercised only for just cause, themselves to be the sole judge of its justice, is too thin to merit any notice.

With rebellion thus sugar-coated they have been drugging the public mind of their section for more than thirty years, and until at length they have brought many good men to a willingness to take up arms against the Government the day *after* some assemblage of men have enacted the farcical pretense of taking their State out of the Union, who could have been brought to no such thing the day *before*.

This sophism derives much, perhaps the whole, of its currency from the assumption that there is some omnipotent and sacred supremacy pertaining to a *State*—to each State of our Federal Union. Our States have neither more nor less power than that reserved to them in the Union by the Constitution—no one of them ever having been a State

out of the Union. The original ones passed into the Union even *before* they cast off their British colonial dependence; and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never designated a State. The new ones only took the designation of States on coming into the Union, while that name was first adopted for the old ones in and by the Declaration of Independence. Therein the "United Colonies" were declared to be "free and independent States;" but, even then, the object plainly was not to declare their independence of *one another*, or of the *Union*, but directly the contrary; as their mutual pledge, and their mutual action, before, at the time, and afterwards, abundantly show. The express plighting of faith by each and all of the original thirteen in the Articles of Confederation, two years later, that the Union shall be perpetual, is most conclusive. Having never been States, either in substance or in name, *outside* of the Union, whence this magical omnipotence of "State rights," asserting a claim of power to lawfully destroy the Union itself? Much is said about the "sovereignty" of the States; but the word, even, is not in the national Constitution; nor, as is believed, in any of the State constitutions. What is "sovereignty," in the political sense of the term? Would it be far wrong to define it "a political community, without a political superior?" Tested by this, no one of our States, except Texas, ever was a sovereignty. And even Texas gave up the character on coming into the Union; by which act she acknowledged the Constitution of the United States and the laws and treaties of the United States made in pursuance of the Constitution to be, for her, the supreme law of the land. The States have their *status* IN the Union, and they have no other legal *status*. If they break from this, they can only do so against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty. By conquest, or purchase, the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and, in fact, it created them as States. Originally some dependent colonies made the Union, and, in turn, the Union threw off their old dependence for them, and made them States, such as they are. Not one of them ever had a State constitution independent of the Union. Of course, it is not forgotten that all the new States framed their constitutions before they entered the Union; nevertheless, dependent upon, and preparatory to, coming into the Union.

Unquestionably the States have the powers and rights reserved to them in and by the national Constitution; but among these, surely, are not included all conceivable powers, however mischievous or destructive; but, at most, such only as were known in the world, at the time, as governmental powers; and certainly a power to destroy the Government itself had never been known as a governmental—as a merely administrative power. This relative matter of national power and State rights, as a principle, is no other than the principle of *generality* and *locality*. Whatever concerns the whole should be confided to the whole—to the General Government; while whatever concerns *only* the State should be left exclusively to the State. This is all there is of original principle about it. Whether the national Constitution in defining boundaries between the two has applied the principle with exact accuracy, is not to be questioned. We are all bound by that defining, without question.

What is now combated, is the position that secession is *consistent* with the Constitution—is *lawful* and *peaceful*. It is not contended that there is any express law for it; and nothing should ever be implied as law which leads to unjust or absurd consequences. The nation purchased with money the countries out of which several of these States were formed: is it just that they shall go off without leave and without refunding? The nation paid very large sums (in the aggregate, I believe, nearly a hundred millions) to relieve Florida of the aboriginal tribes: is it just that she shall now be off without consent, or without making any return? The nation is now in debt for money applied to the benefit of these so-called seceding States in common with the rest: is it just either that creditors shall go unpaid, or the remaining States pay the whole? A part of the present national debt was contracted to pay the old debts of Texas: is it just that she shall leave and pay no part of this herself?

Again: if one State may secede, so may another; and when all shall have seceded, none is left to pay the debts. Is this quite just to creditors? Did we notify them of this sage view of ours when we borrowed their money? If we now recognize this doctrine, by allowing the seceders to go in peace, it is difficult to see what we can do if others choose to go, or to extort terms upon which they will promise to remain.

The seceders insist that our Constitution admits of secession. They have assumed to make a national constitution of their own, in which, of necessity, they have either *discarded* or *retained* the right of secession, as they insist it exists in ours. If they have discarded it, they thereby admit that, on principle, it ought not to be in ours. If they have retained it, by their own construction of ours they show that, to be consistent, they must secede from one another whenever they shall find it the easiest way of settling their debts, or effecting any other selfish or unjust object. The principle itself is one of disintegration, and upon which no Government can possibly endure.

If all the States, save one, should assert the power to *drive* that one out of the Union, it is presumed the whole class of seceder politicians would at once deny the power, and denounce the act as the greatest outrage upon State rights. But suppose that precisely the same act, instead of being called "driving the one out," should be called "the seceding of the others from that one:" it would be exactly what the seceders claim to do; unless, indeed, they make the point that the one, because it is a minority, may rightfully do what the others, because they are a majority, may not rightfully do. These politicians are subtile and profound on the rights of minorities. They are not partial to that power which made the Constitution, and speaks from the preamble, calling itself "We, the People."

It may well be questioned whether there is, today, a majority of the legally-qualified voters of any State, except perhaps South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many, if not in every other one, of the so-called seceded States. The contrary has not been demonstrated in any one of them. It is ventured to affirm this even of Virginia and Tennessee; for the result of an election held in military camps, where the bayonets are all on one side of the question voted upon, can scarcely be considered as demonstrating popular sentiment. At such an election, all that large class who are at once *for* the Union, and *against* coercion, would be coerced to vote against the Union.

It may be affirmed, without extravagance, that the free institutions we enjoy have developed the powers and improved the condition of our whole people, beyond any example in the world. Of this we now have a striking and an impressive illustration. So large an army as the Government has now on foot was never before known without a soldier in it but who had taken his place there of his own free choice. But more than this: there are many single regiments whose members, one and another, possess full practical knowledge of all the arts, sciences, professions, and whatever else, whether useful or elegant, is known in the world; and there is scarcely one from which there could not be selected a President, a Cabinet, a Congress, and perhaps a court, abundantly competent to administer the Government itself! Nor do I say this is not true also in the army of our late friends, now adversaries, in this contest; but if it is, so much better the reason why the Government which has conferred such benefits on both them and us should not be broken up. Whoever, in any section, proposes to abandon such a Government, would do well to consider, in deference to what principle it is that he does it; what better he is likely to get in its stead; whether the substitute will give, or be intended to give, so much of good to the people? There are some foreshadowings on this subject. Our adversaries have adopted some declarations of independence, in which, unlike the good old one, penned by Jefferson, they omit the words "all men are created equal." Why? They have adopted a temporary national constitution, in the preamble of which, unlike our good old one, signed by Washington, they omit "We, the People," and substitute "We, the deputies of the sovereign and independent States." Why? Why this deliberate pressing out of view the rights of men and the authority of the people?

This is essentially a people's contest. On the side of the Union, it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend.

I am most happy to believe that the plain people understand and appreciate this. It is worthy of note, that while in this the Government's hour of trial, large numbers of those in the Army and Navy who have been favored with the offices have resigned and proved false to the hand which had pampered them, not one common soldier or common sailor is known to have deserted his flag.

Great honor is due to those officers who remained true, despite the example of their treacherous associates; but the greatest honor, and most important fact of all, is the unanimous firmness of the common soldiers and common sailors. To the last man, so far as known, they have successfully resisted the traitorous efforts of those whose commands, but an hour before, they obeyed as absolute law. This is the patriotic instinct of plain people. They understand, without an argument, that the destroying the Government which was made by Washington means no good to them.

Our popular Government has often been called an experiment. Two points in it our people have already settled—the successful *establishing* and the successful *administering* of it. One still remains—its successful *maintenance* against a formidable internal attempt to overthrow it. It is now for them to demonstrate to the world that those who can fairly carry an election can also suppress a rebellion; that ballots are the rightful and peaceful successors of bullets; and that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets; that there can be no successful appeal except to ballots themselves, at succeeding elections. Such will be a great lesson of peace; teaching men that what they cannot take by an election, neither can they take by a war; teaching all the folly of being the beginners of a war.

Lest there be some uneasiness in the minds of candid men as to what is to be the course of the Government towards the southern States *after* the rebellion shall have been suppressed, the Executive deems it proper to say, it will be his purpose then, as ever, to be guided by the Constitution and the laws; and that he probably will have no different understanding of the powers and duties of the Federal Government relatively to the rights of the States and the people, under the Constitution than that expressed in the inaugural address.

He desires to preserve the Government, that it may be administered for *all*, as it was administered by the men who made it. Loyal citizens everywhere have the right to claim this of their Government, and the Government has no right to withhold or neglect it. It is not perceived that, in giving it, there is any coercion, any conquest, or any subjugation, in any just sense of those terms.

The Constitution provides, and all the States have accepted the provision, that "the United States shall guaranty to every State in this Union a republican form of Government." But if a State may lawfully go out of the Union, having done so, it may also discard the republican form of Government; so that to prevent its going out is an indispensable *means* to the *end* of maintaining the guarantee mentioned; and when an end is lawful and obligatory, the indispensable means to it are also lawful and obligatory.

It was with the deepest regret that the Executive found the duty of employing the war power

in defense of the Government forced upon him. He could but perform this duty, or surrender the existence of the Government. No compromise by public servants could in this case be a cure; not that compromises are not often proper, but that no popular Government can long survive a marked precedent that those who carry an election can only save the Government from immediate destruction by giving up the main point upon which the people gave the election. The people themselves, and not their servants, can safely reverse their own deliberate decisions.

As a private citizen, the Executive could not have consented that these institutions shall perish; much less could he, in betrayal of so vast and so sacred a trust as these free people have confided to him. He felt that he had no moral right to shrink, or even to count the chances of his own life, in what might follow. In full view of his great responsibility, he has, so far, done what he has deemed his duty. You will now, according to your own judgment, perform yours. He sincerely hopes that your views and your action may so accord with his as to assure all faithful citizens who have been disturbed in their rights of a certain and speedy restoration to them, under the Constitution and the laws.

And having thus chosen our course, without guile and with pure purpose, let us renew our trust in God, and go forward without fear and with manly hearts.

ABRAHAM LINCOLN.

July 4, 1861.

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT, *July* 4, 1861.

SIR: The Secretary of the Treasury is required by law to prepare and lay before Congress, at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue and public expenditures, and plans for improving and increasing the revenue.

This duty, always important and responsible, is now rendered doubly important and responsible by the peculiar circumstances under which the present session of Congress is held.

A vast conspiracy against the union of the States, and the very existence of the national Government, which has been gathering strength and preparing hostilities in secret for many years, has at length broken out into flagrant violence, and has assumed proportions so serious that an extraordinary exertion of the public force, creating extraordinary demands upon the public resources, is required for its speedy and complete discomfiture and suppression.

In the judgment of the Secretary, the clearest understanding of the actual condition of the public finances, and of the measures demanded by its exigencies, will be obtained by considering the whole subject under the following general heads:

I. The balance arising from the receipts and expenditures of the fiscal year 1861, ending on the 30th of June.

II. The demands upon the Treasury, arising under existing appropriations or created by the new exigencies, for which provision is to be made during the fiscal year 1862.

III. The best ways of providing for these demands, and the means available for that purpose.

I. *Receipts and Expenditures.*

The balance in the Treasury on June 30, 1860, as shown by the last annual report to Congress, was..		$3,639,296 71
The receipts for the year ending June 30, 1861, have been:		
From customs.....	39,593,819 81	
Of this amount the sum of $35,417,102 11 has been received in coin, and $4,176,717 70 in Treasury notes.		
From public lands.....	824,687 80	
From miscellaneous sources.....	861,696 54	
From loans and Treasury notes.....	42,064,682 95	
Aggregate receipts from all sources.....		86,972,893 81
The expenditures for the year ending June 30, 1861, have been:		
For civil list, foreign intercourse, and miscellaneous objects.....	$23,188,203 19	
For Interior Department.....	3,769,022 72	
For the War Department....	22,981,150 44	
For the Navy Department....	12,428,532 09	
For payment of Texas creditors.....	78,807 27	
Amount carried forward.....	$62,436,715 71	$86,972,893 81
Amount brought forward..	$62,436,715 71	$86,972,893 81
For redemption of the loan of 1846.....	1,000 00	
For redemption of the Treasury notes.....	18,139,400 00	
For interest of public debt....	4,000,142 89	
The aggregate of expenditures for the year was.....		84,577,258 60
Leaving a balance in the Treasury at the close of the fiscal year, 1861, of.....		$2,395,635 21

II. *Appropriations made and required.*

The balances of appropriations for the fiscal year ending June 30, 1860, remaining undrawn at its close, and therefore to be paid from the revenues of the fiscal year ending June 30, 1861, were, in the aggregate..	$20,166,870 81
The amount appropriated for the service of the Government (including permanent and indefinite appropriations) for the fiscal year ending June 30, 1861, was.....	78,233,408 53
Making a total of appropriations for the year ending June 30, 1861, and of liabilities for appropriations of the preceding year, of..	98,400,279 34
Of the appropriations intended for expenditure during the fiscal year ending June 30, 1862, there has necessarily been applied to the service of the year just closed the sum of.....	6,298,859 96
Showing an aggregate of appropriations made or applied for the year ending June 30, 1861, of.....	104,699,139 30
The actual disbursements from the Treasury for the same year (the fourth quarter being in small part estimated) were, as already stated.....	84,577,258 60
Leaving already appropriated and to be paid from the balance in the Treasury and revenues of the fiscal year ending June 30, 1862.....	20,121,880 70
The appropriations (including permanent and indefinite appropriations amounting to $10,719,697 48) already made for the fiscal year ending the 30th of June, 1862, are $65,887,849 34	
Of which sum, after deducting 6,298,859 96	
applied, as above stated, to the service of 1861, there remains	59,588,989 38
Forming an aggregate of appropriations already made of.....	$79,710,870 08

The additional estimates from the several Departments, herewith submitted, for the service of the fiscal year ending June 30, 1862, including the deficiency caused by the application of $6,298,859 96 to the service of the preceding year, will require additional appropriations:

For civil list, foreign intercourse, and miscellaneous objects.....	$831,406 90
For the Interior Department.....	431,525 77
For the War Department.....	185,296,397 19
For the Navy Department.....	30,609,520 29
In the aggregate.....	$217,168,850 15

In addition to these demands upon the Treasury, it will be necessary to provide for the redemption of Treasury notes due and maturing to the amount of $12,639,861 64, and for the payment of interest on the public debt, to be created during the year, which, computed for the average of six months, may be estimated at $9,000,000.

The whole amount required for the fiscal year 1862, may therefore be thus stated:

To satisfy appropriations for former years yet unpaid, the sum of.....	$20,121,880 70
To satisfy appropriations already made for the fiscal year 1862.....	59,588,989 38
To satisfy appropriations required by new exigencies.....	217,168,850 15
To pay Treasury notes due and becoming due.....	12,639,861 64
To pay interest on proposed new debt.....	9,000,000 00
Making a total sum required by existing appropriations and new exigencies of..	$318,519,581 87

III. *Ways and Means.*

To provide the large sums required for ordinary expenditure and by the existing emergency, it is quite apparent that duties on imports, the chief resource for ordinary disbursements, will not be adequate.

The deficiencies of revenue, whether from imports or other sources, must necessarily be supplied from loans; and the problem to be solved is that of so proportioning the former to the latter, and so adjusting the details of both, that the whole amount needed may be obtained with certainty, with due economy, with the least possible inconvenience, and with the greatest possible incidental benefit to the people.

The Secretary has given to this important subject the best consideration which the urgency of varied public duties has allowed, and now submits to the consideration of Congress, with great deference and no little distrust of his own judgment, the conclusions to which he has arrived.

He is of the opinion that not less than eighty million dollars should be provided by taxation, and that $240,000,000 should be sought through loans.

It will hardly be disputed that in every sound system of finance, adequate provision by taxation for the prompt discharge of all ordinary demands, for the punctual payment of the interest on loans, and for the creation of a gradually increasing fund for the redemption of the principal, is indispensable. Public credit can only be supported by public faith, and public faith can only be maintained by an economical, energetic, and prudent administration of public affairs, and by the prompt and punctual fulfillment of every public obligation.

It has been already stated that the appropriations for the ordinary expenditures of the fiscal year 1862, including the permanent and indefinite descriptions, amount to $65,887,849 34, and the interest to be paid on the debt to be incurred during the year has been estimated at $9,000,000; making an aggregate of ordinary expenditures of $74,887,849 34. If to these sums be added $5,000,000, as a provision for the reduction and final extinguishment of the public debt, the total sum will be $79,887,849 34. To provide for these payments, at least, it is proposed, in accordance with the principle just stated, to raise, by taxation, the sum of not less than $80,000,000.

In considering the choice of means to insure a revenue adequate to the purposes just indicated, the attention of the Secretary has been necessarily drawn to the different modes of taxation authorized by the Constitution.

The choice is limited to duties on imports, direct taxes, and internal duties or excises.

Duties on imports constitute the chief form of indirect taxation. Direct taxes include capitation taxes, taxes on real estate, and probably general taxes on personal property included in lists embracing all descriptions and valued by a uniform rule, while under the head of internal duties or excises may be included all taxes on consumption, and taxes on particular descriptions of personal property, with reference to the use rather than value.

The principal advantages of a system of direct taxes are found in the sensibility with which they are felt and observed; in the motives thence arising for economy and fidelity in administration; and in the manifest equity of distributing burdens in proportion to means, rather than in proportion to consumption. On the other hand, the advantages of indirect taxation, by duties on imports, are found in economy of collection, in facility of payment, in adaptability to the encouragement of industry, and, above all, in the avoidance of Federal interference with the finances of the States, whose main reliance for revenue for all objects of State administration must, necessarily, be upon levies on property.

These considerations have doubtless determined the preference which has always been evinced by the people of the United States, as well as by their Legislature and Executive, for duties on imports as the chief source of national revenue. Only on occasions of special exigency has resort been had to direct taxation, or to internal duties or excises.

No departure is proposed by the Secretary from the line of policy thus sanctioned. He ventures to recommend only such modifications of the existing tariff as will produce the principal part of the needed revenue, and such resort to direct taxes or internal duties or excises as circumstances may require, in order to make good whatever deficiency may be found to exist.

That the present tariff of duties will not produce the revenue required by sound principles of finance, under existing circumstances, is a proposition which will command general assent. It

was framed, indeed, with reference to a very different condition of affairs. The receipts for the last quarter of the fiscal year, just closed, were only $5,527,246 33; and, though a very considerable improvement in the revenue may be confidently anticipated during the current fiscal year, should no change be made in the rates of duties, it will be inadequate, beyond doubt, to the demands of the Treasury, which should be provided for without resort to loans.

These demands, as has been already stated, will reach the sum of $79,887,849 34—a sum not greater, perhaps, than may be reasonably expected in more prosperous years from a well-adjusted tariff of duties, with the aid of the revenue from lands and from miscellaneous sources, though greater than can now be expected from any tariff.

The disorders of business incident to the disturbed condition of political affairs will be gradually redressed as new channels open to receive the trade obstructed in former courses, and new employments engage the industry displaced from former pursuits. With this revival of trade and industry the revenue will improve, even though the restoration of peace may be delayed beyond our present hope.

It is hardly to be doubted, moreover, that the great body of the citizens of the States, now involved in the calamities of insurrection, will ere long become satisfied that order and peace, and security for all rights of property, and for all personal and political rights in the Union and under the Constitution, are preferable to the disorder and conflict and insecurity necessarily incident to attempts to subvert government, break up institutions, and to destroy nationality by force and violence. When, under the influence of this reasonable conviction, the people of the several States, now constrained by the criminal folly of political partisans into civil war against the Union, shall in their turn constrain these partisans to loyalty to law and obedience to the Constitution, it is not unreasonable to expect that with restored union will come, not merely renewed prosperity, but prosperity renewed in a degree and measure without parallel in the past experience of our country.

While recommending the changes in the existing tariff and the other revenue measures which seem to him necessary, the Secretary indulges, therefore, a confident expectation that they will ultimately prove wholly adequate to all reasonable demands for ordinary expenditures, for payment of interest, and for reduction of debt; and that they will, moreover, by establishing national credit on sure foundations, contribute in no inconsiderable degree to that revival of trade and industry which, by its healthful reaction, will, in turn, essentially promote the increase and security of the revenue.

The sources of the revenue most promptly to be made available must be sought doubtless in the articles now exempt from duty or but lightly taxed. Nearly all these articles have heretofore contributed in full measure to the national income. It was only when the debts contracted in former wars for the establishment of our national independence, or the vindication of our national rights, had been fully paid, and the revenue had increased largely beyond any legitimate uses of the Government, that it was thought proper to remove the duties on some of them and largely reduce the duties on others. That intelligent patriotism which cheerfully sustained the former charges will even more cheerfully sustain those made necessary now for the preservation of our national Union and the maintenance of the sovereignty of the people.

Of the articles now lightly taxed, sugar, and of those wholly exempt from duty, tea and coffee, are the most important. The Secretary most respectfully proposes to Congress that a duty of two and a half cents per pound be laid on brown sugar; of three cents per pound on clayed sugar; of four cents per pound on loaf and other refined sugar; of two and one half cents per pound on sirup of sugar-cane; of six cents per pound on candy; of six cents per gallon on molasses; and of four cents per gallon on sour molasses; and it is also proposed that a duty of five cents per pound be imposed on coffee, fifteen cents per pound on black tea, and twenty cents per pound on green tea.

From these duties it is estimated that an additional revenue of not less than $20,000,000 annually may be raised; while the burden of this revenue upon our own people will be to some considerable degree mitigated by participation on the part of the foreign producers.

Without going here into other details of less importance, the Secretary thinks it proper to add, in general, that from proposed duties on articles now exempt, and from changed duties on articles now either lightly burdened or so heavily taxed that the tax amounts to a prohibition, a further increase of revenue to the amount of $7,000,000 may be anticipated; and that the improving condition of trade and industry warrant a just expectation that the revenue from the duties of the present tariff, not affected by the proposed changes, will not fall short of $30,000,000. He estimates, therefore, the total revenue from imports during the present year at $57,000,000, to which may be added the sum of $3,000,000 to be derived from sales of public lands and miscellaneous sources, making the total revenue for the year $60,000,000.

While, therefore, there is every reason to believe that under a modified tariff, when the prosperity of the country shall be fully restored, an annual revenue of not less than $80,000,000, and probably more, may be realized, it will be necessary, in order to sustain fully the public credit, to provide for raising the sum of $20,000,000 for the current year at least, by direct taxes, or from internal duties or excises, or from both. The Constitution requires that the former be apportioned among the States, in the ratio of Federal population; the latter need only be uniform throughout the United States. Taxes on real estate, and perhaps general taxes on personal property, must therefore be apportioned. Taxes on distilled liquors, on bank notes, on carriages, and similar descriptions of property, must not be higher in one State than taxes on the same articles in another State.

The Secretary submits to the superior wisdom of Congress the determination of the question whether resort shall be made to direct taxes or to internal duties, or to both, for the supply of the probable deficiency of that portion of the public resources, which, upon the principles already explained, must be furnished by taxation.

The value of the real and personal property of the people of the United States, according to the census of 1860, is $16,102,924,116, or, omitting fractions, $16,000,000,000. The value of the real property is estimated at $11,272,053,881, and the value of the personal property is estimated at $4,830,880,235. The proportion of the property of both descriptions in the United States, excluding those at present under insurrection, is $10,900,758,009, of which sum $7,630,530,605 represents, according to the best estimates, the value of the real, and $3,207,227,404 the value of the personal property. A rate of one eighth of one per cent. *ad valorem* on the whole real and personal property of the country would produce a sum of $20,128,667; a rate of one fifth of one per cent. on the real and personal property of the States not under insurrection, would produce the sum of $21,808,516; and a rate of three tenths of one per cent. on the real property alone, in these States, would produce $22,891,590; either sum being largely in excess of the amount required.

In some of the States the revenue for all purposes of State, county, and municipal expenditure is raised in this manner; and the assessments of real and personal property levied on valuations made under State authority form a certain and convenient method of collection. If such valuations existed in all the States it would not be difficult, through the assumption and payment by the several States of their several proportions of the tax, or through the coöperation of the State authorities in its collection, or through Federal agencies created for the purpose, but using the State valuations to assess and collect the levy for national purposes.

It is the absence of such valuations in some of the States, and the uncertainty of effective cooperation in all, which make the employment of an extensive and complicated Federal machinery for the collection of direct taxes necessary, and supply the basis of the most serious objections against the mode of levying internal revenue.

It has been objected, and not without apparent reason, to a resort to direct taxes at this time, that, in consequence of the disturbed condition of the country, the apportionment required by the Constitution cannot be made. The Secretary, however, adopts the opinion, that the constitutional requirement will be satisfied if Congress, in the act levying the tax, shall apportion it among the several States in the required manner. The tax cannot become unconstitutional, because it may be difficult, or even temporarily impossible, to collect it as apportioned. If it were otherwise, the objection would be fatal to internal duties as well as to direct taxes; for in the present condition of the country it is impossible, whatever uniformity may be observed in the law imposing such duties, to make them uniform in the collection.

Internal duties may be collected more cheaply than direct taxes, by fewer agents, with less interference with the finances of the States. They may also be made to bear mainly upon articles of luxury, and thus diminish, to a certain extent, the burden imposed by duties on imports upon the classes of the people least able to bear them.

It has been already shown that a light direct tax, from which, the Secretary ventures to suggest, very small properties may be properly and advantageously exempted, will produce the sum needed for revenue. In the judgment of the Secretary the needed sum may also be obtained from moderate charges on stills and distilled liquors, on ale and beer, on tobacco, on bank notes, on spring carriages, on silver ware and jewelry, and on legacies. If both sources of revenue be resorted to to the extent suggested, the amount required from loans will be proportionally diminished, and the basis of the public credit proportionally enlarged and strengthened.

Whether both these modes of taxation be resorted to under present emergencies, or only one of them, the Secretary will but illy perform his duty to Congress or the people if he omits to urge the great importance—the absolute necessity, indeed—of such full provision of annual revenue as will manifest to the world a fixed purpose to maintain inviolate the public faith by the strictest fidelity to all public engagements.

It will not, perhaps, be thought out of place if the Secretary suggests here that the property of those engaged in insurrection or in giving aid and comfort to insurgents may properly be made to contribute to the expenditures made necessary by their criminal misconduct as a part of the punishment due to the guilt of involving the nation in the calamities of civil war, and thereby bringing distress upon so many innocent citizens. Congress may justly provide for the forfeiture of the whole or part of the estates of offenders and for the payment of the proceeds into the public Treasury.

Before dismissing the subject of the proper provision for ordinary expenditures, including interest on public debt and a proper amount for a sinking fund, the Secretary respectfully asks the consideration of Congress for the question, whether the current disbursements of Government may not be themselves diminished? He ventures to suggest that a considerable saving may be judiciously effected by a reduction, for the time at least, of ten per centum upon salaries and wages paid by the Federal Government, in cases where such reduction will not interfere with existing contracts; and that a further saving, perhaps not less considerable, may be effected by the abolition of the franking privilege and the reduction of postal expenses. Retrenchment in other directions will doubtless suggest itself to the reflection of Congress; and it is most respectfully recommended that every retrenchment compatible with the vigor and efficiency of the public service be promptly and effectively made.

The Secretary has already said that on the supposition that $80,000,000 may be raised by taxation in the modes proposed, or derived from sales of public lands and miscellaneous sources, it will still be necessary, in order to meet the extraordinary demands of the present crisis, to raise the sum of $240,000,000 by loans.

A comparison of the acts by which loans have

been already authorized, and of the loans actually made, will show what resources of this description are available under existing laws.

The act of June 22, 1860, authorized the borrowing of $21,000,000 at an interest not above six per cent. Under this authority, Mr. Secretary Cobb, in October, 1860, negotiated a loan of $10,000,000; but, from causes not necessary to be here specified, the takers of $2,978,000 failed to make good their offers. The amount realized was therefore only $7,022,000; leaving for future negotiation, under the act, the sum of $13,978,000.

The act of the 8th of February, 1861, authorized another loan of $25,000,000, on bonds at six per cent., and permitted the acceptance of the best bids, whether above or below par. Under this act, in February, 1861, Mr. Secretary Dix disposed of bonds to the amount of $8,006,000, at rates varying from 90.15 to 96.10 for each $100, and realizing the sum of $7,243,500 35, leaving to be negotiated the sum of $16,994,000.

The act of March 2, 1861, commonly called the tariff act, authorized another loan of $10,000,000, at an interest not exceeding six per cent., and also authorized the Secretary of the Treasury to issue Treasury notes in exchange for coin or payment of debts for the amount of any bids not accepted under the act of February 3, 1861, and for the amount of any loans restricted to par not taken under proposals authorized by the act of January, 1860, or by the tariff act itself.

Under the acts of February and March, 1861, the present Secretary in April, 1861, disposed of $3,099,000 in bonds, at rates varying from ninety-four per cent. to par, and $4,901,000 in Treasury notes, at and above par, realizing for the $8,000,000 offered the sum of $6,814,809 80 to the Treasury; and in May, 1861, he further disposed of $7,310,000 in bonds, at rates varying from eighty-five to ninety-three per cent., $1,684,000 in Treasury notes at par, realizing for the $8,994,000 offered the sum of $7,922,553 45.

The present Secretary also invited proposals, at par, for $13,978,000, being the balance of the loan authorized by the act of June, 1860. No bids were received, except three for $12,000 in the aggregate, which, having been made under misapprehension, were permitted to be withdrawn or applied as offers for Treasury notes at par, or for bonds under the act of February, 1861, at eighty-five per cent. The Secretary has since, under the authority of the act of March, 1861, issued Treasury notes to offerers at par, and in payment to public creditors, to the amount of $2,584,550.

The only authority now existing for obtaining money by loans is, therefore, found in the act of March 2, 1861, which authorizes the issuing of bonds bearing an interest of six per cent.; or, in default of offers at par, the issue or payment of Treasury notes, bearing the same rate of interest, at par, to the amount of $10,000,000. And in the act of June 22, 1860, as modified by the act of March 2, 1861, under which Treasury notes at six per cent. may be issued or paid to creditors at par, to the amount of $11,393,450; making an aggregate of loans authorized in some form of $21,393,450. This authority, under existing circumstances, is no further available than as creditors may desire to accept payment in Treasury notes at six per cent.; which is not to be expected, except perhaps as an alternative to delays, of which a just or prudent Government will not, unless under extreme necessity, permit the occurrence.

It needs no argument to work the conviction that, under the existing laws, little or nothing of the required sum can be realized. The magnitude of the occasion requires other measures.

As the contest in which the Government is now engaged is a contest for national existence and the sovereignty of the people, it is eminently proper that the appeal for the means of prosecuting it with energy to a speedy and successful issue, should be made, in the first instance at least, to the people themselves. And it is highly desirable, in order that the circle of contribution may be widely extended, to make the burden press as lightly as practicable upon each individual contributor, and, if possible, to transmute the burden into a benefit.

To attain these desirable objects the Secretary submits to Congress the expediency of opening subscriptions for a national loan of not less than $100,000,000, to be issued in the form of Treasury notes, or exchequer bills, bearing a yearly interest of seven and three tenths per centum, to be paid half yearly, and redeemable at the pleasure of the United States after three years from date.

The sum of $100,000,000 is named as the amount for which it now seems expedient to rely on a subscription of this kind; but it is not intended to restrict loans in this form to any precise limit short of the entire sum which may be required, in addition to the sums to be realized from other sources, for all the purposes of the year.

The interest of seven and three tenths is suggested because it is liberal to the subscriber, convenient for calculation, and, under existing circumstances, a fair rate for the Government.

It is beneficial to the whole people that a loan distributed among themselves should be made so advantageous to the takers as to inspire satisfaction and hopes of profit rather than annoyance and fears of loss; and if the rate of interest proposed be somewhat higher than that allowed in ordinary times, it will not be grudged to the subscribers when it is remembered that the interest on the loan will go into the channels of home circulation, and is to reward those who come forward in the hour of peril to place their means at the disposal of their country.

The convenience of calculation incident to the rate proposed is quite obvious; for, the interest being equal to one cent a day on fifty dollars, it is only necessary to know the number of days since the date of a note or of the last payment of interest to determine, at a glance, the amount due upon it. To increase still further this facility of calculation, it is proposed also to issue the Treasury notes of this loan in sums of fifty, one hundred, five hundred, one thousand, and five thousand dollars, with the amount of interest for specified periods engraved on the back of each note. The facility thus secured to the holder of determining the exact amount of the note and interest, without any trouble of computation, will materially enhance its value for all purposes of investment and payment.

While the rate proposed is thus liberal and convenient, the Secretary regards it also as, under existing circumstances, fair and equitable to the Government. The bonds of the United States, bearing an interest of six per cent., and redeemable twenty years after date, cannot be disposed of at current market rates, so that the interest on the amount realized will not exceed seven and three tenths per cent.; nor is there any reason to believe that Treasury notes, bearing an interest of six per cent., receivable for public dues and convertible into twenty years' six per cent. bonds, can be disposed of in any large amounts, so that the interest of the sum realized will fall much, if at all, short of the rate proposed. For the difference of interest, if any, between such notes and those of the proposed national loan, the Secretary thinks that the absence of the feature of receivability for public dues in the latter is a sufficient compensation.

To secure the widest possible circle of contribution, the Secretary proposes, in addition to the inducements just mentioned, that books be opened at the office of the Treasury of the United States in Washington, at the offices of the assistant treasurers and depositaries of public moneys, and at the offices of such postmasters and other selected persons in such cities and towns of the Union as may be designated; that subscriptions be received for fifty dollars, or any sum being the multiple of fifty dollars; that the sums subscribed be paid in cash, or, if the subscriber prefer, in installments of one tenth at the time of subscription and one tenth on the 1st and 15th days of each month thereafter, the first installment to be forfeited in case of non-payment of subsequent installments; that interest accrue, and be paid as it becomes due, on all sums paid in from the day of payment; and that Treasury notes be issued, if required, for all payments except first installments, and for these on final payment.

The Secretary cannot doubt that for a loan so beneficial and so advantageous, secured, both as to interest and principal, by adequate provisions of revenue, an appeal to the people will be answered with promptitude and liberality.

In addition to the sums to be raised by national loan, the Secretary proposes, in case it shall be found inexpedient to provide the whole amount needed in that mode, that bonds or certificates of debt of the United States be issued to lenders in this country, or in any foreign country, at rates not lower than par, for sums of five hundred, one thousand, and five thousand dollars, or of one hundred, five hundred, and one thousand pounds sterling, not exceeding in the aggregate one hundred million dollars, or, if expressed in the currency of Great Britain, not exceeding twenty million pounds sterling. He proposes further that these bonds or certificates be made redeemable at the pleasure of the Government after a period not exceeding thirty years after a common date, not later than the 1st day of January, 1862, and bear an interest not exceeding seven per cent., payable in London or at the Treasury of the United States, with exchange at such rate as will make the payment equivalent to the payment in London.

If the ample provision already recommended for the punctual payment of interest and final redemption of the principal be made by Congress, the Secretary entertains a very confident expectation that it will be found practicable to negotiate a very considerable part of this loan, if not the whole, in our own country, at favorable rates; and that whatever part, if any, may be wanted from capitalists in other countries, will be readily obtained.

For whatever sums may be needed to supply the full amount required for the service of the fiscal year, and as an auxiliary measure to those already proposed, the Secretary recommends that provision be made for the issue of Treasury notes for ten or twenty dollars each, payable one year after date, to an amount not exceeding in the aggregate $50,000,000. These notes should bear interest at the rate of three and sixty-five hundredths per cent., and be exchangeable, at the will of the holder, for Treasury notes or exchequer bills, payable after three years, bearing seven and three tenths per cent. interest; or, should it be found more convenient, they may be made redeemable on demand in coin, and issued without interest. In either form, Treasury notes of these smaller denominations may prove very useful, if prudently used in anticipation of revenue certain to be received.

The greatest care will, however, be requisite to prevent the degradation of such issues into an irredeemable paper currency, than which no more certainly fatal expedient for impoverishing the masses and discrediting the Government of any country can well be devised.

In connection with the general subject of revenue, the Secretary thinks it his duty to invite the attention of Congress to the condition of foreign commerce, and of the commerce between the States as affected by the existing insurrection.

At the ports of several States of the Union the collection of lawful duties on imports has been forcibly obstructed and prevented for several months. This condition of affairs, and the admission of foreign merchandise into those ports without payment of duties to the United States, have given opportunity to many frauds on the revenue, and must necessarily occasion great and harmful disturbance of the regular commerce of the country.

It is the province of Congress to apply the proper remedies for these evils, and the Secretary begs leave to suggest that proper remedies may be found in closing the ports where the collection of duties is so disturbed, or by providing for such collection on ship-board, or elsewhere beyond the reach of such obstructions. Every independent nation exercises the right of determining what ports within its territorial limits shall be and what ports shall not be open to foreign commerce; and nothing can be clearer, where one or more ports may be temporarily in the possession of insurgents against the Government, than that suitable regulations may be prescribed by the proper authority to guard the revenue against diminution by

adequate provision for its collection elsewhere than within the port, or for depriving the port itself of its character as a port of entry or delivery until the insurrection shall be suppressed.

Great inconvenience and damage to the commerce among the States have also arisen from the same general cause. To mitigate these evils and to prevent as far as possible the perversion of commerce between the States into an agency for the supply of the insurgents with means for maintaining and extending the insurrection, the Secretary issued the two circular orders to collectors of which copies are herewith submitted to Congress.

In framing these orders, the Secretary was necessarily much embarrassed by the absence of any law regulating commerce among the States, and by the necessity of conforming them to conditions of hostility created by the insurrection. These conditions, under certain circumstances, would make all commerce illegal; while, under other circumstances, they would only make unlawful the commerce carried on directly with insurgents. To remove embarrassment, legislation is required; and the Secretary respectfully recommends a suitable enactment giving to the President the power to determine by proclamation or other notification within what limits an insurrection has obtained, for the time, controlling ascendency, and must, therefore, be regarded as attended by the effects of civil war in the total suspension of commerce, and to establish by license such exceptions to that suspension as he may deem expedient and practicable. Such an enactment should also provide suitable penalties and forfeitures for attempts to carry on unlicensed commerce with insurgents or places declared to be in a state of insurrection.

With a view to a clearer understanding of the views expressed in this report, and for the purpose of promoting the dispatch of the public business, so important at this juncture, the Secretary has caused to be prepared, and begs leave most respectfully to submit to the consideration of Congress, as plans which seem to him judicious for improving and increasing the revenue, the drafts of three bills: one to provide revenue from imports, and for other purposes; another, further to provide for the collection of duties on imports, and for other purposes; and another, to authorize a national loan, and for other purposes.

In compliance with the law on that subject, he also transmits detailed statements of the several negotiations for loans since the last annual report from the Treasury Department, and also a statement showing the gradual increase and present condition of the public debt.

The Secretary is fully and painfully aware that in preparing and submitting this report he has labored under great and peculiar disadvantages. He has but recently assumed the charge of the vast and complicated concerns of his Department, and he is deeply conscious how imperfectly he is qualified, by experience, by talents, or by special acquirements, for such a charge. He understands, also, better perhaps than any one outside can understand, the difficulties incident to the task of which he has attempted the performance—difficulties always considerable, but now augmented and multiplied beyond measure by the criminal insurrection which deranges commerce, accumulates expenditures, necessitates taxes, embarrasses industry, depreciates property, cripples enterprise, and frustrates progress. He has simply endeavored, under these perplexing circumstances, to meet the case just as it is; to set forth plainly the actual condition of the public finances; and to explain the means and measures by which, in his humble judgment, the evils of the existing situation may be mitigated and finally removed. The energies of a great people will, as he firmly believes, surmount all the troubles and calamities of the present time, and, under the good hand of the God of our fathers, out of these very troubles and difficulties build a future which shall surpass the whole glorious past in the richness of its blessings and benefits.

All which he respectfully submits to the indulgent consideration of Congress.

S. P. CHASE,
Secretary of the Treasury.

Hon. HANNIBAL HAMLIN, *Vice President of the United States, and President of the Senate.*

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *July* 4, 1861.

SIR: When the change of Administration took place, in March last, the Navy Department was organized on a peace establishment. Such vessels as were in condition for service were chiefly on distant stations, and those which constituted the home squadron were most of them in the Gulf of Mexico. Congress had adjourned without making provision for any extraordinary emergency, and the appropriations for naval purposes indicated that only ordinary current expenses were anticipated.

Extraordinary events which have since transpired have called for extraordinary action on the part of the Government, demanding a large augmentation of the naval force, and the recall of almost the whole of our foreign squadrons for service on our own coasts.

The total number of vessels in the Navy, of all classes, on the 4th of March, was 90, carrying, or designed to carry, about 2,415 guns.

Excluding vessels on the stocks, those unfinished, those used as stationary storeships and receiving ships, and those considered inexpedient to repair, the available force was:

1 ship-of-the-line	84	guns.
8 frigates	400	"
20 sloops	406	"
3 brigs	16	"
3 storeships	7	"
6 steam frigates	212	"
5 first class steam sloops	90	"
4 first class side-wheel steamers	46	"
8 second class steam sloops	45	"
5 third class screw steamers	28	"
4 second class side-wheel steamers	8	"
2 steam tenders	4	"
69	1,346	

Of this force the following were in commission, the remainder being in ordinary, dismantled, &c.:

2 frigates	100	guns.
11 sloops	232	"
3 storeships	7	"
1 screw frigate	12	"
5 first class steam sloops	90	"
3 side-wheel steamers	35	"
8 second class steam sloops	45	"
5 third class screw steamers	28	"
3 side-wheel steamers	5	"
1 steam tender	1	"
42	555	

These vessels had a complement, exclusive of officers and marines, of about 7,600 men, and nearly all of them were on foreign stations. The home squadron consisted of twelve vessels, carrying 187 guns and about 2,000 men. Of this squadron, only four small vessels, carrying 25 guns and about 280 men, were in northern ports.

With so few vessels in commission on our coast, and our crews in distant seas, the Department was very indifferently prepared to meet the exigency that was rising. Every movement was closely watched by the disaffected, and threatened to precipitate measures that the country seemed anxious to avoid. Demoralization prevailed among the officers, many of whom, occupying the most responsible positions, betrayed symptoms of that infidelity which has dishonored the service. But while so many officers were unfaithful, the crews, to their honor be it recorded, were true and reliable, and have maintained, through every trial and under all circumstances, their devotion to the Union and the flag. Unfortunately, however, few comparatively of these gallant men were within the call of the Department at that eventful period. They, as well as all the ships, were abroad.

NORFOLK NAVY-YARD.

The sloop-of-war Cumberland, the flag-ship of Commodore Pendergrast, arrived opportunely in the Chesapeake on the 23d of March; and as this was the only vessel of any considerable capacity in these waters that was manned, I detained her at Norfolk to await events that were gradually developing in Virginia and the adjoining States.

The navy-yard at Norfolk, protected by no fortress or garrison, has always been a favored depot with the Government. It was filled with arms and munitions, and several ships were in the harbor, dismantled and in ordinary, and in no condition to be moved, had there been men to move them. There were, however, no seamen there or on home stations to man these vessels, or even one of them of the larger class, and any attempt to withdraw them, or either of them, without a crew, would, in the then sensitive and disturbed condition of the public mind, have betrayed alarm and distrust, and been likely to cause difficulty.

Apprehensive, however, that action might be necessary, the commandant of the yard was, early in April, advised of this feeling, and cautioned to extreme vigilance and circumspection. These admonitions were, a few days later, repeated to Commodore McCauley. This commandant, whose patriotism and fidelity were not doubted, was surrounded by officers in whom he placed confidence; but most of them, as events soon proved, were faithless to the flag and the country.

On the 10th of April, Commodore McCauley was ordered to put the shipping and public property in condition to be moved and placed beyond danger, should it become necessary; but in doing this he was warned to take no steps that could give needless alarm. The steam frigate Merrimack could, it was believed, were her machinery in order, be made available in this emergency, not only to extricate herself, but the other shipping in the harbor. Not knowing, however, who could be confided in to take charge of her, a commander and two engineers were detailed to proceed to Norfolk for that purpose. Two days after, on the 12th of April, the Department directed that the Merrimack should be prepared to proceed to Philadelphia with the utmost dispatch. It was stated that to repair the engine and put it in working condition would require four weeks. Discrediting this report, the engineer-in-chief was ordered to proceed forthwith in person, and attend to the necessary preparations.

On the 16th of April the commandant was directed to lose no time in placing armament on board the Merrimack; to get the Plymouth and Dolphin beyond danger; to have the Germantown in a condition to be towed out, and to put the more valuable public property, ordnance stores, &c., on shipboard, so that they could at any moment be moved beyond danger.

Such was the energy and dispatch of the engineer-in-chief, that on the 16th the Department was advised by the commandant of the yard that on the 17th the Merrimack would be ready for temporary service; but when, on the afternoon of that day, the engineer-in-chief reported her ready for steam, Commodore McCauley refused to have her fired up. Fires were, however, built early the next morning, and at nine o'clock the engines were working, engineers, firemen, &c., on board, but the commandant still refused to permit her to be moved, and in the afternoon gave directions to draw the fires. The cause of this refusal to move the Merrimack has no explanation, other than that of misplaced confidence in his junior officers who opposed it.

As soon as this fatal error was reported to the Department, orders were instantly issued to Commodore Paulding to proceed forthwith to Norfolk, with such officers and marines as could be obtained, and take command of all the vessels afloat on that station; to repel force by force, and prevent the ships and public property, at all hazards, from passing into the hands of the insurrectionists. But when that officer reached Norfolk, on the evening of Saturday the 20th, he found that the powder magazine had already been seized, and that an armed force had commenced throwing up batteries in the vicinity. The commandant of the yard, after refusing to permit the vessels to be moved on Thursday, and omitting it on Friday, ordered them to be scuttled on Saturday evening, and they were sinking when Commodore Paulding, with the force under his command, arrived at Norfolk. This officer, knowing that to sink the ships, would be only a temporary deprivation to the insurgents, who would, when in full possession of the place, again have them afloat, ordered the torch to be applied to the sinking ships. Pursuant to instructions, he also destroyed, so far as he was able with his limited force, the public property in the yard, before abandoning the place.

The Cumberland was towed down the river,

and passed, after some little delay, over the obstructions that had been sunk in the channel to prevent her removal.

This unfortunate calamity at Norfolk not only deprived the Government of several vessels, but of a large amount of ordnance and stores which had there accumulated. In preventing the shipping and property from passing into the hands of the insurgents, who had gathered in considerable force in that vicinity under General Tallia-ferro, Commodore Paulding, the officers, and those under them, performed their duty, and carried out, so far as was in their power, the wishes of the Government and the instructions of the Department.

EXTRAORDINARY MEASURES.

The demonstration at Norfolk was but one of a series of measures that occurred at that juncture. Simultaneously with it, Baltimore appeared in insurrection, and by force and violence destroyed the railroad communication and cut off mail and telegraphic facilities between the seat of Government and the States north. In this crisis it became necessary to act with promptness and vigor. There could be neither hesitation nor delay when the Government and the country were imperiled, and the Department took measures accordingly.

Believing that the emergency not only justified, but absolutely required that all the public armed vessels should be forthwith completed and equipped for service, orders were given to that effect; and, in addition thereto, the commandants of the navy-yards in Boston, New York, and Philadelphia were directed to purchase or charter, arm, equip, and man steamers which, upon examination, might be found fit, or easily convertible into armed vessels suitable for the public service, in order to support the Government and enforce the laws.

To carry into effect the proclamations whereby communication with the ports of the insurgent States was interdicted, and an embargo or blockade declared, it became necessary to concentrate almost all the naval force of the country upon the Atlantic coast, at and south of the Chesapeake bay and in the Gulf of Mexico. This extensive line of sea-board, embracing an extent of nearly three thousand miles, with its numerous harbors and inlets, was deemed too extensive for a single command, and the naval force to carry into effect the proclamation and execute the laws has consequently been arranged into two squadrons. The command of the first of them, the Atlantic squadron, has been confided to Flag-Officer Silas H. Stringham, and the second, or Gulf squadron, is under command of Flag-Officer William Mervine.

Before either of these gentlemen could appear on the station assigned him, Flag-Officer Pendergrast, in command of the Home squadron, established non-intercourse, and gave notice to foreigners of an embargo or effective blockade, at Hampton Roads, on the 30th of April. It is due to this officer to say that he has rendered essential and active service not only before but after the arrival of his senior on that station.

Flag-Officer Stringham reached Hampton Roads with the Minnesota, his flag-ship, on the 13th of May, and entered upon his duties with such force as the Department, in so brief a period, was able to place at his disposal; and illegal commerce by the insurgents, in disregard of national laws, is almost entirely suppressed.

The Niagara, which arrived at Boston from Japan on the 24th of April, was immediately dispatched to New York for necessary repairs, before proceeding off Charleston harbor, whither her energetic commander was directed and promptly repaired, to prevent illegal commerce from that port. In the mean time, information reached the Department of large shipments of arms and munitions of war in Europe, destined for New Orleans and Mobile. Believing it of primary importance that this shipment should, if possible, be intercepted and its landing prevented, Captain McKean was directed to proceed to the Gulf for that purpose; and the Harriet Lane was ordered to Charleston to take the place of the Niagara before that port.

Flag-Officer Mervine left Boston in the Mississippi in advance of his flag-ship the Colorado, and arrived in the Gulf on the 8th of June. Previous to his arrival an embargo or blockade of the Mississippi river and some of the principal ports on the Gulf had been commenced, and has been since vigorously maintained and enforced.

As the Constitution declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over another;" and also that "no State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for its inspection laws; and the net produce of all duties and imposts shall be for the use of the Treasury of the United States;" and as in several of the States the insurgents had, in utter disregard and violation of these express provisions of the Constitution and laws, assumed to give a preference by unauthorized regulations of commerce or revenue to the ports of certain States over the ports of other States, and had assumed, without consent of the Congress, to lay imposts or duties on imports and exports; and that, too, not for the use of the Treasury of the United States, but to deprive it of revenue, it became a duty of paramount necessity, acting under the express authority of the act of 1807, authorizing the use of the Navy in "causing the laws to be executed," to suppress, by an armed naval force before the principal ports, these illegal and unconstitutional proceedings; to assert the supremacy of the Federal laws, and to prevent any preference, by commercial regulation, to the ports of any of the States.

In carrying into effect these principles, and in suppressing the attempts to evade and resist them, and in order to maintain the Constitution and execute the laws, it became necessary to interdict commerce at those ports where duties could not be collected, the laws maintained and executed, and where the officers of the Government were not tolerated or permitted to exercise their functions. In performing this domestic municipal duty, the property and interests of foreigners became to some extent involved in our home questions, and, with a view of extending to them every comity that the circumstances would justify, the rules of blockade were adopted, and, as far as practicable, made applicable to the cases that occurred under this embargo or non-intercourse of the insurgent States. The commanders of the squadrons were directed to permit the vessels of foreigners to depart within fifteen days, as in cases of actual effective blockade, and their vessels were not to be seized unless they attempted, after having been once warned off, to enter an interdicted port in disregard of such warning.

The questions presented under this extraordinary conjuncture of affairs were novel, and, not having been in all their extent anticipated by our laws, some further penal legislation, especially in relation to the law of forfeiture, may be needed to meet the exigency, and render the Government more effective.

STEAM GUNBOATS AND SLOOPS.

The necessity of an augmentation of our Navy, in order to meet the crisis, aid in suppressing insurrection, and assist in causing the laws to be executed at all the ports, was immediately felt, and a class of vessels different in some respects from any that were in the service, to act as sentinels on the coast, was required. On the spur of the moment transport steamers were secured; but, though made capable of sustaining a small armament, they were not such vessels as would perform continuous duty off the harbors in all weathers. They will, it is believed, answer a temporary purpose for the summer months, but a stronger and different description of vessel is necessary for the autumn and winter. The Department, besides purchasing, has, therefore, contracted for the building of twenty-three gunboats, each of about five hundred tons burden; and has made preliminary arrangements for several larger and fleeter vessels, which shall not only aid in preventing illegal commerce, but be made particularly serviceable in suppressing depredations on that which is legal. Both of these classes are of sizes inferior to the sloops-of-war ordered by the last Congress.

The Department, in carrying the order of the last session into effect, directed the construction of two vessels at each of the four yards, making eight instead of seven to be built. In consequence of the great activity and heavy demands at all the yards to equip and prepare every available vessel for service, the construction of these sloops has been retarded, but is now being prosecuted with vigor, and we may expect they will be completed at the earliest possible period.

The authority for these purchases and contracts is to be found in the necessities and condition of the country and the times. The action of the Department may require the sanction of Congress to give it validity. If it shall be asserted that an error has been committed in thus providing for the wants of the service and of the Government, a much greater error would have been committed, it is believed, in the omission to have made such provision under the existing necessities.

VESSELS IN SERVICE.

Of the 69 vessels, carrying 1,346 guns, hereinbefore mentioned as available for service on the 4th of March last, the sloop Levant has been given up as lost in the Pacific; the steamer Fulton was seized at Pensacola; and one frigate, two sloops, and one brig were burnt at Norfolk. These vessels carried 172 guns; the other vessels destroyed at Norfolk were considered worthless, and are not included in the list of available vessels.

These losses left at the disposal of the Department 62 vessels, carrying 1,174 guns, all of which are now, or soon will be, in commission, with the exception of the—

Vermont, (ship-of-the-line)	84
Brandywine, (frigate)	50
Decatur, (sloop,) at San Francisco	16
John Hancock, (steam tender,) at San Francisco	3

There have been recently added to the Navy, by purchase, 12 steamers, carrying from 2 to 9 guns each, and 3 sailing vessels. There have been chartered 9 steamers, carrying from 2 to 9 guns each. By these additions the naval force in commission has been increased to 82 vessels, carrying upwards of 1,100 guns, and with a complement of about 13,000 men, exclusive of officers and marines. There are also several steamboats and other small craft which are temporarily in the service of the Department.

Purchases of sailing ships have been made for transporting coals to the steamers that are performing duty as sentinels before the principal harbors. It would be inexpedient, and attended with much loss of time, as well as great additional expense, to compel the steamers, when short of fuel, to leave their stations and proceed to the nearest depot, distant in most cases several hundred miles, to obtain a supply. In the absence of any proper or suitable stations or buildings for storing coals, hulks have been provided, to be anchored at some convenient place for the use of the squadron.

The squadron on the Atlantic coast, under the command of Flag-Officer S. H. Stringham, consists of 22 vessels, 296 guns, and 3,300 men.

The squadron in the Gulf, under the command of Flag-Officer William Mervine, consists of 21 vessels, 282 guns, and 3,500 men.

Additions have been made to each of the squadrons, of two or three small vessels that have been captured and taken into the service. The steamers Pawnee and Pocahontas, and the flotilla under the late Commander Ward, with several steamboats in charge of naval officers, have been employed on the Potomac river, to prevent communication with that portion of Virginia which is in insurrection. Great service has been rendered by this armed force, which has been vigilant in intercepting supplies, and in protecting transports and supply-vessels in their passage up and down the Potomac.

The flotilla on the 27th ultimo met with a serious and sad loss in the death of its gallant commander, James H. Ward, who died at his post, while covering the retreat of his men from the assault of an overpowering number of rebel enemies. In the death of Commander Ward the Navy has lost a brave officer, who has enriched it by military and scientific contributions, served it faithfully in varied spheres, and promised much for it in the future.

The squadron in the Pacific, under the command of Flag-Officer John B. Montgomery, consists of 6 vessels, 82 guns, and 1,000 men.

The West India squadron is under the command of Flag-Officer G. J. Pendergrast, who has

been temporarily on duty, with his flag-ship, the Cumberland, at Norfolk and Hampton Roads, since the 23d of March. He will, at an early day, transfer his flag to the steam frigate Roanoke, and proceed southward, having in charge our interests on the Mexican and Central American coasts, and in the West India Islands.

The East India, Mediterranean, Brazil, and African squadrons, excepting one vessel of each of the two latter, have been recalled.

The return of these vessels will add to the force for service in the Gulf and on the Atlantic coast about 200 guns and 2,500 men.

RESIGNATION AND DISMISSAL OF OFFICERS.

Since the 4th of March, two hundred and fifty-nine officers of the Navy have resigned their commissions or been dismissed from the service. This diminution of officers, at a time when the force was greatly enlarged, and when the whole naval armament of the country was put in requisition, has compelled the Department to send many of our public vessels to sea without a full complement of officers. To some extent this deficiency has been supplied by gentlemen formerly connected with the Navy, who had retired to civil pursuits in peaceable times, but who, in the spirit of true patriotism, came promptly forward in the hour of their country's peril and made voluntary tender of their services to sustain the flag and the country. The Department gladly availed itself of the tender thus patriotically made, and received these gentlemen into the service in the capacity of acting lieutenants. The alacrity with which they presented themselves for duty in any position the Government might assign them, when others who had been the trusted and honored recipients of Government favors were deserting the standard, was no less honorable to them than to the profession which they adorned and the country which they loved.

ENLISTMENT OF SEAMEN.

The authorized increase of enlistment and the immediate establishment of naval rendezvous at all the principal sea-ports, with an abbreviation of the term of enlistment, enabled the Department to recruit a sufficient number of seamen to man the vessels added to the service with almost as much rapidity as they could be prepared, armed, and equipped. Only one or two ships have experienced any detention for want of a crew, and none beyond two or three days. At no period of our history has the naval force had so great and rapid an increase, and never have our seamen come forward with more alacrity and zeal to serve the country.

THE NAVAL ACADEMY.

The Naval School and public property at Annapolis attracted the attention of the disloyal and disaffected, about the period when the conspiracy culminated. Some demonstrations were made towards seizing the property, and also the frigate Constitution, which had been placed at Annapolis in connection with the school, for the benefit of the youths who were being educated for the public service. Prompt measures rescued the frigate and Government property from desecration and plunder; and the young men, under the superintendence and guidance of Captain Blake, contributed in no small degree to the result. As it was impossible, in the then existing condition of affairs in Annapolis and in Maryland, to continue the school at that point, and as the valuable public property was in jeopardy, it became necessary to remove the institution elsewhere. Newport, Rhode Island, presented many advantages, and the War Department tendered Fort Adams for the temporary occupation of the students, which was at once accepted; and the school, with the frigate and other public property, was removed thither. Although the numbers at the school are reduced by the resignation of nearly every student from the insurrectionary region, and a call of the elder classes to active professional duty, the younger classes that remain form a nucleus to reëstablish and give vitality to the institution.

Some legislation will be necessary, not only in relation to what has been done, but with a view to the future continued success of the school, which has already accomplished so much towards the efficiency and elevation of the Navy. By the existing law the appointment of students can be made only upon the recommendation of the member of Congress from the district in which the applicant resides; and in case he omits to make selection of a suitable person, there is no way provided to fill the vacancy. In consequence of this regulation the school has not its authorized number, for nearly one third of the districts neglect or refuse to be represented at the Academy, and there is no legal way of supplying this deficiency from other districts, although the applications are numerous.

Congress must provide for this deficit; and it is, moreover, worthy of consideration, whether, for a period at least, the numbers in the school should not be increased, until a full complement of officers is supplied.

ORDNANCE DEPARTMENT.

In the ordnance branch of the service there has been great activity, and the works at the navy-yard in this city have been in constant operation day and night to meet, as far as was possible, the extraordinary demands that have been made. When the late commandant of the Washington yard, on the 22d of April, declined further connection with the Government, and was dismissed the service, it was believed the true interest of the country would be promoted by placing the yard and foundery in charge of the efficient and capable officer whose reputation in connection with ordnance is national. If his rank did not, according to usage, entitle him to the position, his merit did. To obviate difficulty, and place that branch of the service in proper working condition, I would recommend that there be appointed an officer, to be known as the director of ordnance, who shall, under the Department, have the immediate supervision of the manufacture, description, and supply of ordnance for the Navy in all its details.

THE OBSERVATORY.

The Observatory, for many years under the superintendence of an officer who had gained distinguished reputation in connection with the institution, was abandoned by him in a very abrupt manner on the 20th of April. On receiving intelligence that he had, without previous intimation of his intention, deserted the post that had been confided to him, a gentleman eminently adapted to the place, who had, moreover, been early identified with the Observatory, was at once placed in the position. It gives me pleasure to say that in many respects the change has been an improvement, while I trust that neither the country nor the cause of science will experience any detriment therefrom.

THE NAVY RATION.

A change or modification of the law regulating the Navy ration seems necessary to meet the existing condition of things. Nearly the whole of the present naval strength of the country is employed on a particular service, which extends along the coast, an effective force being stationed at each of the principal harbors. It is important that the vessels should remain on duty at their stations as long as possible, to guard the coast and prevent illegal commerce. That they may do this satisfactorily, it is essential that the crews have frequent supplies of fresh provisions and other necessaries conducive to health. The Department has already so far innovated as to send forward a cargo of fresh supplies, and it proposes to continue thus to supply the crews of the squadron until the insurrection is suppressed. Provisions and stores will in this manner be dispatched with supplies of all kinds that may be required for the subsistence and health of the crews. Communication with each of the principal stations will be established by these dispatch boats, which will carry to and receive from the squadrons letters, convey recruits, bring home invalids; and while performing these services will also discharge coast guard duty.

INCREASE OF SURGEONS.

An increase of the number of surgeons and assistant surgeons is also recommended, in conformity with the suggestions of the chief of the Bureau of Medicine and Surgery. A copy of his report is herewith transmitted. The deficiencies that at present exist will doubtless soon be filled, but the full complement allowed by the existing law is inadequate to the present requirements of the service.

ACTING PAYMASTERS.

The additional number of vessels employed called for additional paymasters beyond the number limited by law, and the Department, under the existing necessity, appointed acting paymasters. Where this appointment has been necessary, it has usually been connected with that of captain's clerk, who has been required to give bonds for the money and property intrusted to his hands, and his confidential relations with his commander have been such that it has been deemed a further security. I would recommend that there be an increase of the corps of paymasters, or perhaps it may be well to have a class of assistant paymasters at a less compensation and with less responsibility. The minor appointment may be made a preliminary step to the more important office of paymaster.

INCREASE OF THE MARINE CORPS.

It became necessary to enlarge the marine corps in order that it should correspond in some degree with the general increase of other branches of the service. Under the authority of the act of Congress of 1849, two additions have been made to this corps, which now consists of 2,500 privates; but the officers, except the force composing the staff, remain the same in point of numbers as when the corps consisted of but 1,000 men. This number is altogether insufficient; and it is therefore recommended that there be an additional number created; and, if the session is sufficiently prolonged, an entire reorganization of the corps may be expedient.

MASTERS AND MASTERS' MATES.

There has been, from necessity, a large number of acting masters and masters' mates appointed from the commercial marine to meet the wants of the service. These officers, generally of great experience and intelligence, and occupying the highest position in the merchant service, have voluntarily come forward and offered themselves for useful duty on board our public vessels, where they are contributing to the efficiency of the Navy.

IRON-CLAD STEAMERS, OR FLOATING BATTERIES.

Much attention has been given within the last few years to the subject of floating batteries, or iron-clad steamers. Other Governments, and particularly France and England, have made it a special object in connection with naval improvements; and the ingenuity and inventive faculties of our own countrymen have also been stimulated by recent occurrences toward the construction of this class of vessels. The period is perhaps not one best adapted to heavy expenditures by way of experiment, and the time and attention of some of those who are most competent to investigate and form correct conclusions on this subject are otherwise employed. I would, however, recommend the appointment of a proper and competent board to inquire into and report in regard to a measure so important; and it is for Congress to decide whether, on a favorable report, they will order one or more iron-clad steamers, or floating batteries, to be constructed, with a view to perfect protection from the effects of present ordnance at short range, and make an appropriation for that purpose.

It is nearly twenty years since a gentleman of New Jersey, possessing wealth and talent, projected the construction of a floating battery, and the Government aided the work by a liberal appropriation. The death of this gentleman a few years since interrupted the prosecution of this experiment; and application has been recently made by his surviving brother, the authorities of New Jersey, and others, for additional means to carry it forward to completion. The amount asked is of such magnitude as to require special investigation by a competent board, who shall report as to the expediency and practicability of the experiment before so large an expenditure should be authorized.

INCREASE IN CLERICAL FORCE.

An increase of the clerical force of the Department is indispensable, and its organization may be in some respects modified and improved. The

present session having been called for special purposes, it may be deemed inexpedient to enter upon general legislation; but the greatly increased labor renders it necessary that there should be a tempory increase of clerks, and I would, in this connection, and as a part of this improvement and addition, recommend an Assistant Secretary of the Navy, on whom might be devolved many of the details that now occupy no inconsiderable portion of the time of the Secretary, and from which he might be relieved.

UNITED STATES SLOOP LEVANT.

The Levant sloop-of-war, Commander William E. Hunt, of the Pacific squadron, sailed from Panama in May, 1860, for the Sandwich Islands, for the purpose of inquiring, at the suggestion of the Department of State, into the disbursement at those islands of the fund for the relief of destitute American seamen. She reached her destination safely, and the investigations were conducted by Commander Hunt at the ports of Honolulu, Lahaina, and Hilo. The last official intelligence received by the Department from the Levant was a communication from Commander Hunt, dated Hilo, September 3, 1860. He expected to take his departure in a short time for Panama. Not arriving at that port by January, Flag-Officer Montgomery dispatched the steamers Saranac and Wyoming in search of her. The latter visited the Sandwich Islands and various localities on the route, making every possible inquiry for her. But no tidings of her were obtained, although it was definitely ascertained that she had sailed from Hilo on the 18th of September, 1860, direct for Panama. All hopes for her safety have long since been abandoned, and it now devolves on Congress, as in previous instances, to make such legislation as may be just and proper for the benefit of the families of the lamented officers and crew who perished with her.

SLAVERS CAPTURED.

The following captures of vessels engaged in the slave trade have been made since those mentioned in the last annual report of this Department:

Bark Cora, captured on the coast of Africa, September 26, 1860, by the United States sloop Constellation, Captain J. S. Nicholas, with a cargo of 705 Africans, 694 of which were delivered to the United States agent at Monrovia.

Brig Bonita, captured on the coast of Africa, October 10, 1860, by the United States steamer San Jacinto, Captain T. A. Dornin, with a cargo of 750 Africans on board, 616 of which were delivered to the United States agent at Monrovia.

Brig Tuccoa, captured on the coast of Cuba, December 20, 1860, by the United States steamer Mohawk, Lieutenant Commanding T. A. M. Craven.

Bark Mary Kimball, captured on the coast of Cuba, December 21, 1860, by the United States steamer Mohawk, Lieutenant Commanding T. A. M. Craven.

Ship Nightingale, captured on the coast of Africa, April 21, 1861, by the United States sloop-of-war Saratoga, Commander Alfred Taylor, with 961 Africans on board, 801 of which were delivered to the United States agent at Monrovia.

The Cora and Nightingale were sent to New York; the Bonita to Charleston, and subsequently to Savannah; and the Tuccoa and Mary Kimball to Key West, and delivered into the custody of the proper officers.

CONCLUSION.

In discharging the duties that pertain to this Department, and which have devolved upon it during the brief period it has been intrusted to my hands, I have shrunk from no responsibilities; and if, in some instances, the letter of the law has been transcended, it was because the public necessities required it. To have declined the exercise of any powers but such as were clearly authorized and legally defined, when the Government and the country were assailed and their existence endangered, would have been an inexcusable wrong and a cowardly omission. When, therefore, the Navy was called into requisition to assist not only in maintaining the Constitution and to help execute the laws, but to contribute in upholding the Government itself against a great conspiracy, I did not hesitate, under your direction, to add to its strength and efficiency by chartering, purchasing, building, equipping, and manning vessels, expanding the organization, and accepting the tender of services from patriotic individuals, although there be no specific legal enactment for some of the authority that has been exercised.

Submitted herewith are supplemental estimates from the several bureaus to meet deficiencies in the appropriations for the naval service for the fiscal year just closed, and for the year ending June 30, 1862.

The appropriations for the fiscal year ending 30th of June, 1862, amount in the aggregate to $13,168,675 86. The estimates now submitted amount to $30,609,520 29. For a detailed statement of these estimates I refer to the reports of the chiefs of the bureaus.

GIDEON WELLES,
Secretary of the Navy.

The PRESIDENT of the United States.

Report of the Secretary of War.

WAR DEPARTMENT,
WASHINGTON, *July* 1, 1861.

SIR: I have the honor to submit the following report of the operations of this Department.

The accompanying statements of the Adjutant General will show the number, description, and distribution of the troops which are now in service.

It forms no part of the duty of this Department to enter upon a discussion of the preliminary circumstances which have contributed to the present condition of public affairs. The secession ordinance of South Carolina was passed on the 20th of December last, and from that period until the majesty of the Government was made manifest, immediately after you had assumed the Chief Magistracy, the conspirators against its Constitution and laws have left nothing undone to perpetuate the memory of their infamy. Revenue steamers have been deliberately betrayed by their commanders, or, where treason could not be brought to consummate the defection, have been overpowered by rebel troops at the command of disloyal Governors. The Government arsenals at Little Rock, Baton Rouge, Mount Vernon, Apalachicola, Augusta, Charleston, and Fayetteville, the ordnance depot at San Antonio, and all the other Government works in Texas, which served as the depots of immense stores of arms and ammunition, have been surrendered by the commanders, or seized by disloyal hands. Forts Macon, Caswell, Johnson, Clinch, Pulaski, Jackson, Marion, Barrancas, McKee, Morgan, Gaines, Pike, Macomb, St. Phillip, Livingston, Smith, and three at Charleston; Oglethorpe barracks, Barrancas barracks, New Orleans barracks, Fort Jackson, on the Mississippi, the battery at Bienvenue, Dupre, and the works at Ship Island, have been successively stolen from the Government, or betrayed by their commanding officers. The custom-houses at New Orleans, Mobile, Savannah, Charleston, and other important points, containing vast amounts of Government funds, have been treacherously appropriated to sustain the cause of rebellion. In like manner the branch mints at New Orleans, at Charlotte, and at Dahlonega, have been illegally seized, in defiance of every principle of common honesty and of honor. The violent seizure of the United States Marine Hospital at New Orleans was only wanting to complete the catalogue of crime. The inmates, who had been disabled by devotion to their country's service, and who there had been secured a grateful asylum, were cruelly ordered to be removed, without the slightest provision being made for their support or comfort. In Texas, the large forces detailed upon the frontier for the protection of the inhabitants against the attacks of marauding Indians, were ignominiously deserted by their commander, Brigadier General Twiggs. To the infamy of treason to his flag was added the crowning crime of deliberately handing over to the armed enemies of his Government all the public property intrusted to his charge, thus even depriving the loyal men under his command of all means of transportation out of the State.

A striking and honorable contrast with the recreant conduct of Brigadier General Twiggs, and other traitorous officers, has been presented in the heroic and truly self-sacrificing course pursued by Major Robert Anderson, and the small and gallant band of officers and men under his command at Fort Sumter; and also by Lieutenant Adam J. Slemmer, his officers and men, at Fort Pickens. In referring, with strongest commendation, to the conduct of these brave soldiers, under the trying circumstances which surrounded them, I only echo the unanimous voice of the American people. In this connection, it is a pleasurable duty to refer to the very gallant action of Lieutenant Roger Jones, at Harper's Ferry, and the handsome and successful manner in which he executed the orders of the Government at that important post.

The determination of the Government to use its utmost power to subdue the rebellion, has been sustained by the unqualified approval of the whole people. Heretofore, the leaders of this conspiracy have professed to regard the people of this country as incapable of making a forcible resistance to rebellion. The error of this conclusion is now being made manifest. History will record that men who, in ordinary times, were devoted solely to the arts of peace, were yet ready on the instant, to rush to arms in defense of their rights, when assailed. At the present moment, the Government presents the striking anomaly of being embarrassed by the generous outpouring of volunteers to sustain its action. Instead of laboring under the difficulty of monarchical governments, the want of men to fill its armies, (which, in other countries, has compelled a resort to forced conscriptions,) one of its main difficulties is to keep down the proportions of the Army, and to prevent it from swelling beyond the actual force required.

The commanding officers of the regiments in the volunteer service, both for the three months' service and for the war, have, in many instances, not yet furnished the Department with the muster-rolls of their regiments. For want of these returns, it is impossible to present as accurate an enumeration of the volunteer force accepted and in the field as could be desired. Under the proclamation issued by you on the 15th of April last, the Governors of different States were called upon to detach from the militia under their command a certain quota, to serve as infantry or riflemen, for the period of three months, unless sooner discharged. The call so made amounted in the aggregate to ninety-four regiments, making 73,391 officers and men. Of the States called upon, the Governors of Virginia, North Carolina, Tennessee, Arkansas, Kentucky, and Missouri peremptorily refused to comply with the requirements made by the Department. All the other States promptly furnished the number required of them, except Maryland, whose Governor, though manifesting entire readiness to comply, was prevented from so doing by the outbreak at Baltimore.

In the States of Virginia, Delaware, and Missouri, notwithstanding the positive refusal of their executive officers to coöperate with the Government, patriotic citizens voluntarily united together, and organized regiments for the Government service. Delaware and Virginia furnished each a regiment, both of which are on duty in the field. In a similar patriotic spirit, the loyal people of Missouri raised a force of 11,445 officers and men, making, in round numbers, twelve organized regiments, to sustain the Government and to put down rebellion in that State. And so, also, the citizens of the District of Columbia, emulating these honorable examples, furnished no less than 2,823 officers and men, making in all four full regiments, all of which are yet in the field, doing active and efficient service. Thus, notwithstanding the refusal of disloyal Governors to respond, the Government, instead of having been furnished with only the number of troops called for under your proclamation of the 15th April last, has received, and has now in service, under that call, in round numbers, at least 80,000.

Under your second proclamation, of the 4th of May last, calling for volunteers to serve during the war, there have been accepted, up to this date, two hundred and eight regiments. A number of other regiments have been accepted, but on condi-

tion of being ready to be mustered into the service within a specified time, the limitation of which has, in some instances, not expired. It is not possible to state how many of these may be ready before the meeting of Congress. Of the regiments accepted, all are infantry and riflemen, with the exception of two battalions of artillery and four regiments of cavalry. A number of regiments mustered as infantry have, however, attached to them one or more artillery companies, and there are also some regiments partly made up of companies of cavalry. Of the two hundred and eight regiments accepted for three years, there are now one hundred and fifty-three in active service; and the remaining fifty-five are mostly ready, and all of them will be in the field within the next twenty days.

The total force now in the field may be computed as follows:

Regulars and volunteers for three months and for the war		235,000
Add to this fifty-five regiments of volunteers for the war, accepted and not yet in service	50,000	
Add new regiments of regular Army	25,000	
		75,000
Total force now at command of Government		310,000
Deduct the three-months volunteers		80,000
Force for service after the withdrawal of the three-months men		230,000

It will thus be perceived that after the discharge of the three-months troops, there will still be an available force of volunteers amounting to 188,000, which, added to the regular Army, will constitute a total force of 230,000 officers and men. It will be for Congress to determine whether this army shall, at this time, be increased by the addition of a still larger volunteer force.

The extraordinary exigencies which have called this great army into being have rendered necessary, also, a very considerable augmentation of the regular arm of the service. The demoralization of the regular Army, caused by the treasonable conduct of many of its commanding officers, the distant posts at which the greater part of the troops were stationed, and the unexampled rapidity of the spread of the rebellion, convinced those high in command in the service, as well as this Department, that an increase of the regular Army was indispensable. The subject was accordingly brought to your attention, and after a careful examination, an increase was authorized by your proclamation issued on the 4th of May last.

This increase consists of one regiment of cavalry, of twelve companies, numbering, in the maximum aggregate, 1,189 officers and men; one regiment of artillery of twelve batteries, of six pieces each, numbering, in the maximum aggregate, 1,909 officers and men; nine regiments of infantry, each regiment containing three battalions of eight companies each, numbering, in the maximum aggregate, 2,452 officers and men, making a maximum increase of infantry of 22,068 officers and men.

In the enlistment of men to fill the additional regiments of the regular Army, I would recommend that the term of enlistment be made three years, to correspond with the call of May 4 for volunteers; and that to all who shall receive an honorable discharge at the close of their term of service, a bounty of $100 shall be given.

The mounted troops of the old Army consist of five regiments, with a maximum aggregate of 4,460 men. Not more than one fourth of these troops are available for service at the seat of war. At least two regiments of artillery are unavailable, being stationed on the western coast and in the Florida forts.

The increase of infantry is comparatively large, but this arm of the service is that which the General-in-Chief recommends as being most efficient.

The organization of the increased force, it will be noticed, is different from that of the old Army. This question was fully considered by officers of the Army connected with this Department, and after much deliberation it was concluded to adopt the French regimental system of three battalions to a regiment. Each battalion is commanded by a major, with a colonel and lieutenant colonel for the general command of the regiment. This, it is believed, is the best organization now existing. The number of field officers is less than under the old plan, and, therefore, much less expensive. Whether this organization may not advantageously be extended to the old Army, after the passage of a law providing for a retired list, is a question which may properly engage the attention of Congress.

In making the selection of officers for the new regiments, two courses only seemed to be open, viz: to make the appointments from the regular service by seniority, or by selection. The first appeared liable to the objection that old, and, in some instances, inefficient men would be promoted to places which ought to be filled by younger and more vigorous officers. The second was liable to the grave objection that favoritism might prejudice the claims of worthy officers.

After the fullest consideration, it was determined, under the advice of the General-in-Chief, to appoint one half of them from the regular Army, and the other half from civil life. Of the civilians appointed as regimental commanders, all except one are either graduates of West Point or have before served with distinction in the field; and of the lieutenant-colonels, majors, captains, and first lieutenants, a large proportion have been taken from the regular Army, and the volunteers now in service, while the second lieutenants have been mainly created by the promotion of meritorious sergeants from the regular service.

In view of the urgent necessity of the case, these preliminary steps to the augmentation of the regular service have been taken, and it now remains for Congress, should it sanction what has been commenced, to complete the work by such legislation as the subject may require. A similar increase of the Army, under like circumstances, was made in 1812. At the close of the war, the force in service being found too large and too costly for a peace establishment, a reduction was ordered to be made, under the supervision of a board of officers, specially organized for the purpose. At the close of the present struggle, the reduction of the present force may be accomplished in like manner, if found then to be larger than the public necessities require. In making any such reduction, however, a just regard to the public interests would imperatively require that a force amply sufficient to protect all the public property, wherever it may be found, should be retained.

I cannot forbear to speak favorably of the volunteer system, as a substitute for a cumbrous and dangerous standing army. It has, heretofore, by many been deemed unreliable and inefficient in a sudden emergency, but actual facts have proved the contrary. If it be urged that the enemies of order have gained some slight advantages at remote points, by reason of the absence of a sufficient regular force, the unexampled rapidity of concentration of volunteers already witnessed is an ample refutation of the argument. A government whose every citizen stands ready to march to its defense can never be overthrown; for none is so strong as that whose foundations rest immovably in the hearts of the people.

The spectacle of more than a quarter of a million of citizens rushing to the field in defense of the Constitution must ever take rank among the most extraordinary facts of history. Its interest is vastly heightened by the lavish outpouring, from States and individuals, of voluntary contributions of money, reaching an aggregate thus far of more than ten million dollars. But a few weeks since the men composing this great army were pursuing the avocations of peace. They gathered from the farm, from the workshop, from the factory, from the mine. The minister came from his pulpit, the merchant from his counting-room, the professor and student from the college, the teacher and pupil from the common schools. Young men of fortune left luxurious homes for the tent and the camp. Native and foreign-born alike came forward with kindred enthusiasm. That a well-disciplined, homogeneous, and efficient force should be formed out of such a seemingly heterogeneous mass appears almost incredible. But what is the actual fact? Experienced men, who have had ample opportunity to familiarize themselves with the condition of European armies, concede that, in point of *personnel*, this patriot army is fully equal to the finest regular troops of the Old World. A more intelligent body of men, or one actuated by purer motives, was never before marshaled in the field.

The calling forth of this large and admirable force, in vindication of the Constitution and the laws, is in strict accordance with a wise prudence and economy, and at the same time in perfect harmony with the uniform practice of the Government. But three years ago, when the authority of the nation was contemptuously defied by the Mormons in Utah, the only safe policy consistent with the dignity of the Government was the prompt employment of such an overwhelming force for the suppression of the rebellion as removed all possibility of failure. It will hardly be credited, however, that the following language in relation to that period was penned by John B. Floyd, then Secretary of War, and now actively engaged in leading the rebel forces, who have even less to justify their action than the Mormons:

"When a small force was first sent to Utah, the Mormons attacked and destroyed their trains, and made ready for a general attack upon the column. When a sufficient power was put on foot to put success beyond all doubt, their bluster and bravado sank into whispers of terror and submission.

"This movement upon that Territory was demanded by the moral sentiment of the country, was due to a vindication of its laws and Constitution, and was essential to demonstrate the power of the Federal Government to chastise insubordination and quell rebellion, however formidable from numbers or position it might seem to be. Adequate preparations and a prompt advance of the Army was an act of mercy and humanity to those deluded people, for it prevented the effusion of blood."

I recommend the same vigorous and merciful policy now.

The reports of the chiefs of the different bureaus of this Department, which are herewith submitted, present the estimates of the probable amount of appropriations required, in addition to those already made for the year ending June 30, 1860, for the force now in the field, or which has been accepted and will be in service within the next twenty days, as follows:

Quartermaster's department	$70,289,200 21
Subsistence department	27,278,781 50
Ordnance department	7,468,172 00
Pay department	67,845,402 48
Adjutant General's department	498,000 00
Engineer department	685,000 00
Topographical Engineer department	50,000 00
Surgeon General's department	1,271,841 00
Due States which have made advances for troops	10,000,000 00
Total	165,296,397 19

The resistance to the passage of troops through the city of Baltimore, hastening to the relief of the Federal capital, and the destruction of bridges of the Wilmington and Baltimore and the Northern Central railroads, together with the refusal of the Baltimore and Ohio Railroad Company to transport the Government forces and supplies, involved the necessity, at an early stage of the present troubles, on the part of this Department, to take possession of so much of the railway lines as was required to form a connection with the States from which troops and supplies were expected. A military route was accordingly opened from Perryville, on the Cheasapeake, by steamers, to Annapolis, and thence by railroad to Washington. In view of the necessities of the crisis, Congress, it is not doubted, will justify the steps taken.

As the movements of the United States forces are continued, the supervision of railroad and telegraph lines will remain a necessity to be met by the Department. I would therefore recommend the propriety of an appropriation to be made by Congress, to be applied, when the public exigencies demand, to the reconstruction and equipment of railroads, and for the expense of maintaining and operating them, and also for the construction of additional telegraph lines and their appurtenances. I would also recommend a special appropriation for the reconstruction of the Long Bridge across the Potomac, which is now a military necessity.

The importance of enforcing the strictest discipline where active army operations are carried on in the rebellious States cannot be too strongly urged. Public confidence is for the time being destroyed, and the nice moral distinctions which obtain among men in well-ordered communities are apt to be lost sight of. The Federal courts being suspended, grave offenses may be committed over which our military courts, as now organ-

ized, have no authorized jurisdiction. It would seem only consistent with a just regard to the interests of the Government and the people, that some properly organized military tribunal should be empowered to take cognizance of criminal offenses, and to punish the offenders when found guilty. Such a tribunal should not have any jurisdiction when the functions of the Federal courts are uninterrupted. I therefore recommend that the subject be referred to the consideration of Congress.

The subsistence of the troops now in the service is a matter of the highest importance. Rations, proper in quantity and quality, are quite as essential to the efficiency of an army as valor or discipline. It is desirable, therefore, that the quality of rations distributed to the troops should, as far as possible, be adapted to their previous dietary habits. While it cannot be expected that the luxuries to which many have been accustomed should be provided by the commissariat, a just regard to comfort and health imposes upon the Government the duty of furnishing sound, healthful, and palatable food. A larger proportion of vegetables and of fresh meats, when they can be procured, than can now be furnished under the Army regulations, would undoubtedly diminish the danger of epidemics among the troops. I therefore submit the question, whether it would not be expedient for Congress to enlarge the powers of the commissariat, so as to enable it the better to carry into practice the views here suggested?

As all requisitions for camp equipage, for the means of its transportation, and for supplies, are made upon the Quartermaster General's department, it is highly essential that every facility should be afforded its chief for meeting all such requisitions with promptness. At present the power of that bureau is limited. For instance, it seems very desirable that the troops in field should be supplied with water-proof capes and blankets to serve as a protection against the effects of the climate. As the Army Regulations do not recognize such an item of clothing, and as no discretion has been lodged with the Department to act in the matter, many of the troops, for the lack of this essential outfit, have suffered much inconvenience. Some of the States of New England have sent their quotas forward equipped most admirably in this respect. I would recommend that this subject be commended to Congress for its favorable consideration.

The sudden large increase of the Army, in May last, induced the acting Surgeon General to call the attention of this Department to the necessity of some modification of the system of organization connected with the supervision of the hygiene and comfort of the troops. A commission of inquiry and advice was accordingly instituted, with the object of acting in coöperation with the Medical bureau. The following gentlemen have consented to serve, without compensation, upon this commission: Henry W. Bellows, D. D.; Professor A. D. Bache, LL. D.; Professor Jeffries Wyman; Professor Walcott Gibbs, M. D.; W. H. Van Buren, M. D.; Samuel G. Howe, M. D.; R. C. Wood, Surgeon United States Army; George W. Cullum, United States Army; and Alexander E. Shiras, United States Army. They are now directing special inquiries in regard to the careful inspection of recruits and enlisted men, the best means of guarding and restoring their health, and of securing the general comfort and efficiency of the troops, the proper provision of hospitals, nurses, cooks, &c. The high character and well-known attainments of these distinguished gentlemen afford every assurance that they will bring to bear upon the subjects of their investigation the ripest teachings of sanitary science in its application to the details of military life. The organization of military hospitals, and the method of obtaining and regulating whatever appertains to the cure, relief, or care of the disabled, as also the regulations and routine through which the services of patriotic women are rendered available as nurses, was at an early period of the present struggle intrusted to the charge of Miss D. L. Dix, who volunteered her services, and is now, without remuneration, devoting her whole time to this important subject.

The arms and ordnance supplied from our national armories, under the able superintendence of the Ordnance bureau, compare most favorably with the very best manufactured for foreign Governments. The celebrated Enfield rifle, so called, is a simple copy of the regular arm manufactured for many years at the Springfield armory.

Previous to the early part of last year the Government had a supply of arms and munitions of war sufficient for any emergency; but, through the bad faith of those intrusted with their guardianship, they were taken from their proper depositories, and distributed through portions of the country expected to take part in the contemplated rebellion. In consequence of the serious loss thus sustained, there was available at the commencement of the outbreak a much less supply than usual of all kinds. But through the zeal and activity of the Ordnance bureau, the embarrassment thus created has been in a great measure overcome. As the capacity of the Government armories was not equal to the supply needed, even after having doubled the force at the Springfield armory, the Department found it absolutely necessary to procure arms to some extent from private manufacturers. It is believed that from these sources they can be obtained equal in quality, and not much higher in cost, than those made in the national workshops. It would therefore appear a wise policy on the part of the Government to encourage domestic industry by supplying our troops in part from private factories of our own country, instead of making purchases from abroad.

As rifled cannon are, in point of effectiveness, far superior to smooth-bored, arrangements have been made to rifle a large portion of the guns on hand, and the work is still in progress.

Some patriotic American citizens resident in Europe, fearing that the country might not have a sufficient supply, purchased on their own responsibility, through coöperation with the United States ministers to England and France, a number of improved cannon and muskets; and, at your instance, this Department accepted the drafts drawn to defray the outlay thus assumed. A perfect battery of six Whitworth twelve-pounder rifled cannon, with three thousand rounds of ammunition, the munificent donation of sympathizing friends in Europe, has also been received from England.

It will be necessary for Congress, either at its approaching special or at its next annual session, to adopt measures for the reorganization, upon a uniform basis, of the militia of the country. I know of no better source of information on this subject than the able report of General Henry Knox, the first Secretary of War, who, by his wise forecast and eminent appreciation of the future wants of the country, showed the entire safety of an implicit reliance upon the popular will for the support of the Government in the most trying emergency, abundant confirmation of which fact is found in the present great rally of the people to the defense of the Constitution and laws. I have already adverted to the superior manner in which some of the New England regiments, now in service, are equipped. This is to be attributed to the efficient home organization of the militia in some of those States. Their example is an excellent one, and cannot fail to have a beneficial effect upon such States as have not already adopted a like desirable organization.

I think it important, also, to recommend a further distribution of improved arms among the militia of the States and Territories. As the returns of the militia are frequently inaccurate, this distribution should be made proportionate to the latest census returns of free white male inhabitants capable of bearing arms.

The large disaffection, at the present crisis, of United States Army officers, has excited the most profound astonishment, and naturally provokes inquiry as to its cause. But for this startling defection, the rebellion never could have assumed formidable proportions. The mere accident of birth in a particular section, or the influence of a belief in particular political theories, furnishes no satisfactory explanation of this remarkable fact. The majority of these officers solicited and obtained a military education at the hands of the Government—a mark of special favor, conferred by the laws of Congress to only one in seventy thousand inhabitants. At the national Military Academy they were received, and treated as the adopted children of the Republic. By the peculiar relations thus established, they virtually became bound, by more than ordinary obligations of honor, to remain faithful to their flag. The question may be asked, in view of the extraordinary treachery displayed, whether its promoting cause may not be traced to a radical defect in the system of education itself?

As a step preliminary to the consideration of this question, I would direct attention to the report, herewith submitted, of the Board of Visitors to the West Point Military Academy. The supplementary report makes a special reference to the system of discipline, which, it appears from facts obtained upon investigation, ignores, practically, the essential distinction between acts wrong in themselves and acts wrong because prohibited by special regulations. The report states that no difference is made in the penalties affixed as punishments for either class of offenses. It is argued with reason that such a system is directly calculated to confound in the mind of the pupil the distinctions between right and wrong, and to substitute, in the decision of grave moral questions, habit for conscience. I earnestly trust that Congress will early address itself to a thorough examination of the system of education and discipline adopted in this important school, and if defects are found to exist, that it will provide a remedy with the least possible delay.

The present exigencies of the public service have necessarily imposed upon this Department a vast increase of responsibility and labor. To facilitate its proper administration, I would recommend the passage of a law by Congress authorizing the appointment of an Assistant Secretary of War, and the requisite additional appropriation for the employment of an increased clerical force.

In concluding this report, I deem it proper to express my deep indebtedness to the veteran General-in-Chief of the Army, for the constant and self-sacrificing devotion to the public service exhibited by him in this grave crisis; and also to the chiefs of the different bureaus of this Department, for the able and efficient manner in which they have at all times aided me in the discharge of my official duties.

I have the honor to be, with high regard, your obedient servant,

SIMON CAMERON,
Secretary of War.

The PRESIDENT of the United States.

EXECUTIVE USURPATION.

SPEECH OF HON. J. A. BAYARD,

OF DELAWARE,

IN THE SENATE, *July* 19, 1861.

The Senate having under consideration the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion—

Mr. BAYARD said: Mr. President, during the special session of the Senate in March last, when seven States had withdrawn, by the action of their people, from the Federal Union, disclaimed all allegiance to the Government, and organized a separate common government, I took occasion, before the public mind had become excited, to express fully my views of the structure of our Government, and the unhappy condition of the country; and also to indicate the course of action which I believed most conducive to our happiness and prosperity in the future. I then thought, after the most anxious and gravest consideration, and actuated by no earthly motive but the good of my country, that the only alternative which remained was an assent to the revolution by which the Gulf States had left us, or civil war. That though the secession of a State was an act of revolution, it was an event not provided for by the Constitution, and could only be met by war or peace. That the power to coerce a State by the General Government by arms, having been expressly refused by the framers of the Constitution, we had no other resource left but war against them for a breach of the compact upon which the Federal Government is founded, or peace and the

recognition of the common government which they had organized.

I did not doubt that the right of judgment as to peace or war rested in Congress; but I was unable to see how any plea of executing the laws or retaking the public property justified the use of the military power, as a primary power, for that purpose, within the intent of the Constitution and the powers conferred by it on Congress or the Executive. Believing also that the withdrawal of those States did not subvert our Government, but left us a great and powerful nation, I thought a peaceful separation preferable to what I consider the greatest curse which the providence of God can inflict upon a nation—civil war. I also indulged the hope, and I now believe that hope would have been realized, that by conciliation those States might be restored to the Union, and expressed the opinion that an attempt at coercion would drive other States out of the Confederacy; and in this, at least, subsequent events have shown that I was not in error. The Executive, as I deem most unfortunately, adopted the policy of coercion, and collision followed. An appeal by proclamation was made to the people for volunteers, which involved of necessity coercion by arms and war, and four more States withdrew from the Union, and joined the confederate States. The convention of Virginia had shown by repeated votes that a majority exceeding seventy existed in that body deeply attached to the Union, anxious to retain the State in the Union, and to settle the causes of difficulty which had arisen among us. On the President's proclamation, that convention seceded from the Union, and by an overwhelming majority of the people of Virginia their action has been ratified. Tennessee, which a brief time before had refused by thirty thousand majority to call a convention, immediately, by the action of her Legislature, left the Union, and her people ratified the act by sixty thousand majority. North Carolina withdrew with entire unanimity, though she had voted down a convention a short time before; and Arkansas, which had from her love to the Union postponed any consideration of the question of secession till the fall, in order that so eventful a matter should be fully discussed before her people, and its effects gravely weighed before determination, also left us, as consequent upon the proclamation.

Much as I deplored the loss of the Gulf States, I was then willing—to use the language of Burke, in 1777, in relation to our own Revolution,

"To part with them as a limb, but as a limb to save the body; and I would have parted with more, if more had been necessary: anything rather than a fruitless, hopeless, unnatural civil war."

Sir, I am as deeply attached to the Union as any man who claims a seat in this body. I would have saved it in its integrity by conciliation and compromise; and it is my consolation that, in my past life, no word or act of mine ever encouraged a sectional feeling among my countrymen. Nay, more, if any sacrifice on my part, involving property or even life itself, could now end this unhappy struggle, and restore and preserve the Union, with the fraternal feeling and national sentiment in which it was founded by our forefathers, that sacrifice would be readily and cheerfully made. I could leave no richer or prouder inheritance to my children than the reflection that their father had sacrificed himself for the prosperity and welfare of his country.

But the passions of the nation have become excited, and the cry now is "unconditional submission, and the crushing out of rebellion," without the first step having been taken for the purpose of conciliation. States are to be reduced to provinces, and the military power to become the dominant power in a representative Republic. Even a servile insurrection is threatened, should it prove necessary, for the purpose of conquest and subjugation.

"Unconditional submission, and the crushing out of rebellion" was the language of the Crown and ministers of Great Britain in the struggle in which our ancestors achieved our liberties. No terms should be offered to armed rebels; the sword and the bayonet were the only admissable arguments. The Government was to be strengthened, and the colonies to be subdued. The *habeas corpus* act was suspended in America and on the high seas, and those who sailed under letters of marque issued by the United States Congress were denounced as pirates. Let me read the answer to this course of policy of Mr. Burke, which embodies the general sentiment of the greatest statesmen and truest patriots of England in that day. I read from his letter to the sheriffs of Bristol, in April, 1777, less than a year after our independence had been declared; and for its general truths, as applicable to the present struggle, the whole letter might be read with profit by every well-wisher of his country:

"It is said that, being at war with the colonies, whatever our sentiments might have been before, all ties between us are now dissolved; and all the policy we have left is to strengthen the hands of the Government to reduce them. On the principle of this argument, the more mischief we suffer from any administration, the more our trust in it is to be confirmed. Let them but once get us into a war, and then their power is safe, and an act of oblivion is passed for all their misconduct. But is it true that Government is always to be strengthened with the instruments of war, but never furnished with the means of peace? In former times, ministers, I allow, have been sometimes driven by the popular voice to assert by arms the *national honor* against *foreign* Powers. But the wisdom of the nation has been far more clear when those ministers have been compelled to consult its *interests by treaty*."

Further:

"This mode of yielding would, it is said, give way to independency without a war. But, if it had this effect, I confess that I should prefer independency without war to independency with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in anything else, that I should expect ten times more benefit to this kingdom"—

The United States, Mr. President—

"from the affection of America,"—

The South—

"though under a separate establishment, than from her perfect submission to the crown and parliament"—

The Federal Government—

"accompanied with her terror, disgust, and abhorence.

"Bodies tied together by so unnatural a bond of union as mutual hatred, are only connected to their ruin."

Could we, Mr. President, if after a desolating war we succeeded in subjugating the South, bind her to us by any other bond of union than mutual hatred, and is it not true that such a bond of union would involve the ruin of both the North and the South?

It has been said that if we let these States go in peace we yield to the right of secession at will by a State, and that such a principle will lead to the entire disintegration of the Union. But we do not yield to the right of secession by recognizing revolution. I admit that were a single State to secede—even a large State—restriction and coercion, (not by arms,) coupled with conciliation, might well be used, and would be successful in restoring her. Such was the course of our ancestors in the adoption of the Constitution to the small State of Rhode Island and the larger State of North Carolina; one of which remained out of the Union after the organization of the Federal Government for one year, and the other a year and a half. I admit, also, that secession is revolution, and that we have the right of war in such a case if Congress so decides. But the object of the war ought to be the restoration of the State to the Union, and, as against a single State, the menace of war would in all probability, from the superior power of the Federal Government, effect its object without bloodshed.

I dismiss, therefore, all apprehensions from my mind arising from the recognition of a revolution inaugurated and carried on by a large section of country by the collective action of its people, as conceding the right of secession or leading to the future disintegration of the Union. Sir, in the Revolution of 1776, Massachusetts was the colony that first embarked in resistance to the mother country. Does any gentleman suppose that revolutions must not be dealt with according to their magnitude? Can there be a doubt that the mistake which Great Britain made then was, in attributing the spirit of resistance to the leaders alone, when the hearts of the people were in the contest? Governor Gage issued his proclamation in Boston, in which he offered to all the inhabitants of the colony entire protection and amnesty, with the exception of John Hancock and Samuel Adams, if they would lay down their arms and submit to the Government; but the offer was of no avail. Does any gentleman suppose that the colony of Massachusetts alone could have resisted the power of the British Government, unless the sympathies of the people of the other colonies had been enlisted, and they had made common cause with her? Having a common interest, they united to resist an exercise of power which, if submitted to by one colony, would in the end be crushing the liberties of all. Had those ministers not been blind to the general sentiment of the people of the colonies, they would not have held and acted upon the mistaken idea, which is now so rife in relation to the seceding States, that it was the leaders alone, and not the people, whose hearts were in the cause; and Great Britain would probably, in the first instance, have parted with her colonies in peace, or retained her general authority by concessions, saving herself a debt of more than a thousand million dollars, and also carrying on with them a commercial intercourse far more profitable to her than would have existed if the powers she claimed over an unwilling people had been enforced by subjugation. Revolution by a large section of country, composed of eleven States with singular unanimity on the part of their people, cannot be met by war, if the object be the restoration of the Union and its preservation *as a representative Republic*.

Sir, on this subject let me show you what are not merely my opinions of the impracticability of a *single Republic* over so extensive a country as ours without the existence of the internal governments of separate independent States, bound together by one common government over communities separate among themselves and constituting us a nation as regards the world at large; but the opinions universally entertained at the time the convention sat which framed the Federal Constitution. No abler man, with rare exceptions, at least, if any, than Mr. Wilson, of Pennsylvania, was found in that convention. His name appeared as an active participator in all its debates. He was one of the framers of the Constitution, peculiarly entitled to our gratitude, and one of its most ardent supporters, both in its original formation and in its adoption by his own State. I read from a speech which he made in favor of the adoption of the Constitution by the people of Pennsylvania, in the convention of that State, and I read it in order to show the danger of consolidation into a single government, which is inevitably incident to the subjugation of the southern States by the military power:

"The United States may adopt any one of four different systems. They may become consolidated into one Government, in which the separate existence of the States shall be entirely absolved. They may reject any plan of union or association, and act as separate and unconnected States. They may form two or more confederacies. They may unite in one federal republic. Which of these systems ought to have been formed by the convention? *To support with vigor a single Government over the whole extent of the United States would demand a system of the most unqualified and most unremitted despotism.* Such a number of separate States, contiguous in situation, unconnected and disunited in government, would be at one time the prey of foreign force, foreign influence, and foreign intrigues; at another the victims of mutual rage, rancor, and revenge. *Neither of these systems found advocates in the late convention. I presume they will not find advocates in this.*"

After discussing the relative merits of a union of two or more republics, or into one, he speaks of "the remaining system," which was adopted, "as a union of them into one *confederate* republic." No man can doubt that the words "confederate" and "Federal" are synonymous, and when applied to this republic or any other, imply, from the force of the words, a common government over separate independent communities.

I have read it, sir, to warn gentlemen that the system of government adopted in 1787 is inconsistent with the prosecution of war for the subjection of the South; and yet you cannot execute the laws, as you claim to do, within the confederate States without their entire conquest and subjugation. You must, if successful, convert—and it has been threatened by many leading papers, and by at least one leading member of the Administration, that you *will* convert this Government into a single Government, and absolve all State lines. In answer to such a purpose, and as an all-sufficient objection to it, I give you the great general truth enunciated by Mr. Wilson, that a government of that kind, to exist over the extent of this country, must be "a system of the most unqualified and unremitting despotism." Sir, I

would preserve the Union. Why? To preserve the liberties of my country. If the Union is to be made the means of prostrating those liberties, then it is far better that the Union should be abandoned than that free institutions should be abolished. I value and cherish it, not merely because it gives us a powerful Government; but because its power secures and protects the individual liberty of the citizen, and because the Union, under a Federal Constitution, will perpetuate republican institutions, and preserve self-government by the people.

By war you may subjugate and devastate the southern States; but the large Army you must permanently maintain to keep them in subjection will inevitably, in the end, subvert our own institutions and convert a republic into an autocracy. It is easier to organize than to disband a large army; and more difficult still to disband a dictator when you have yielded to him the power of the sword and the purse, and subordinated the civil to the military power.

But have Senators reflected on the effects of civil war upon the character and habits of the people, and its demoralizing influences? Let me give you the portraiture of those effects and influences, in the language of the same great statesman; because the truth is general and as applicable to our times as to the day in which he lived: "Civil wars," said Mr. Burke—

"Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-citizens in a hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune; but we have no charter of exemption that I know of from the ordinary frailties of our nature."

If the language of the statesman will not convince you, take the corroboration in the experience of the soldier:

"It has been my fortune to have seen much of war—more than most men. I have been constantly engaged in the active duties of the military profession from boyhood until I have grown gray. My life has been passed in familiarity with scenes of death and suffering. Circumstances have placed me in countries where the war was internal—between opposite parties in the same nation; and rather than a country I loved should be visited with the calamities which I have seen, with the unutterable horrors of civil war, I would run any risk; I would make any sacrifice; I would freely lay down my life. There is nothing which destroys property and prosperity, and demoralizes character to the extent which civil war does. By it the hand of man is raised against his neighbor, against his brother, against his father, the servant betrays his master, and the master ruins his servant."

Such was the experience of the great Duke of Wellington, and I pray God we may profit by that experience before it is too late. Sir, it may be that I have a more vivid imagination, or that my nerves are less firm than those of my brother Senators; but I confess, that when I think of the blood that must flow in this contest, this unnatural contest, of the devastation that must ensue, of the human lives that must be sacrificed, a shudder runs through my frame and my heart sickens with despair. I am for peace, an armistice and negotiation, whether by a general convention or by treaty, or in any other mode; I care not for the mode, if civil war can be terminated, and peace come to my country. I would receive the proposals of those who have at least been once our brethren. I would yield nothing which I thought degraded the United States, or subverted our form of government; but I would, by compromise, restore them to the Union if possible. If that were impracticable, I would part with them in peace, on a just and equitable settlement. We know that they claim their independence, and offer to account for all the public property which they have taken; that they have neither invaded us, nor expressed any opinion to invade us; but claim their own right of self-government, founded on "the consent of the governed." If their terms of settlement be unjust, reject them, and continue the war until they submit to just terms and an equitable adjustment. But you must receive their offers before you can decide on their admissibility, unless, indeed, unconditional submission be, like the demand of Great Britain from our ancestors, your absolute determination. Those ancestors owed allegiance to the crown of England, and rebelled; the Government of England said without cause. Eleven States have revolted by the collective action of their people against the Federal Government, and you say without cause. Admitting that they have exaggerated their causes of complaint; admitting that they were precipitate in their action, and that their sense of insecurity to their property and social institutions under the Federal Government has been entirely over-estimated; yet I tell you that it is a truth which the records of history will not gainsay, that "such an event as the disaffection and revolt of a whole people never took place without some considerable errors of conduct observed towards them."

Senators, I am well aware that the Administration and an overwhelming majority of Congress do not and will not assent to my views; that you regard force and war as the true and only mode of preserving the Union, whilst I have a confident belief that the continuance of war will inevitably subvert the Republic, and substitute a military government for civil liberty, and a government of laws. I am satisfied that you have determined on war. I impugn no man's motives, though I dissent from your judgment, and condemn your policy of war. Resistance, however, to the will of such a majority, I know to be futile and hopeless, and I mean to embark in no factious opposition to your practical measures; your practical legislation, therefore, has met, and will meet no cavils or objections from me; except, indeed, bills should be introduced, palpably violating the Constitution of my country. With you rests the responsibility, and as I cannot conscientiously support a course of action which is against my conviction, nor wisely contend with a majority which I know to be irresistible, I shall await that change in public sentiment which I feel confident will take place, when the hour of passionate excitement has passed, and the blighting influences of civil war have awakened what Fisher Ames well called "the sober second thought of the people."

Much as I dissent from the President's message in its mode of stating facts, its arguments, and its omissions, I forbear even a single comment, open as I believe it to just criticism. I leave that task to others, by whom, in my opinion, it has been well performed. But I have some hope, some faint hope, that you may be induced to refrain from passing the resolution now before the Senate, which involves no practical legislation, unless indeed there is an intent—which I do not suppose—to suspend, by indirection, the writ of *habeas corpus* in the future. I proceed now to the consideration of the resolution.

The joint resolution imports not merely an approval of the acts of the President, but a declaration that all the acts enumerated in the preamble are to be, "in all respects, legal and valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States." As regards four of those acts, it would be very immaterial whether you passed this resolution or not; as regards the other two, it is of the last importance to the liberty of every man in the United States that you should not pass it.

The preample recites the act of the President in calling volunteers into the service on the 15th of April; to the act of blockade of certain ports on the 19th of April, and of other ports on the 27th of April, by executive authority, when no law authorized the executive to exert such a power. The fourth act recited relates to the suspension of the writ of *habeas corpus*, and the delegation of the power to suspend it to a subordinate officer under the President; the fifth to the proclamation increasing the Army of the United States, and calling additional volunteers into service; and the sixth to a further suspension of the *habeas corpus* act.

The first three and the fifth are all provided for by laws which you have passed, or will pass at this session. You have provided for the volunteers that were called out on the 15th of April. That sanctions the act, as far as you can sanction it, and provides for the payment of the men. I do not dispute your right to do that. You have passed a bill to authorize a blockade of the ports of certain States in the future; and though, on your theory, I consider that Congress has no authority to institute or authorize such a blockade; yet, on mine, I do not deny the constitutionality of the act, if it is passed by virtue of the war-making power, for that is in the absolute discretion of Congress. And what is blockade but a belligerent right? Who ever heard of it under any other aspect, or by any other name? If you are at war, you can declare a blockade; and to be at war, it is not necessary that you should formally declare war against those States; but if by your acts you recognize a state of war with them, beyond all question war exists as between these United States and the confederate States. You have done so by many acts; you will do so by more. I do not therefore dispute your right of blockade, though I deny that within the intent of the Constitution, you could blockade a port of a State still in the Union; in consistence with that provision of the Constitution which inhibits Congress from giving a preference to the ports of one State over those of another. I do not mean to enter into that argument, because I admit your authority under the war power, and I know that we are now in a state of civil war; and you have actually recognized a war between these eleven States and the United States Government, though you have not formally declared it.

Mr. President, what is the rule as among nations? During our last war with Great Britain, she had possession of a portion of our territory in the State of Maine—Eastport and the surrounding country. The courts of the United States decided that the laws of the United States were suspended within that territory in the possession of a foreign enemy during the time that it was in their actual possession, and precisely the same principle applies to civil war that the laws of the United States are suspended where the possession is in the party at war with the Government—call them by what name you please—rebels, revolutionists, or enemies. The doctrine in England always was that the laws were suspended, the *habeas corpus* act and all, within that portion of the territory where the king's court could not be opened. I do not deny that the President may exercise military powers there; but I deny that in the States which belong to the Union, in which the courts are open, in which justice can be administered between man and man, the military can be made predominant over the civil power, either by Congress or by the President, without a gross violation of the Constitution.

I come next to the question of the Army. No man could pretend to affirm that the President had authority to increase the Army of the United States without a precedent law. No one for a moment could deny that the power to raise and increase the Army is not vested in Congress. You have approved the increase in the only mode in which you can legitimately sanction such an act. You have approved it by passing a bill providing for the organization of that Army, and for the present and future pay of that Army. I do not deny your right to do that. The measure is perfectly legitimate when you have determined on war, and if you choose to sanction the conduct of the President by appropriate legislation, I shall offer no vain opposition to your measures, because I differ with your policy when I find the majority here determined on that policy.

But, sir, the suspension of the writ of *habeas corpus* has a very different aspect if approved by Congress. If you think that the state of the country and the public exigency require that the writ of *habeas corpus* should be suspended, do it openly in the face of the country; do it by your legislation; but do not attempt to do it indirectly; do not an act which you will hereafter regret, which will strike the most fatal blow at the liberties of this country which has ever yet been stricken, by the affirmation of the power in a President of the United States—a single man—to suspend the writ of *habeas corpus* whenever in his discretion he may think such suspension advisable. Such is the effect of your resolution. The resolution is improper, because if you think the writ ought to be suspended, you can suspend it by your own action. You have a right, under that action, to designate the States in which it shall be suspended, and to limit the time for which it shall be suspended. That is the course which has always been adopted in Great Britain for the last two hundred years,

whenever it was necessary under any emergency to suspend the writ of *habeas corpus*, the great writ of right which is the sole remedy of the subject to secure his right of personal liberty and personal freedom; which is the sole remedy for freedom of the citizen here. It has been done by act of Parliament always, and no king of England in two hundred years past has ever ventured to suspend the writ of *habeas corpus*, though, until the judiciary became independent of the crown, his judges sometimes evaded the issuance of the writ. Still less did any king of England ever claim the power of delegating such a high discretionary authority to any subordinate officer. Sir, the power is incapable of delegation, whether it is in the President of the United States or in the Congress of the United States; and yet the President of the United States, according to his order as given and I believe correctly given in the newspapers, though I have not seen it elsewhere, and according to the recital of this resolution, did not himself decide that the state and condition of any part of the country required that the writ should be suspended, and the remedy for the civil liberty of the citizen thrown aside, but delegated the right of decision upon the political exigency which might justify and require the suspension of the sole remedy for the liberty of every citizen of the United States to military and subordinate officers. If the right exists in him, he had no power of delegation. If the right exists in us, it was palpable usurpation. And yet you propose not only to approve, but to affirm the validity of an act directly in the face of the Federal Constitution.

The President, in his message, claims that the power is vested in him as the Executive, to suspend the writ of *habeas corpus* in his discretion. In the message, he alluded to the opinion of the Attorney General which has since been furnished to Congress. In that opinion the Attorney General, by an argument the most extraordinary which ever fell from the pen of a lawyer, attempts to sustain the same doctrine. If the Congress of the United States not only approves the act, but affirms its validity and legality, I ask where is our Government? The whole power of the purse and the sword you have given to him; the unlimited command of men and money. You have voted $500,000,000 and five hundred thousand men; and you now, by the indirect action of affirming an unconstitutional act, propose to yield to him the right to arrest any citizen of these free United States on suspicion, without proof of guilt, and without process of law.

Sir, can it be that the Senate will pass such a resolution as this without striking out these clauses at least? Strike them out, and I care little for the resolution. In the case of blockade, I am willing to leave it to the courts. You cannot legalize a past act by your now determination, where it involves a forfeiture; and therefore, if the President had no right to declare a blockade—if a vessel was intercepted before your law passes, and the case comes before the courts—the courts will decide, without reference to your resolution, whether the President had authority to institute the blockade; for if he had not, of course there could be no forfeiture under it. To pass such a law and make it retroactive is clearly to pass an *ex post facto* law. It involves a penalty arising out of an act made criminal, by subsequent legislation, which was not criminal or prohibited by the law at the time when the act was done; that is, the attempt of any vessel to sail from or enter into any of the ports of the seceded States. On what principle can you, in the face of the Constitution, affirm by legislation such action as that? You are not vested with judicial power; the judicial power is, by the Constitution, given to the Supreme Court and the subordinate courts that you have established. If you arrogate to yourselves judicial powers, you are departing plainly from the mandate of the Constitution; and you are destroying the Government, which is made a free Government by a division of the powers of government between separate and coördinate departments—the judiciary being by far the weakest of them all. But if, in addition to sanctioning a blockade instituted without color of law, the Congress of the United States chooses to vest in the President, by indirect action, judicial power to determine when the citizen's liberty shall be taken from him for any extent of time, at his discretion, it is perfectly certain that you are establishing a mere absolutism, and that you have abandoned your form of government altogether.

Sir, I do not propose to enter into any long discussion about this writ of *habeas corpus*. The decision of the Supreme Court of the United States, (which, differing from the learned Attorney General, I consider does settle principles and not merely decide cases,) made more than fifty years ago, held that the suspension of the writ was a legislative and not an executive power; and I consider the decision of the Chief Justice in the case of Merryman so utterly unanswerable that it would be an idle attempt on my part to expect to reach or to change the opinions of a man who could read it and remain unconvinced. It has gone to the people of the country. I think the people of the country will appreciate the force and power of the opinion when the time of excitement has passed; and I trust it is passing rapidly.

But, sir, there are some things connected with this writ that it is necessary I should advert to. My objection relates to your affirmance of the validity of the power of the President to suspend the writ of *habeas corpus* whenever, in his discretion, he thinks the circumstances justify it; that he is to be the judge of the political exigency which requires the suspension of the writ. Such is his claim. This resolution, if passed, affirms that claim, and approves and declares the suspension of the writ to be a power vested in the Executive and capable of delegation. The language of your resolution is, that the suspension is declared to be "in all respects legal and valid," and you embody in that resolution no denial of the claim of power; and where, then, stand the people of the United States in the future? A single man becomes a despot; he has the power of the purse and the sword, and you give him the absolute control over the liberty of every citizen in the United States, to be exercised by himself or any subordinate officer to whom he may see fit to confide its exercise, in the absolute discretion of either the President or the subordinate.

The Attorney General has given an opinion in support of this power in the Executive; and I purpose commenting on, at most, two of his conclusions. First, let me make a short statement in reference to the writ of *habeas corpus*, and read one or two authorities in connection with it. The clause of the Constitution which restricts the suspension of the writ of *habeas corpus*, except in cases of rebellion or invasion, merely secures the remedy of the citizen against illegal imprisonment, and the only remedy which the laws provide. The right to liberty, and freedom from imprisonment, without due process of law, is secured by the Constitution of the United States beyond your power to violate, as well as beyond the power of the President, unless you mean to trample upon that Constitution. What is the language of the fifth article of the amendments to the Constitution? That no person shall "be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." If you arrest him and confine him, do you not deprive him of liberty? Is it by "due process of law," if the arrest is made by the military power without oath, without judicial investigation, without evidence of probable cause founded upon oath? The words "due process of law" have their own settled meaning, which no lawyer has ever doubted. They come from Magna Charta; "the law of the land," and "due process of law," meaning one and the same thing. If you want the exposition of their meaning, you have but to turn to Coke's Second Institute in order to find it. Magna Charta restricted the power of the crown, because the contest then was between the crown and the barons, representing themselves and the people of England; but in our country, and in all the States, as well as in the Federal Constitution, the restriction and the protection it secures to the liberty of every citizen applies to all departments of the Government—the Legislature, the Executive, or the judiciary. A man's right to his personal liberty, unless on a warrant issued for a civil debt, or on due process of law for a criminal charge founded on probable cause, substantiated by oath, is secured in the constitution of every State of this Union, and in the Constitution of the United States; and Congress has no power of suspending the right, even in case of rebellion, insurrection, or war, though it may suspend the remedy by *habeas corpus*, in cases when, from rebellion or invasion, the public safety requires such suspension. The only exception to the invasion of the citizen's right of liberty, without due process of law, is "in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger." I admit that in those States in which by war the laws are suspended, the right and the remedy are suspended, and you may exercise in them the rights of a belligerent; but in the States in the Union, if the *habeas corpus* act were suspended by Congress, the President would have no right to arrest by military power. He could only lawfully arrest the citizen not found in arms against the Government by the civil power, and for probable cause of guilt, founded upon oath. It is true, though, that if you take away the only remedy which the law gives for a judicial investigation, if the arrest is made, the party is entirely helpless; and therefore it is that the suspension of the remedy has been often confounded with the suspension of the right. The right stands beyond your power, without a violation of the Constitution. The remedy—and the only remedy—which secures the right, you may suspend in certain conditions of the country, where the public safety requires it; but the discretion to suspend is vested in Congress, and not in the executive branch of the Government.

We have derived this remedy by *habeas corpus* from the common law. We have also derived the great principle that the citizen shall not be deprived of his personal liberty, except by "due process of law" from the common law, and have incorporated it into our fundamental law, as the inviolate right of every American citizen. Let us recur to the law as it existed in England when these States were colonies, for by such reference only can we reach a correct construction of the intent with which these clauses in relation to "due process of law," and the writ of *habeas corpus* were inserted in the Constitution.

No one doubts that by the law of England since Magna Charter, if not before, no subject could be deprived of his liberty without "due process of law," and was entitled of right to the writ of *habeas corpus* for the purpose of a judicial investigation into the cause of his confinement. Yet in practice the crown frequently invaded the personal liberty of the subject, and disregarded the writ, and there was a long struggle between the Commons and the crown for this great remedy, because without the remedy the right was a nullity, and the subject was at the mercy of the crown; and his liberty could be invaded at pleasure, without "due process of law," by arbitrary and unlawful arrest and confinement. To show the character of this writ, and demonstrate that the authority to suspend it was always a legislative and not an executive power, I will read from an entry on the Commons' Journal, made on the 3d of April, 1628, during the reign of the Stuarts, in which the law is declared, while the contest for the liberty of the subject against arbitrary arrest by the crown was still in progress between the Commons of England and the crown:

"*Resolved upon question*, That the writ of *habeas corpus* may not be denied, but ought to be granted to every man that is committed or detained in prison, or otherwise restrained, though it be by the command of the king, the privy council, or any other, he praying the same—without one negative."

That is the resolution of the British House of Commons without dissent in 1628. I find further, on turning to the Lords' Journal in February, 1704, privileged as they were and hereditary as was their rank, that they valued the civil liberty of their countrymen:

"*Resolved*, That every Englishman who is imprisoned by any authority whatsoever, has an undoubted right, by his agents or friends, to apply for and obtain a writ of *habeas corpus* in order to procure his liberty, by due course of law."

Again, sir, on a representation made to the crown on the 15th of March, 1704, by the Lords, it is said with great distinctness:

"It has been allowed, by the known common law, it is the right of every subject under restraint, upon demand, to have the writ of *habeas corpus*, and thereupon to be brought

before some proper court, where it may be examined whether he be detained for a lawful cause."

Such was the law of England long before our Revolution, when we were colonies of England; such is the principle that was meant to be embodied in the Constitution of the United States by that restriction against the suspension of the writ of *habeas corpus*—a restriction, not on the power of the President, for he never had it; but an exception to the powers granted to Congress; and the effect is to make it mandatory on Congress to pass a law providing for the issuance of the writ by the judiciary, because the issuing of the writ and the execution of the writ are judicial matters from beginning to end, and always have been. It belongs to that department of our Government in which the Constitution vests the judicial power of the country. Congress have the right to suspend it in certain cases, but that very right of suspension renders it compulsory on them, if they do not mean to violate the Constitution, to provide by law, in such courts as they saw fit to establish, the power and impose the duty to issue and enforce this great writ. They did make such provision by law, in 1789, among the first acts after the organization of the Government under the Constitution. The fourteenth and fifteenth sections of the judiciary act give to the Supreme Court and its judges, in all cases of commitment, the power, and impose the duty, to inquire into the cause of commitment, by and through the writ of *habeas corpus*. The power is there by law, and the law has not been suspended. On what principle is it that any President of the United States can suspend or disobey a law of the United States? The great doctrine proclaimed has been that it was his duty to execute the laws in the seceding States. Is he to execute the laws by violating the laws, as a first step of action, in the States which have not seceded? What power has the President of the United States to suspend a law of the land? What king of England can do it, unless it is expressed in the law itself that he has such discretionary power? No such discretion is given, and the fourteenth and fifteenth sections of your judiciary act require the court to issue this writ, on application, whenever a party is confined, and determine whether the commitment is legal. If the imprisonment is not lawful, it is the duty of the court or judge to discharge him.

If Congress mean to affirm that this power is in the President of the United States, I want it to go forth to this nation that they have virtually suspended the writ of *habeas corpus*, not by law, but by affirmative resolution; exercising a judicial authority which is not vested in them—an affirmation declaring that the President, in this country, can trespass upon the liberty of the citizen in a manner which would have cost any king of England his crown for the last two hundred years, if he had dared to exercise such a power.

I submit, therefore, that if the President had the power, being the exercise of a high discretion founded upon the condition of the nation, of course it would be incapable of delegation. If, as I believe, the power exists in Congress, neither can Congress delegate it. If the exigencies of this country and the public safety, in your opinion, require that you should now suspend the *habeas corpus* act, you may, as they do in England, describe the States or parts of States into which the writ shall not run during the time limited in the law. In England, I can find not a single instance on record where the suspension has ever been for more than one year. During the contest with her colonies, the attempt was made to suspend the writ of *habeas corpus* by legislation, with provisions which would have involved the suspension in England as well as here; but the Opposition, after discussing the question, forced the ministers to abandon that portion of the bill, because they found that the majority of the lawyers supporting them were opposed to so extended a suspension. The bill was, therefore, modified so as to suspend the writ in the rebellious colonies and on the high seas; that is, they authorized the apprehension of persons on suspicion in the rebellious colonies and on the high seas, and their confinement, at the discretion of the king, until the 1st of January, 1778, not quite a year from the passage of the bill. Here it is not the passage of a bill; it is not the exercise of a high discretion where, after full consideration, you decide that the public safety requires this great remedy—which is the only remedy to preserve the liberty of the citizen—shall be suspended, and where and for what length of time it shall be suspended; but you affirm an act of the President, done in his discretion, not in yours, in the past, which is clearly unconstitutional, and which you have not the power to affirm. By affirming his act, as he claims the power, you are virtually assenting, on the part of the Legislature, to the claim of power on the part of the President; and thus the constitutional division of powers, which is the security of our Government as a free Government, is to be abandoned.

I shall read one or two extracts from judicial decisions to show the uniform construction by judicial exposition. There can be no question that, in the case of Bollman and Swartout, the Supreme Court decided, in distinct terms, that the power was in the Legislature, and the Legislature not having exercised any power to suspend the writ, even though insurrection existed, the court were bound to execute the law, and the evidence not being sufficient, they discharged the prisoners. They positively affirmed the power to be in the Legislature; and I had never heard, until the claim was made by the present Executive, of a solitary lawyer in the United States who ventured to doubt that the power was in Congress, and not in the President. In my judgment, a received construction of more than half a century, and a settled opinion of the profession, is always strong evidence of what the law really is.

The essential requisites for the lawful deprivation of the liberty of the citizen, are clearly and distinctly stated by the Supreme Court in *ex parte* Buford, 3 Cranch, 451:

"The judges of this court are unanimously of opinion that the warrant of commitment was illegal for the want of stating some good cause certain, supported by oath."

Where, let me ask, would be the liberty of the citizen, if the President can arrest at his discretion, and refuse to obey the writ of *habeas corpus?* Who is to decide whether there is a good cause certain, supported by oath?

It is absolute power. This is not a land of freedom and of free institutions longer, when you have passed the resolution now before you.

The history of the *habeas corpus* act and its uses are well stated by the court in Watkins's case, Judge Marshall delivering the opinion, after stating the existence of the right at common law, says:

"The English judges being originally under the influence of the crown, neglected to issue this writ where the Government entertained suspicions which would not be sustained by evidence; and the writ, when issued, was sometimes disregarded or evaded, and great individual oppression, in consequence of delays in bringing prisoners to trial. To remedy this evil, the celebrated *habeas corpus* act of 31 Charles II was enacted," &c.—3 *Peters*, 203.

That writ is the writ to which the court refer as securing to the people a judicial investigation; a writ of right which cannot, in the language of the House of Commons, two hundred and fifty years ago, be lawfully denied, though the arrest be *by the command of the king*. That right is to be abandoned in the Republic of the United States, in the face of an express provision in the Constitution limiting your legislative powers, which prevents you from suspending it, except in a political exigency of invasion or rebellion, where the public safety requires it; of which you are to be the judges, and you alone. As to the meaning of the words "due process of law," as securing the rights of the citizen, I might refer to the opinion of a very able and distinguished judge of our own country, Mr. Justice Curtis, who, in a case which had no political bearings whatever, gave an exposition of the meaning of the words "law of the land," as existing in the constitution of Rhode Island, which is analogous to "due process of law" in our own Constitution.

Now, sir, let me notice for a moment some one or two of the somewhat singular views presented in the extraordinary opinion of the Attorney General. On page 5 of the Opinion, he says:

"As to the first question, I am clearly of opinion that, in a time like the present, when the very existence of the nation is assailed by a great and dangerous insurrection, the President has the lawful discretionary power to arrest and hold in custody persons known to have criminal intercourse with the insurgents, or persons against whom there is probable cause for suspicion of such criminal complicity."

Here is a strange confusion of ideas. Every lawyer knows what "probable cause" means. Probable cause is something more than suspicion; it is a state of facts established upon oath, from which *prima facie* an inference of guilt can be rationally made. Who ever heard before of the term "probable cause" applied to mere suspicion and not to the fact of guilt itself? There must be probable cause of guilt, and without that supported by oath, the court will discharge. There must also be authority for the arrest and commitment, or the court will discharge. If an offense be not charged, if there is no oath, or the oath does not show probable cause in support of the charge as in the case of Swartout and Bollman, the court will discharge.

I might ask, further, in connection with this idea of probable cause, who is to decide it? What is this writ of *habeas corpus?* Is the President to execute it, because it is his duty to see that the laws are executed, or is it a judicial function. As I have read to you from the representations to the crown, made in 1704, in the British House of Lords, the party is to be taken before some court, in order that the matter may be inquired into, and if no probable cause of guilt is shown he must be discharged. The matter is to be judicially inquired into, and by your Constitution the judicial power is vested in the courts of the United States, and not in the Executive. Who, then, is to determine the existence of probable cause? The tribunal, the authority to investigate and decide, seems to have been lost sight of by the learned Attorney General.

The learned Attorney General, after giving his opinion on the first point, assumes that the President has the legal discretionary power to arrest and imprison persons who are guilty of holding criminal intercourse with men in a great and dangerous insurrection, or persons suspected, with "probable cause," of such criminal complicity; and writes the words with marks of quotation to show that it is their legal meaning in which he uses them, "persons suspected with 'probable cause' of such complicity." Is there, I repeat, a lawyer in the land who does not know that probable cause is more than suspicion, that it implies *prima facie* evidence of guilt sufficient to hold the party for trial according to the law of the land, and that it stands contradistinguished from suspicion; that suspicion is no ground whatever for commitment upon arrest, unless sustained by an affidavit showing probable cause, not of suspicion, but of guilt. What is suspicion, Mr. President? Opinion, no more. Lord Bacon has well said: "Suspicions among thoughts are like bats among birds; they always fly in the dark." The suspicion of an Administration, or of any man, can never be just ground for depriving a citizen of his liberty. In this country there must be probable cause of guilt, of offense against the laws, and shown by affidavit with sufficient certainty, in order to justify the incarceration of his person; and we have no free country when that ceases to be the law. Either enmity or timidity will suspect without cause; and power, too, will suspect where it wishes to crush an opponent. Unhappy indeed is the country where personal vengeance and political animosity can satiate itself by the imprisonment of its object upon suspicion.

Let me ask what constitutes the difference between the *lettre de catchet* in the reign of Louis XIV and an arrest by the President of the United States, because he chooses to declare there is a state of insurrection, and arrest at his discretion, or at the discretion of any subordinate officer, on suspicion of guilt? What constitutes the difference between the Bastile and Fort McHenry or any other fort of the United States? Louis XIV said "*l'etat c'est moi;*" and he exercised the power of committing any subject of France to the Bastile to lay there in a dungeon for one year or ten at his discretion. The individual might be forgotten, or he might be the subject of personal animosity, and it was so most frequently. But, at least, that act of arbitrary power had this restriction: it was always done under the immediate order of the sovereign. The President of the United States claims a similar power, not only to be exerted by himself, but by any subordinate to whom he chooses to delegate the authority; not only to suspend the *habeas corpus* act, but to arrest and incarcerate on suspicion at discretion; and the

difference in the place of incarceration is, that Fort McHenry and your other forts may have no dungeons, but the restraint upon the liberty of the party is just as arbitrary and unlawful. The restraint, too, is claimed as discretionary in the duration of imprisonment. The punishment is the same, though it may not be characterized by the same brutality in the mode of confinement. If a man can be arrested and imprisoned at discretion, without proof of any criminal act—I mean *prima facie* proof, legal proof sufficient to hold him for trial—and can be held in prison for an indefinite time without being brought to trial, (which he can be if this great writ of right is suspended,) there is no remedy for him whatever. I ask, where is the liberty remaining to a single American citizen with such an exercise of authority by the President sanctioned by the legislative power of the Union?

Mr. President, there is no other distinction between the condition of France under Louis XIV and the present condition of these United States, if this resolution be passed. The Bastile had its dungeons; the forts have none. Louis XIV alone issued his *lettres de cachet;* but the President of the United States delegates a general power to one or ten different officers to arrest and imprison guiltless men, whenever the officer chooses to suspect them of criminal complicity; and all this is to be sanctioned and continued in the face of a Constitution which we had supposed gave us, as citizens of a free country, free institutions, in contradistinction to the absolutism which reigned in France under Louis XIV.

Sir, there are other singular *dicta*, shall I call them, or propositions contained in this opinion—and it will be a celebrated opinion hereafter—of the learned Attorney General. He even undertakes, from the form of the oath, to infer the grant of additional powers to the Executive—a singular inference indeed for a lawyer to draw in reference to a written Constitution and frame of government consisting of specially delegated powers. If the proposition were correct, inasmuch as the oath which is administered to us and to the judges of the Supreme Court is one and the same—that is, to support the Constitution of the United States—it would be difficult to define and distinguish our respective powers. There is, at least, the merit of novelty in the idea, that the powers granted under a written instrument are to be either enlarged or decreased by the mere form of the oath to be administered to the party to support that instrument and perform his duties under it. It is such loose doctrines that lead to arbitrary power.

He further uses the argument that this writ of *habeas corpus* is in the nature of an appeal, and that therefore, as far as concerns the President, it would be an assumption on the part of the judicial power to overrule his decision. Not so, Mr. President; the principle is perfectly familiar to every lawyer. The courts have decided that where a court of general jurisdiction, having jurisdiction of the particular offense, convicts the party, or commits him on proper process, it is not for them to revise and correct the irregularity of the judgment by an appeal on the writ of *habeas corpus;* but that is because it is the judgment of a court of justice having competent jurisdiction. Where, however, there is defect of jurisdiction, and the arrest is an excess of authority, it belongs properly to the judicial power on the writ of *habeas corpus* to correct the excess and guard the citizen against unlawful imprisonment. An act done in excess of authority by any department or officer is merely void, and it is a judicial question under the Constitution to determine the extent of authority. A justice of the peace has a special jurisdiction under the Constitution, and so has the President a special jurisdiction. Where ten justices of the peace committed a man on insufficient grounds, the Supreme Court, without hesitation, after sentence, as the justices had not pursued their authority, discharged the party on a return to the writ of *habeas corpus*. It was a conviction for non-payment of militia fines. The books are full of similar illustrations.

The learned Attorney General also contends that the act of *habeas corpus* could not be directed to the President personally, where a citizen is unlawfully arrested by his order, and infers therefore that it may be disobeyed by the officer who has executed the order, and has the custody and control of the party arrested. It is a sufficient answer to say that an unlawful arrest by order of the king or privy council could always be remedied by this writ, nor could the officer executing the order refuse obedience to it.

In England he would be compelled to make return to the writ, and produce the person in his custody at the time of its service, with the cause of detention; and the court would discharge, if there was either defect of authority, or insufficient cause of detention shown. I have yet to learn that the courts of justice in the United States have less power to protect the liberty of the citizen against the arbitrary order of a President, than the King's Bench has to protect the liberty of the subject in England against unlawful arrest by the order of the monarch. There are other fallacies in this opinion which, from want of time, I forbear to notice.

Let me pass to the consideration of the dangers incident to such a claim of power in the Executive, if admitted. Honorable Senators on the other side may think little of affirming this claim now; but nations, as well as individuals, are governed by habits, and habits fetter both the nation and the individual quite as effectually, and render them as helpless as Gulliver, when bound down by the little pack threads of the Lilliputians. Precedents which strike at great and fundamental principles, and violate the Constitution and the laws in times of high excitement, may be established by the party in power to-day. Rely upon it, if they live somewhat longer, in the progress of events, they will find that in the future they may become subject to the same dangers themselves to which now they are exposing all who are opposed to the policy and measures of this Administration. The law is made, not for the protection of those who hold power, but for the protection of those who stand opposed to existing power; and no country has a Government of laws, no country is a free country, unless the law will protect them; and in that consists the distinction between a republic or a limited monarchy as a Government of laws, and a mere Government of will, which is a despotism. Sir, I quote again from Mr. Burke:

"Parties are too apt to forget"—

Referring to a bill for the partial suspension of the writ of *habeas corpus*—

"their own safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding, it is never the faction of the predominant power that is in danger, for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law."

The whole distinction between a government of will and a free government consists in this: that a man cannot be condemned, cannot be deprived of his personal liberty or his property except according to the law of the land; or, in the language of Justice Curtis, without the right of contest, of being heard, and of having a judicial decision and a verdict of a jury affirming the evidence of his guilt. Sir, let me test this doctrine of suspicion in this way, and see how absurd it becomes. The Constitution of the United States and the constitutions of every State of this Union prohibit any man from being deprived of his liberty except by due process of law, and they secure him against conviction in criminal cases, unless on indictment and by verdict of his peers establishing his guilt. Now, sir, if he can be punished on suspicion, then to be suspected of an offense must be punishable as a crime. Is suspicion an offense against the law, or can it be made an offense? Can the suspicion of one man, however strong or however probable to him, constitute guilt which would justify, in natural right or in reason the punishment of another? Yet you do punish when you arrest upon suspicion, because to imprison is to punish. Whether you imprison beforehand for an indefinite time by arbitrary power, or whether you imprison after a verdict of guilt, it is punishment. The difference is, that in one case the punishment is legal as the result of crime judicially ascertained; in the other it is lawless and tyrannical, for it is founded upon the mere will of existing power.

Suppose an act were framed and passed declaring that whenever any citizen in the State of Maryland, or, if you please, of the city of Baltimore, was found guilty of being suspected of crime by the Administration, or any head of a Department, on conviction thereof he should be sentenced to so many years imprisonment and so much fine: how long would the people of the United States submit to such legislation? And yet, sir, where is the difference? You would have under such a law, at least, the benefit of the verdict of a jury, and the publicity incident to a trial. The sense of shame arising from public exposure might restrain a prosecution without, at least, some plausible suspicion; but where the arrest and incarceration on suspicion is without trial, and at will, there is no liberty. If you cannot create such a crime, and punish the party after conviction, when you have ascertained judicially that he has been suspected—plausibly suspected on the part of the Executive, or some of his subordinates—on what principle is it that you can punish him by imprisoning him indefinitely at the will of the President, without hearing, and without any charge against him other than suspicion, arising generally from the insinuations and whispers of personal enemies, and not unfrequently from the excited passions and distorted vision of political opponents?

Mr. President, there can be no security for personal liberty—there will be none remaining in this country—if Congress sanction, by this resolution, the President's claim of power at discretion, not only for himself, but through any of his military commanders, to suspend the great writ of *habeas corpus*, and take away the remedy which secures a right you cannot deny to any citizen of the United States, that an offense against its laws shall be charged upon oath with probable cause, not of suspicion, but of guilt, and that he shall have a right to a fair and speedy trial, and only be punished upon conviction in a court of justice. Sir, I intend to make no imputation upon the motives of the President of the United States; but I must utter my disapproval of the view he takes of the Constitution, and of the mode in which he has exercised a power not delegated to him. I arraign not his intentions, because I have lived long enough to know that the best men, with right intentions, have too often, from wrong judgment, perpetrated the greatest and the foulest wrong. But I take his acts—and I judge from what has passed of what will pass—when you have removed the lingering doubt that appears on the face of his message, and have affirmed that his claim of discretionary power to suspend the writ of *habeas corpus* is rightfully made, and that all the acts which have been done under that claim of power in the past have been rightfully done.

Merryman was arrested in the city of Baltimore—for what? For past acts, as far as we know or as was alleged. He has since been indicted for these acts—which were past acts at the time of his arrest—treason against the United States. He has been handed over to the civil power for trial, and has given bail, after having been kept in confinement by unauthorized authority for many months; and whether it was a month, or three months, or a week, the imprisonment was none the less an utter violation of the Constitution. But the President did not stop there. The city of Baltimore was then quiescent; the mob which existed there (and it was a mob) was put down by the civil power of the city; order was entirely restored; and the courts of the United States have been always open. Long after, a new actor appears in the arena; and another officer of the United States, under the authority of the President, not only arrests on suspicion, without charge on oath, the chief police officer of Baltimore, but without even the allegation of suspicion. He supersedes in their functions the police commissioners of that city existing under the authority of the laws of Maryland, and having the control and safeguard of its municipal protection. They were superseded without even the semblance of a suspicion charged or stated. Is such an act within the authority of the President of the United States, or of his military commanders? When these commissioners protested against this course of action, and refused to delegate to others powers intrusted to them by the Legislature of Maryland solely for municipal purposes, and exercised for no other purpose, he arrested them, too; and they are still imprisoned

in Fort McHenry, without charge, without suspicion, without anything but the failure of implicit obedience to the military despot of the particular district. Not thrown into a dungeon; not manacled, that we know of; but certainly unlawfully incarcerated. The treatment, however, of these or any other prisoners confined in your forts unlawfully, must depend upon the humanity or inhumanity, the likes and dislikes, of the officer in command of the prison.

You propose to affirm all these acts by your resolution. You propose to keep these men in prison at the will of the Executive, in the face of the Constitution, for no cause stated in the proclamation of the officer who ordered the arrest, having the semblance of justification. Their sole offense consisted in a refusal to delegate the powers intrusted to them by the laws of Maryland to a military commander of the United States, and yield implicit obedience to his will. Such is the course of military power always. It is an arbitrary power, and despotic in its nature. I make no particular charge against the officer who issued that order, because, I understand, he issued it under the direction of the War Department. I impugn nobody's motives; but I state the facts; and I state the facts as a gross violation of the Constitution of the United States—as an outrage upon the personal liberty of the citizen, which, though it falls upon Mr. Gatchell and his associates today, may be brought home, gentlemen, to yourselves at a future period, if you affirm this power, because the judicial authority has been put at defiance, and the civil authority trampled upon, by military violence, and the answer is, that the writ of *habeas corpus* has been suspended by the President. Affirm the legality of that suspension, and of course the same answer will be given in the future; and we all know, that the military power, sustained by the Executive and by the vote of Congress, will be irresistible, unless the whole people of the United States should arise *en masse* against such despotism.

Ardent as may be a man's views in favor of this war, harshly as he may think of the rebels, and determined as he may be to prosecute it to its utmost extent, until the South unconditionally submits, if he cherishes the principle of civil liberty, he cannot sustain this action of the President which violates the laws of the land, and abolishes all security for personal liberty to every citizen throughout what are called the loyal States, while it conduces, not in the slightest degree, to the subjugation or submission of the South. It touches not you now, who support and advocate the course and measures of existing power, but touches only those who are opposed to these measures; but by your approval, you take the first step for the subversion of a republican form of government, and it is the first step only which costs. The future progress towards absolutism will be rapid. Where is the necessity for the exercise of such a power, except in those States that have seceded? There I concede to you that, having suspended the laws by civil war, they must take the consequences of the action of military power, if you choose to declare or recognize war. The laws of the United States are suspended in those States, and the courts are closed; but can the civil be justly and constitutionally subordinated to the military power in other States, because of opposition or disaffection to the Government? Do you suppose that by suspending the writ of *habeas corpus*, and authorizing the seizure of the person of an individual on suspicion, that you will ever reach the right man? You may drown all open opposition; but is the man who boldly speaks out in opposition to the measures of an Administration the man who is to be feared as a conspirator?

Sir, the conspiritors, if such there be, under professions of adhesion, ardent adhesion to existing power, will cloak the conspiracy by which they mean to destroy it. The slightest knowledge of human nature must lead to this conclusion. The conspirator enters into no open opposition to the Government. With the nearly unanimous support that you have, for the present at any rate, throughout all the States that have not withdrawn from the Union, you have nothing to fear, because there may be opposition to your measures, or there may be, if you please, disaffected men in all the States. Your Government is not so weak that the disaffection of a few can overturn it if supported by the people.

Look back to our own experience in history. During the revolutionary war there were Whigs and Tories, but the writ was never suspended. During Burr's conspiracy in 1807, though a single military officer arrested persons without law in New Orleans, he did not undertake to suspend the writ of *habeas corpus*. The Executive never approved his conduct, or claimed this power in himself. Of the three arrested, two had been sent off to the North before the writ was served; and the court in New Orleans, as to those two, held the answer sufficient that they were no longer in his custody; the third was discharged in the court there. Two were brought here, Bollman and Swartout. The President immediately handed them over to the judicial authorities with the affidavits to sustain the charge against them. The circuit court committed them for trial for treason, and on a *habeas corpus* before the Supreme Court, that court on revision held that the charge was not shown with sufficient certainty in the affidavits, and discharged them. Mr. Jefferson never recommended, as has been said here, that the *habeas corpus* law should be suspended. There is not a line or a word in his message recommending such action. He stated the fact that he had committed these men to judicial custody, and that he left to Congress to devise such measures as in their judgment they thought proper under the exigencies of the case. The Senate of the United States, in secret session—no one knows how; no one can tell what influences operated on them, for there is no record of any debate—passed in one day, through its three readings, a bill to suspend the writ of *habeas corpus;* but when it came into the House of Representatives, the House of Representatives, to mark its view of the outrageous character of such an act, rejected it on its first reading, after a long debate, by a vote of 113 to 14! Yet there was a wide-spread conspiracy then, and it was in that part of the country where the Government was weakest; but no man at that day ventured to claim for the President, nor did he himself claim, the right to exercise such a power.

Then came the war of 1812. Was there no opposition or disaffection to the Government then? Was there not opposition to a very large extent during that war? Was there not great disaffection during that war? Did the Congress of the United States suspend the writ of *habeas corpus?* Did the President of the United States undertake to arrest citizens and hold them in confinement at his will, claiming the right that because war existed and communications were known to have been made to the enemy by persons disaffected to the Government, therefore he might lawfully arrest any citizen on suspicion without proof of probable cause, and detain him in prison indefinitely? No, sir; civil liberty was too much cherished in that day. Our immediate ancestors, even, knew too well what were the benefits of free government, and how insidious were the approaches and how great the curse of a despotism, to break down the Constitution under an imaginary necessity, when the Government was quite strong enough to subdue all treason, or all offenses against its laws within all the States in which the courts were open for the prosecution of offenses without resorting to this arbitrary exercise of power. Yet in that war we were contending against a formidable enemy, and there was serious disaffection; and the nation and the Government not half so powerful as it now is. It seems that power now too readily converts convenience into necessity.

Mr. President, human nature is the same in all ages and in all countries. Power always tends to corruption, and especially when concentrated in a single person; and it is that tendency which requires, in all free governments, the division of power among separate and independent departments for the prevention of its abuse—legislative, executive, and judicial; and it is only by maintaining the balance between these depositories of power that a government of laws can be perpetuated. Could you suppose a god to descend upon earth for its government, it would be wiser to submit to his government than to attempt to govern ourselves; but, while humanity has its inherent frailties, the experience of mankind has vindicated the great truth that, by the concentration of power in the hands of the one or the few, a government of laws—which alone is a free government—must degenerate into a government of will. When a discretionary power over not only the property, but the liberty of the citizen or subject is vested in, or can be exercised by, one man, uncontrolled by fundamental laws for their preservation, capable of enforcement by a separate and independent department, freedom no longer exists; and whether the person who exercises that discretionary power be called a monarch, a dictator, or a president, the government is equally a despotism. A despot may happen to have sufficient intelligence and virtue to consult the general interest of his subjects, and may govern with justice and equity; but, with the corrupting influence of power, the security is but frail for continued good government. I speak with no allusion to the present President, who may be as little affected by the possession of discretionary power as any man; but to no man, and under no emergency, should a free people ever trust uncontrolled discretionary power over their personal liberty. The power to imprison at discretion, by military force, vested in one man or a few men, is incompatible with republican institutions; be it a dictator or a Council of Ten, the end is either despotism or oligarchy.

An honorable Senator has told us that he would be willing at this time to yield almost unlimited power to the Executive. Sir, if you pass this resolution, you give unlimited power to the President of the United States; you take away the last remnant of liberty in this country. You abandon to him the great judicial right which protects the liberty of the citizen, in the face of the Constitution, without judging of the exigency for yourselves, or avowing to the people, by direct legislation, that you have parted with that right. Suppose that Abraham Lincoln was a man of great force of will, of great military talent, great ambition, and with sufficient capacity as a statesman to govern and discreetly control the career of his ambition in the pursuit of permanent power: I ask you if a Cromwell or a Bonaparte were invested with the powers you now propose to place in the hands of the President of the United States, if the liberties of this country would not lie at his feet? Sir, for one, without regard to the man, I will look upon any one in reference to the grant of such unlimited power, as a Cromwell or a Bonaparte. I cannot expect from the past history of humanity, that the next eighteen centuries will produce the equal of George Washington.

Sir, are there not dangers if this power is intrusted to the Executive, apart from the idea of any attempt to obtain supreme and permanent command? Every one knows that opposition is not readily brooked by power. We have seen that the citizen has been arrested on mere suspicion, and without even the charge of suspicion in some cases as I have shown you. Will not the next step be to destroy the liberty of canvassing with freedom the measures of the Administration; a right which is secured by our Constitution? Will not the press die under the discretionary power of arrest? If that is not sufficient, and there should be a lingering few in this Chamber who venture to question any one act of the existing Administration, may not the power be applied to them, and not only rebellion be crushed out in the seceded States, but the last hope of liberty crushed out, by destroying the right of the Representative of the people to boldly question the acts of power be they those of a President, a judge, or a Congress?

Sir, I could dilate on this subject to a much greater extent; but can see that few honorable Senators opposed to me have listened to my warnings, nor will they probably have read my remarks until they pass this resolution. I suppose I must give up the faint hope I entertained, that this resolution, so utterly unnecessary to have been introduced, even on your own theory, can or will be defeated. It will pass; but, in my judgment, when you pass it, you prostrate the liberties of this country and destroy the rights of its citizens as free citizens. You must carry with you the fact that you have no condoning power, no pardoning power. You may declare an act to be legal or constitutional; but if it is not, you cannot make it so; you may legalize for the

future many acts which have been done, you cannot for the past. You cannot vest power legally by a resolution, under the Constitution, where the Constitution does not vest it. You have no judicial authority so to decree; but you may, in the face of the Constitution, by bringing the Legislature into accord with the Executive in the assertion of an unconstitutional power, subvert the liberties of your country. No one has asked you—and we know we are powerless for that purpose—to censure the President of the United States; but I tell you frankly, when the people of this country pass from the state of excitement which now exists, as your resolution cannot condone any act which may have been done in violation of the Constitution by the Executive, a subsequent Congress can deal legally with this question, by the action of the House of Representatives as an impeaching body, and the action of the Senate in deciding on that impeachment. I may not then be a member of this body, and I trust I shall not. I will not attempt to predict what the action of a subsequent Congress may be on those extraordinary acts of the President which you now not only determine to approve, but declare to be valid. But the very face of your resolution implies that you think they are not within his constitutional powers. By specific legislation you may give effect to all the acts mentioned in the approving resolution, except in the case of the suspension of the writ of *habeas corpus*; and in regard to that, you do not venture to declare to the people of this country by open legislation the effect and object of your resolution—Be it enacted by the authority of the Senate and House of Representatives, that the writ of *habeas corpus* shall be suspended within certain limits prescribed in the law and for a certain duration of time. Yet that is the only legitimate mode of legislation when the necessity arises, and the only constitutional mode in which such a power can be exercised.

DEFENSE OF THE UNION.

SPEECH OF HON. M. S. LATHAM,

OF CALIFORNIA,

IN THE SENATE, *July* 20, 1861.

The Senate having under consideration the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion—

Mr. LATHAM said: Mr. President, when I took my seat at the opening of this session of Congress, I was perfectly content to perform my duty by merely casting my vote on the several bills which might be presented. Whatever might be the consequences of my acts, or the responsibility assumed, it was a question between my constituents and myself, and I hold myself amenable to them. There is, however, such a marked discrepancy, not only in the recorded votes, but in many of the sentiments uttered by those gentlemen with whom I have always been in political affiliation, that it may be proper to make known to this body, as well as to the country, the reasons for this difference.

It is the painful duty of many gentlemen on this floor, in the present trying crisis, to differ with those with whom their political relations have been of the most cordial character; and even those whom we have recognized as party leaders.

Mr. President, I listened on Wednesday with marked pleasure to the eloquence of my friend from Kentucky, [Mr. BRECKINRIDGE,] whom I have always delighted to support and honor. I listened also yesterday to the legal argument made by the honorable Senator from Delaware, [Mr. BAYARD.] With many of the sentiments uttered by both of these gentlemen I cordially agree. But, sir, I was pained, after they had taken their seats, that I had not heard from the lips of either, one single word of denunciation of the breaches, infractions, and outrages committed upon the Constitution of our country by those States arraying themselves in hostility to it. Gentlemen can find almost infinitesimal flaws on the part of the constituted authorities of the Government, but not one single word in condemnation of those who are boldly trampling under foot the Constitution of the country itself. It may well be quoted; "Why beholdest thou the mote in thy brother's eye, but considerest not the beam that is in thine own eye?"

So far as the acts of the President of the United States which are to be indorsed by this joint resolution are concerned, the Senate is probably conversant with the view which I took on a former occasion in regard to them. I hold the line of demarkation in indorsing the conduct of the Executive to be this: whatever imperious necessity required him to do to support the Government, to enforce the laws, and secure obedience to the constituted authorities, it was right and proper he should do, even though in the doing he may have committed a technical infraction of the authority delegated to him. Wherever there was not that imperious necessity, I do not justify him. So far as the violation of the writ of *habeas corpus* in the State of Maryland was concerned, I refuse to give him my sanction for that act. I refuse it because that State has shown, by the return of her delegates to the other House, her allegiance to the Government of the United States; and though there may be many citizens in her midst who sympathize with the disloyal spirit of the southern States; though there may have been disgraceful mobs and riots in the city of Baltimore; unless there was clear evidence that the judiciary of that State was tainted with that disloyalty, and were unwilling to do their duty, under the Constitution, in acting upon these writs of *habeas corpus*, I would not justify any officer in the suspension of that sacred privilege. No Senator for one moment doubts the loyalty of the Chief Justice of the United States, who issued the writ; or, if he does, he has never made it known upon this floor. His character is pure, spotless, and untainted; his life has been one of devotion to his country and the enforcement of its laws; and now, in his honored old age, he could scarcely stigmatize a long list of years of service by refusing to obey those laws and those principles of justice which he has sworn to carry out. Hence I regard the act of the President of the United States in suspending the writ of *habeas corpus*, as this joint resolution says, "between the city of Philadelphia and the city of Washington," as an unnecessary violation of the powers possessed by him under the Constitution; and, as a conscientious guardian of the liberties of the people, I refuse him my indorsement for that act.

So, too, as to the increase of the regular standing Army of the country. The purposes for which he was striving could have been as easily accomplished by the volunteer force of the country; and therefore the exercise of power in increasing the regular standing Army was not warranted by the exigencies. I decline, therefore, my indorsement for this act also. But, sir, as to the other acts of the Government—ordering the blockade; calling out of the volunteers of the country; suspension of the writ of *habeas corpus* in Florida, it being in open rebellion to your Government; and all the other acts enumerated in this joint resolution—he has my hearty approval; and I now say, as the representative of a sovereign State and a loyal people, that if he had not exercised those powers, I would have voted to impeach him as unworthy the place he occupies, and most derelict in his duties to the Government. Seeing a settled determination on the part of those States in rebellion to march upon and destroy your capital, (as was announced by the Secretary of War of the southern confederacy,)—to wipe from the map the country of the United States, if he had not resorted to every power and every means within his control to sustain that Government he would have deserved the execration and scorn of all living men, as well as of posterity.

The golden maxim is, "Do unto others even as you would they should do unto you." Mr. Lincoln being the constitutionally elected President of the United States, the people, through the medium prescribed by the Constitution, had declared that he was vested with the authority of Government, which he is now exercising. When the result of that election was known in November, as a citizen, and as I esteemed every good citizen *should*, I gave my acquiescence to the voice of the people, and considered him entitled to the support of all good citizens in the administration of that Government; taking it for granted that if any had cause of complaint against his political tenets, that same Constitution pointed out the method of their remedy.

Now, sir, bringing this home to myself, I gave my support cheerfully and willingly to my honorable friend from Kentucky. Anxious to see him elevated to the position now occupied by Mr. Lincoln, whatever I could do in my humble ability to secure that end—satisfied that he stood on a platform that was right and proper, according to my honest convictions—was done, and done faithfully. Had he been elected to the Presidency of the United States, and the New England States, led by Massachusetts, had pursued the course of these southern States; if they had said, "we are unwilling to belong to a Government which proposes to protect the institution of slavery, or recognizes it in any capacity; we are tired of what these gentlemen call the copartnership—the compact; we wish to break it up and erect a Government of our own;" if they had seized upon the forts and arsenals and other public property of the *whole* country—had arrayed themselves in hostility to the Government, and erected an alien one within our own, I believe *he*, and I know *I*, should have felt it my bounden duty to use all the powers possessed, to see to it that the laws were there enforced, the public property retaken, and the dignity and honor of your Government sustained. The rule is not changed because my party and friend did not happen to be the successful ones.

Mr. President, a great deal has been said throughout the whole of this contest, against the power of your Government to enforce its laws by the use of the strong arm; a great deal about its being in contravention of the spirit of the fathers of the Republic to seek to coerce these States into obedience to the laws of the country, and to force the restoration of the public property which they have seized. Last winter, in common with many of my political associates, I also openly advocated the doctrine as a question of policy, that this Government should not attempt coercion against these States; that it was better to wait for reason and judgment to reassert their sway, rather than use the power which I never once denied was really possessed of asserting its authority by the strong military arm. Further, it was the settled, fixed policy of your Government, up to a certain period, to pursue this course, until it was definitely ascertained that it would only result in what we were trying, with all our ability and might, to prevent.

After the election of Mr. Lincoln, on the 6th day of November last, South Carolina's Senators never appeared upon this floor. Her convention met on the 17th of that month, and on the 20th—long before Mr. Lincoln was to be inaugurated, long anterior to the time when this party, to whose principles they were so much opposed, was to be vested with the power of your Government—declared that they no longer owed allegiance to the United States. They seized at once upon the arsenal in the city of Charleston, and Forts Moultrie and Pinckney were taken possession of. Did the Government of the United States attempt to retake this property, to reassert its title over these respective forts and this arsenal which had been thus unlawfully, illegally, and unconstitutionally seized upon? South Carolina by that act had done what the world in arms could not have done with impunity. The Government quietly and tacitly submitted to it, trusting to the restoration of cooler judgment to these excited and misguided people.

This very act of unwillingness to exercise the strong power of the Government against South Carolina in the assertion of her right to property thus unlawfully seized, was but the signal for all of those States which have since followed her footsteps, one after the other, to pursue the same line of conduct. In Georgia your forts were seized upon; in Alabama the same thing; in Louisiana your arsenal at Baton Rouge, your mint in the city of New Orleans, and whatever other property lay within their territory; and no act on the part of your Government was attempted to protect or defend this property. In Texas—where you had troops, troops who had seen service, men who had gallantly defended the flag of our country in many a hard fought battle upon the plains of Mexico; when the Texans demanded a surrender of the forts held by them, rather than precipitate the country into civil war, quietly folded the flag of their country about its staff, leaving the State to their complete possession—an agreement made

by the officers that they should be allowed to depart in peace was openly violated, and the troops are now held as prisoners. State after State passed laws preventing northern creditors from collecting their debts within their limits, thus repudiating millions of dollars due people of the North, adding thereby State injustice and dishonor to their national turpitude.

I need not continue the enumeration of these acts of aggression committed by these southern States, for they are familiar to all here, as well as to the country. They are only alluded to now for the purpose of showing that it was the settled, fixed policy of your Government—a false policy as it was and as it turned out—in allowing these first acts with impunity. It failed, utterly failed, to convince these people that they were not only committing outrages, but violating the Constitution of the country.

When Congress adjourned in the month of March last, it was the belief, at separation, that, between the time of our adjournment and the regular meeting in the month of December, there would be a restoration to good sense, and that, in a spirit of compromise, they would come forward to settle the disturbances by which the country was agitated. Such, however, has not been the case. Magnanimity was construed into pusillanimity, and forbearance shown into conclusive evidence to their minds that the Government was too weak, too cowardly or supine, to assert its power or dignity. A fort in the harbor of Charleston, in the possession of a handful of soldiers, commanded by a brave officer, was beheld by this Government and the civilized world, day after day and week after week, to be girdled and hemmed in by fortifications totally impregnable in their character. Its commander on the one hand menaced and really besieged by the dire necessity of hunger; they, on their side, anxious to enlist in the common cause the wavering border States, an assault was commenced with the very guns of the nation upon the already conquered fort. Not content, as the Senator from Texas (Mr. Wigfall) said upon this floor, with "slapping the Government of the United States in the face"—alluding to the firing upon the Star of the West—they found it necessary for their purpose to trample the flag of our country under their feet in humiliation and disgrace. Then it was that the people of the United States at once responded as one man: "We will assert the dignity of our Government, and show to the civilized world that we belong, as we have been classified, among the first Powers of the universe."

Mr. President, this is not a war of the Republican party against the southern States. The fact that it has the cordial support of one million of the people of the North, who cast their votes for the Democratic nominees, negatives any such idea. Men who have been classified as leaders of the Democratic party are among your volunteers; yea, sir, the majority of those in command, as well as of the volunteers themselves, so far as my information extends, have always been, and are now, the supporters of the principles of the Democratic party. In my own native State, Ohio, sixteen out of twenty-three colonels are Democrats, and the rank and file are of greater proportion. Many of the ablest advocates of the Democratic party are in command; and the chairman of the national committee of the party of which my friend from Kentucky was the nominee, renders his services, from the far-off shores of the Pacific, to the Government in any capacity. The issue is simply whether you will have a Government *at all;* and not by what political principles it is to be kept in existence after its vitality is restored. It is not whether this party or that party shall be dominant in your country; but whether you will maintain the position which, as a Government, you have heretofore occupied in the eyes of the civilized world?.

The honorable Senator from Indiana, [Mr. BRIGHT,] in his classification of the shades of opinion upon this floor, alleged that there were three. Sir, there are four opinions represented here. There is the opinion of those who occupy the other side of the Chamber. A majority of their number, I believe, prosecute this war merely for the purpose of sustaining and upholding the constituted authorities of the Government in all constitutional efforts to carry out its great objects. There is a portion of that party who seek to make this the occasion to raise a hue and cry against the institution of slavery; and, under the plea of serving the Union and the Constitution, to destroy the rights of the southern people in their slave property. Upon this side of the Chamber there are those belonging to the Democratic party who can find no condemnation for the acts of these southern States; who withhold their support from the Government of the United States in sustaining itself in this great controversy; who have in their minds a settled determination to let these States do as they please, even to dismemberment and separation. There are still others on this side of the Chamber, myself among that number, who have never changed one jot or tittle of our opinion as to the institution of slavery itself, and the duties of the Government in its protection as a property right; who believe it their bounden duty to give both voice and vote to sustain the constituted authorities by all constitutional means.

I allege that, so far as my observation has gone, the purposes, the only purposes, in the carrying out, if not the inauguration of this war, are those which the majority of this body have, by their votes, unmistakably indicated—not to deprive the people of the South of their property; not to wage a crusade against the institution of slavery; not, under the banner of the Union, to seek to deprive these men of their property; but, as a Democratic general from Massachusetts said, it is by the strong arm of the Government "to enforce *law* among both the black and the white population in the States now in rebellion against your Government."

Sir, I saw the other day a resolution which, according to my idea, comes up to the whole spirit of this contest, adopted by the State of New Hamphire by an almost unanimous vote:

"*Resolved*, That the contest now existing between the Government and the disloyal States that have commenced an unjustifiable and treasonable war upon its constitutional authority, should be regarded by all loyal men, not as a sectional war, not an anti-slavery war, nor a war of conquest and subjugation, but simply and solely a war for the maintenance of the Government, the suppression of rebellion, and the preservation of the Magna Charta of our liberty and national unity."

The convention of so-styled Breckinridge Democrats of my own State, held in June last, had also a resolution offered in a minority report, which read as follows:

"*Resolved*, That it is the duty of every Administration to uphold the Federal Constitution, maintain the integrity of the Union, and, at all hazards, enforce the laws in every section thereof; and that it is the duty of every citizen, in these times of impending danger to popular government, to stand loyally and firmly by the Constitution and laws of his country."

These resolutions announce the doctrine to which I give my support. Whenever it is discovered that the purpose of this war is not to assert the principles laid down in the resolutions I have just read, but that, under the hue and cry of loyalty to the United States, warfare is waged against the institution of slavery, to deprive the people of the southern States of the exercise of their property rights, I shall raise my voice, and by my vote put the seal of my condemnation on any such purpose. This I am confident is the wish of my constituency, and I am proud of it. They want no such purpose. They are unwilling, as every man who respects humanity and country should be, to see $1,603,758,656 of property lost to southern citizens, and four million slaves turned loose upon the land, hopeless, houseless, wandering mendicants. I say still more emphatically, that whenever it appears that it is the settled policy of the constituted authorities of the land, not to take "possession of the public property," not to "enforce the laws," not to "collect your revenues," not to give protection to the people of the Senator from Virginia, [Mr. CARLILE,] and all other States, in the exercise of their inestimable privileges under the Constitution; but is to destroy their property and liberate their slaves, this Government, belonging essentially to the "sovereign people," who have taken this matter in their own hands, and under their own control, will be just as ready, and as willing, to lay down their lives against such outrageous infraction and violation of that sacred instrument, as they are now to support the Government in exercising every function within its constitutional sphere.

Mr. President, I have said, that in common with several gentlemen upon this floor, who have always been ardent advocates of the principles of the Democratic party, and who have not changed their views, we do condemn every single act of these southern States, in arraying themselves in hostility to your Government. I assert further, that when the truthful pen of history comes to record all of the events so rapidly occurring in our midst, it will inscribe that no revolution, no act of rebellion, was ever so unjustifiable, so inexcusable, so unwarrantable.

Has any legal wrong been done to these States? Can any gentleman who advocates their cause point to a law upon your statute-book showing that any outrage has been committed upon them or upon their rights? Not one, sir. Was there anything in the mere election of Mr. Lincoln to the Presidency which should have caused them to throw off their allegiance and array themselves in hostility to your Government? Nothing; nothing whatever. Was it because he was a sectional President? We had a sectional President and Vice President as far back as 1828, when Mr. Jackson and Mr. Calhoun filled the respective positions of President and Vice President. Was it because the Government of the United States had failed to do justice to them? Not so, sir. They were, when Mr. Lincoln was elected President, if they had held their seats in this body and in the House of Representatives, in just as complete and full possession of your Government as they ever were. By the returns of the elections already held during the past year, they would have had over twenty majority in the present House of Representatives, and a majority of four upon this floor. Their fifteen States gave them thirty Senators. There was a Democratic Senator here from Oregon, two from California, one from Indiana, one from Minnesota, one from Illinois, and one from New Jersey; making twenty-seven. That gave them a majority, as against the dominant party of the country, of six. The death of Mr. Douglas reduced the majority to four. There was a working majority in this body of four in antagonism to the principles of the party whose elevation to power they complained of, and a majority of over twenty in the House of Representatives. They held the control of the President of the United States so far that he could not have a Cabinet officer, a minister, nay, sir, not a single appropriation, without their sanction and consent. More than this; in this particular body—and I do not speak of it complainingly, because I respect the men who occupied the several positions here—they had the supreme and absolute control of all your committees. Every important committee (a majority of the Senate selecting them) was in the hands of a chairman representing these States now in rebellion, and they could have molded and controlled your policy just as completely as at any former period.

Now, sir, what is the fact in regard to the committees? Virginia had the chairmanship of the Committee on Foreign Relations, which was held by Mr. Mason. The chairmanship of the Committee on Military Affairs was held by Mr. Davis; on Finance, Mr. Hunter, of Virginia; on Naval Affairs, Mr. Mallory, of Florida; on Commerce, Mr. Clay, of Alabama; on the Judiciary, Mr. BAYARD, of Delaware; on Post Offices and Post Roads, Mr. Yulee, of Florida. The little State of Florida, which has not as many votes as one of the counties of the State that I represent, had the chairmanship of two of the most important committees in this body, and every Senator here knows how much influence the chairman of these respective committees have in controlling the legislation and action of your Government. Mr. CRITTENDEN was chairman of the Committee on Revolutionary Claims; Mr. Johnson, of Arkansas, of the Committee on Public Lands; Mr. Iverson, of Georgia, of the Committee on Claims; Mr. Benjamin, of Louisiana, of the Committee on Private Land Claims; Mr. Brown, of Mississippi, of the Committee on the District of Columbia; Mr. Sebastian, of Arkansas, of the Committee on Indian Affairs; Mr. Green, of Missouri, of the Committee on Territories; Mr. JOHNSON, of Tennessee, of the Committee to Audit and Control the Contingent Expenses of the Senate; Mr. SAULSBURY, of Delaware, of the Committee on Enrolled Bills; and Mr. PEARCE, of Maryland, of the Committee on the Library. The only positions allowed to gentlemen on this floor represent-

ing the northern Democracy, or northern constituency, consisted of Mr. THOMSON, of New Jersey, as chairman of the Committee on Pensions; Mr. Bigler, of Pennsylvania, as chairman of the Committee on Patents and the Patent Office; Mr. BRIGHT, of Indiana, as chairman of the Committee on Public Buildings and Grounds; Mr. Lane, of Oregon, as chairman of the Committee on Engrossed Bills; and Mr. Fitch, of Indiana, as chairman of the Committee on Printing. Sir, these committees would have continued so by a majority of four, and these gentlemen would have occupied these several positions if the southern Senators had remained in their seats.

I ask, then, has any outrage ever been done to these States depriving them of their privileges in controlling and administering your Government? They have always held the Government in their power. Sir, I assert, as a member of the Democratic party, one who has raised his voice always in support of their principles, and who has never changed his views relative to their institutions, that they have held and controlled the Government of the country, although they have now but nine million people, and two thirds of the population of the United States reside in the free States. Why, sir, during the seventy-two years of our political existence under the Constitution of 1787, they have had control of the Government for forty-nine years and three months. They have had eight southern Presidents to seven northern Presidents. The northern Presidents have had control of the Government but twenty-two years and nine months. For over two thirds of the time since its formation, this Government has been administered by gentlemen the direct representatives of those States.

But this is not all. When I come to examine whether, in the several Departments outside of the head of the Government, any injustice has been done, what do I find upon the record? As regards the Secretary of State, you have had ten northern Secretaries and fourteen southern; as to the Secretary of the Treasury, fourteen northern and nine southern; as to the Secretary of War, fifteen northern, sixteen southern; as to the Secretary of the Navy, twelve northern, thirteen southern; as to the Postmaster General, ten northern and seven southern; the Attorney General, ten northern, sixteen southern: seventy-five of the officers of your respective Cabinets have been citizens of the South, and but seventy-one of the North. Taking from 1841 down to the present period, as to the foreign appointments, which is a fair criterion—the most important period of the country—I find that to England there have been five ministers from the North and one from the South; at the Court of France, two from the North and three from the South; to Russia, two from the North and three from the South: altogether, nine from the North and seven from the South. Going into your Executive Departments, during the late Administration, which is also a fair criterion, you find that from the northern States there were four hundred and fifty-eight appointments, and from the southern States four hundred and thirty-six.

No injustice, then, has been done to those gentlemen in the control of your Government, and in the administration of its affairs. Their intellect and their genius, which I admire, and which I am proud to think belonged to our country, have had a far greater influence than they were entitled to, according to population, in forming the institutions of the country. That, then, is not the reason. Is it because the Government has not acted fairly towards them upon the local institution of slavery? Why, sir, in 1793 they wanted a fugitive slave law passed, and Congress gave it to them. In 1820, they wanted the Missouri compromise, and it was given to them. In 1850 they wanted an amendment to the fugitive slave law, and it was given to them. In 1854 they wanted the Missouri compromise repealed, and it was done. Not one act have they ever asked from this Government, or from the American people, except one, to which I shall allude directly, but what has been cheerfully given; and that, too, by the support of those same Democratic northern people who now are raising their arms and their voices to uphold and support the enforcement of the laws against their miserable return of deep ingratitude.

Is it because the fugitive slave law was not faithfully executed? If so, why did they not break up the Government when Mr. Pierce was elected President in 1852? Every one knows that immediately after the fugitive slave law was passed in 1850, greater infractions of it occurred than at any former period; because it was a law peculiarly odious to the northern people, inasmuch as it gave double fees to the commissioner for returning the fugitive to what it did if he turned him loose. It was more odious then than at any prior period; so odious that when the late distinguished Senator from Illinois went back to his constituency in the city of Chicago, immediately after its passage, you all recollect what a reception he met. In 1852, the odium still continued. It continued in 1854 quite as great as, if not greater than, in 1860; and if that was any reason why the Government should be broken up and dismembered, it should have been done when Mr. Pierce or his successor was elevated to the Presidency. But, sir, in 1860, I heard the concurrent testimony of the Senators from Indiana, [Mr. BRIGHT and Mr. Fitch,] and the Senator from Illinois, (Mr. Douglas,) and Mr. Pugh from the State of Ohio, and Mr. Bigler from Pennsylvania, all of whom testified before this body that in the year 1860 no law of your Government was more faithfully executed in the North than the fugitive slave law.

Was it the passage of these personal liberty bills? Why, sir, some of them have been upon the statute-books so long that they are absolutely obsolete. The personal liberty bills of New Hampshire and Vermont that were complained of so bitterly, had gone out of the memory almost of even the best informed statesmen of that section of country, really because—I believe I am correct in asserting—not a fugitive slave was ever arrested in either of those States. Therefore it could not have been the passage of those bills. Neither South Carolina, Alabama, nor Georgia, had any right to complain, because whatever property was lost by the passage of those bills—unconstitutional, improper, and unjust, as they were—came from the States of Maryland, Kentucky, Tennessee, Virginia, and the border States, some of whom—and I wish I could say all—are even yet loyal. Those who lead the van in this rebellion have never been the sufferers from the passage of any of these laws.

Is it because they have been deprived of the enjoyment of any of the Territories of the country? Why, sir, Senators all recollect very well that when the resolutions of the Senator from Mississippi (Mr. Davis) passed this body by an overwhelming vote, and Mr. Brown of Mississippi, offered an amendment asserting that the time had then arrived when the Government should exercise its duty in the passage of a law protecting the southern people in their right of slave property within the Territories, there were but three members then from the South who voted for it: Mr. Mallory of Florida, Mr. Brown of Mississippi, and Mr. Johnson of Arkansas. The very winter before Mr. Lincoln was elected to the Presidency, it was declared in this body, by a vote of forty-two to three, that there was no such exigency, nor any necessity for Congress to pass any such law.

Did anything occur, I ask you, between the adjournment of the first session of the last Congress and the election of Mr. Lincoln, that had changed the features of the case? So far as your territory was concerned, I allege that in every foot of it within which slavery could exist, and within which it could in any respect be profitable, it did exist, and was protected by local, territorial legislation. I refer to New Mexico, which is not confined to the line of 36° 30′, the old Missouri compromise line, but goes a half degree beyond it. By the legislation of that Territory, slavery, as an institution, is protected; and yet after all there are but twelve domestic slaves, and but thirty in all, according to the census of 1860. I assert still further, that so far from their being deprived of any rights which they might have according to the natural character of these Territories, the only one where any man dreams slavery as an institution could exist, is the territory of New Mexico; and there I am satisfied it can never be profitable, even though the Territorial Legislature, Congress, and every other legislative body throughout the whole country, would give it their sanction and protection. God Almighty has placed a barrier between the institution of slavery and that Territory. It is an arid soil. It is a soil from which none of the productions for which slave labor is so admirably adapted can be forced. It is a soil utterly destitute of all the peculiar qualities necessary for or adapted to the cultivation of cotton, rice, sugar, or any other productions of slave labor. I speak upon this question knowingly, having passed over that Territory twice. Why, sir, as late as the months of August and September, upon that high table land, the nights were so cold, it was with the utmost difficulty, in passing over, I could preserve any degree of comfortable warmth.

Then, Mr. President, these were none of the reasons. The history of the country shows they had no cause of complaint as to the action of the Government upon any of the questions I have cited. The only cause ever attempted to be given upon this floor, was apprehension for the future; that notwithstanding they had the control of both branches of Congress and an impartial Supreme Court, and no one law on the statute-book prejudicial to their interests, yet at some future time, from the foreshadowed policy of the dominant party, they feared their institutions might be in jeopardy. Now, sir, I assert that if they had remained on this floor, doing but their duty to the country, no act of wrong by the party in power could ever have been consummated. I allege further, that having the control of both branches of Congress, they could, as the record proves, have amended the Constitution by a two-thirds vote, and, having appealed to the States for a three-fourths vote, so ratified it, that neither Congress nor the Executive could interfere in any way with the institution of slavery in the several States. Why, sir, even after they had left this body, and when we were reduced to barely thirty-six members, there were then twenty-four on this floor who did vote for such an amendment to the Constitution. It passed then by two thirds in the House of Representatives, and requires now but the sanction of three fourths of the States of the Union to make the amendment a permanent portion of the Constitution.

Mr. President, being last winter a careful eye-witness of all that occurred, I soon became satisfied that it was a deliberate, willful design, on the part of some Representatives of southern States, to seize upon the election of Mr. Lincoln merely as an excuse to precipitate this revolution upon the country. One evidence to my mind is the fact that South Carolina never sent her Senators here. An additional evidence is, that when gentlemen on this floor, by their votes, could have controlled legislation, they refused to cast them, for fear that the very propositions submitted to this body might have an influence in changing the opinions of their constituencies. Why, sir, when the resolutions submitted by the Senator from New Hampshire [Mr. CLARK] were offered as an amendment to the Crittenden propositions, for the manifest purpose of embarrassing the latter; and the vote taken on the 16th of January, 1861, I ask, what did we see? There were fifty-five Senators at that time upon this floor in person. The Globe of the second session Thirty-Sixth Congress, part one, page 409, shows that upon the call of the yeas and nays immediately preceding the vote on the substituting of Mr. CLARK's amendment, there were fifty-five votes cast. I will read the vote, from the Globe:

"YEAS—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—25.

"NAYS—Messrs. Bayard, Benjamin, Bigler, Bragg, Bright, Clingman, Crittenden, Douglas, Fitch, Green, Gwin, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, Sebastian, Slidell, and Wigfall—30."

The vote, being taken immediately after on the Clark proposition, was as follows:

"YEAS—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—25.

"NAYS—Messrs. Bayard, Bigler, Bragg, Bright, Clingman, Crittenden, Fitch, Green, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, and Sebastian—23."

Six Senators retained their seats and refused to vote, thus themselves allowing the Clark proposition to supplant the Crittenden resolution by the vote of 25 to 23. Mr. Benjamin of Louisiana, Mr. Hemphill and Mr. Wigfall of Texas, Mr. Iverson of Georgia, Mr. Johnson of Arkansas, and Mr. Slidell of Louisiana, were in their seats, but refused to cast their votes. I recollect full well the joy that pervaded the faces of some of those gentlemen at the result, and the sorrow manifested by the venerable Senator from Kentucky, [Mr. CRITTENDEN.] The record shows that Mr. Pugh, from Ohio, despairing of any compromise between the extremes of ultra Republicanism and disunionists, working manifestly for the same end, moved, immediately after the vote was announced, to lay the whole subject on the table. If you will turn to page 443, same volume, you will find, when, at a late period, Mr. Cameron, from Pennsylvania, moved to reconsider the vote, appeals having been made to sustain those who were struggling to preserve the peace of the country, that the vote *was* reconsidered; and when, at last, the Crittenden propositions were submitted on the 2d day of March, these southern States having nearly all seceded, they were then lost by but one vote. Here is the vote:

"YEAS—Messrs. Bayard, Bigler, Bright, Crittenden, Douglas, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Polk, Pugh, Rice, Sebastian, Thomson, and Wigfall—19.

"NAYS—Messrs. Anthony, Bingham, Chandler, Clark, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Harlan, King, Morrill, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—20."

If these seceding southern Senators had remained, there would have passed, by a large vote, (as it did without them,) an amendment by a two-thirds vote, forbidding Congress ever interfering with slavery in the States. The Crittenden proposition would have been indorsed by a majority vote, the subject finally going before the people, who have never yet, after consideration, refused justice, for any length of time, to any portion of the country.

I believe more, Mr. President, that these gentlemen were acting in pursuance of a settled and fixed plan to break up and destroy this Government. I believe also, there has been a scheme of those leading politicians of the southern States for nearly a quarter of a century, who have been constantly working with a view to destroy the Government of the United States, in order to form a government of their own, the corner stone of which should be the institution of slavery, as is alleged by the present vice president of the southern confederacy—that they have never ceased working, year in and year out, towards the consummation of their purpose. Why, sir, immediately after the election of Mr. Lincoln, in the month of December, he whom I regard as their master spirit in this attempt, both from his eloquence and sagacity, published a letter in which he asserts, that though the people of the United States as represented on this floor may give them compromises, even constitutional compromises, the favorable moment having arrived, the South must still declare its independence of the United States of America.

Referring to Hon. William L. Yancey, I call the attention of the Senate to a communication of his, written and published early in the month of December of the past year:

"I hope that Georgia and Alabama, the mother and daughter States, will not be found separate and in opposing position in this great struggle for State rights and southern liberties. Alabama will, most assuredly, secede first, and make efforts at cooperation for a southern confederacy afterwards. No proffered compromises, no amendments to the Constitution, no proffered additional guarantees, can delay her action for independence a moment. There is no defect in our fundamental law; therefore it needs no alteration. The great defect in the Union is the public conscience and education of the northern masses upon the slavery question, which begets an irreconcilable and irrepressible conflict between them and that institution, and of course between them and all constitutional provisions which protect that institution. When parties and rulers can control such conscience and eradicate such education, and can then propose new guarantees, it might be worth our while to pause and consider them; but not till then. In the language of my far-seeing, deep-thinking, and fearless friend, Judge Benning, there should be but one watchword now for all the sons of the South, and that 'Ho! for independence!'"

This was the pronunciamiento of the leading spirit of the whole movement as early as the month of December last, before even the electoral college had met, or the votes were counted, and it was distinctly ascertained who was elected President of the United States. "Ho, for independence" had been the cry for a quarter of a century of these conspirators, who have been seeking, under the pretext of nullification, and now the constitutional right of secession, the favorable moment and excuse to assert their independence and array themselves in hostility to the Government. This doctrine of secession is but the shadow of an excuse. I do not believe there are many intelligent men in the South who sincerely believe in this new-fangled doctrine of the constitutional right of a State to secede from the Union. I do not believe they can be so lost to reason, so blind to the objects of our Government, as to assert that any State, at option, may withdraw itself from the Union, itself being the only judge of the cause and the necessity for such withdrawal.

Why, Mr. President, we paid for Louisiana, out of which we formed three slave States and two free, $15,000,000, and $8,385,353 in the way of interest upon that debt. We paid for Florida $5,000,000, and $1,430,000 in the way of interest upon that debt. We paid $100,000,000 in the Seminole war to protect the people of Florida from Indian aggressions. We paid $7,000,000 for pensions to the widows of soldiers lost in that war. We paid $5,000,000 to remove those Indians from Florida to the western frontier. We paid the sum of $10,000,000 for the Texas boundary line. We paid $10,000,000 in the way of indemnity to Texas, and $7,500,000 to her public creditors. We got into a war with Mexico in consequence of the acquisition of that State, and that war cost us $217,175,575 more. We paid $100,000,000 for pensions in consequence of that war. We paid $15,000,000 by the treaty of Guadalupe Hidalgo for my own State. We paid $100,000,000 to extinguish the Indian title throughout the extent of country thus annexed. In short, without enumerating all the items, the people of the United States, for the purpose of extending their boundary, the area of their freedom, the enjoyment of their institutions, and to carry out the great purpose of their social, political, and commercial wants, have paid for the very States leading this rebellion over $617,000,000.

Yet sir, we are told that for the "sake of humanity," we must acknowledge the rights of any one State thinking itself aggrieved—without regard to the States that are left; without consulting the happiness of the millions of others constituting those States—to secede at will; acknowledge their entire independence and right to make treaties offensive or defensive with the enemies of the country; their right to form alliances with foreign Powers, and pass laws jeopardizing our very existence as a nation—all this under the sanction of the Constitution of the United States; that the eight million people northwest of the Ohio river are to be shut off from the use of the Mississippi river, the natural outlet for pouring into the lap of the civilized world their commerce; that we are to be hemmed in, curtailed, and thrown back in the great expansive ideas the people of this country have been struggling for from the very commencement of the nation; and all this, under the plea that our fathers who founded this Republic have thus constructed its Government and institutions.

Sir, if this is the doctrine, the sooner the people of this country know it the better. If this is the principle by which we are to be governed, then, instead of singing triumphant peans, instead of lauding the memory of the great and the good who have laid broad and deep and wide our foundations, we should execrate their memory as giving us, instead of a vital Government, a rattling, useless skeleton. If it is so, the people now standing by to support with arms and means desire to know it. They wish the trial to be made in the face of the civilized world. They have intelligence enough still left never to suffer a military despotism; never to allow the seizure of their political rights and guarantees; but, appreciating their destiny, they will make a Government strong enough and powerful enough to conduct us in our onward career until we shall be as Rome, when her imperial eagles hovered around the pillars of Hercules.

Senators, no one of our number can foresee the end of this long and fearful controversy. The constituency I represent desire, above all things, peace, *peace*. They demand it, if it can be had without the surrendering of the very cardinal principles of our Government; without the surrendering of one acre of its soil; without the slightest marring of our country's fair proportions. They are willing to give whatever the southern people may require as sufficient to guaranty and secure them in the enjoyment of their property; but they are not willing to see this Government dismembered and broken up, and a line of fortifications separating your northern from your southern confederacy. They are unwilling to see the eight million people residing in the Northwest shut off from the natural outlet of their commerce. They are unwilling, even, to see the property of the southern people themselves destroyed, as it will inevitably be whenever you recognize their independence.

I desire to call the attention of the Senate for one moment, before I close, to a fact the census of 1860 discloses as to the institution of slavery in the southern States. By the census of 1860, the population of the South is 9,000,000 white and 4,000,000 slaves. Seven million and a half of the white population of the South have no interest whatever in slavery. The same relative proportion exists between the showing of the census of 1850 and 1860. Not having the exact figures for 1860, I refer to the census of 1850, which shows that out of a population of 6,000,000, which the southern States then had, the number of slaveholders was but 347,555, as the heads of families, representing 1,500,000 people; and the number of slaves at that time over 3,000,000. Of the number of slaveholders, 68,820 had but one slave each; 105,683 had under five slaves each; 174,503 owners of slaves held but 385,869; while 173,022 persons held the rest of the slaves, amounting to 2,818,444.

Now, sir, I assert, and future history will show how true it is, that whenever you bring the line of Canada down to Mason and Dixon's; whenever, by necessity, (if it should so happen,) our Government is broken up and two confederacies are formed; whenever it shall be a recognized principle, as it will be, that the moment that a slave touches the soil of the "northern confederacy," he is free; when, sirs, you have given unbridled license to sectional fanaticism in permitting John Brown raids, followed by retaliatory outrages of clipping of ears, shaving of heads, and tarring and feathering citizens; you will, from that very moment, have doomed the institution of slavery. Our southern people, who have now raised themselves in rebellion to your Government, will then see they have committed the great folly of their lives. The people of these United States desire no such results. They desire its territory to remain intact They desire the people to live in happiness, in the enjoyment of their property, and in the full possession of all the civil and religious liberties which it has been our pride heretofore to possess.

Mr. President, having detained the Senate already too long, I repeat, and conclude as I have commenced, by saying that while I have a seat upon this floor representing a State upon the far-off Pacific, I shall support the constituted authorities in upholding the laws, supporting the Government, and securing obedience to all its behests, in the constant and fervent hope that, with as little bloodshed as possible, with as little force as possible, these people may return to their allegiance and their duty to our Government. It is a dark page that is now spread before our vision. No man can see what will be written upon it. It may be God's will that star after star shall shoot crazily, and be blotted from its sphere in our political firmament; it may be His purpose that column after column now sustaining our political temple, shall fall and crumble in the dust; and that ruin, confusion, destruction, and decay, shall prevail in this once happy scene. Be it so; be it so. Let me be glad in the thought that whenever a future Marius shall wander amid the ruins of our Carthage, he will find one column at least standing erect—beautiful in all its proportions—cloud capped its summit—bearing inscribed upon it in imperishable letters, the name of my own beloved State; evidence of its truth and fixed determination to uphold the Constitution and the Union of our fathers in the very face of time. [Applause in the galleries.]

LAWS OF THE UNITED STATES.

PUBLIC ACTS OF THE THIRTY-SEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Thursday, the 4th day of July, A. D. 1861, *and ended on Tuesday, the 6th day of August, A. D.* 1861.

ABRAHAM LINCOLN, President. HANNIBAL HAMLIN, Vice President, and President of the Senate. SOLOMON FOOT was elected President of the Senate, *pro tempore,* on the 18th day of July, and continued so to act until the close of the session. GALUSHA A. GROW, Speaker of the House of Representatives.

[The Index to the Laws follows the Index to the Appendix.]

CHAPTER I.—An Act to refund and remit the Duties on Arms imported by States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and remit the duties and imposts on all arms imported into the United States since the first day of May last, or which may be imported before the 1st day of January next, by or for the account of any State: *Provided,* The Secretary of the Treasury shall be satisfied that the said arms are intended, in good faith, for the use of the troops of any State which is or may be engaged in aiding to suppress the insurrection now existing against the United States.

APPROVED, July 10, 1861.

CHAP. II.—An Act to provide for the payment of the Militia and Volunteers called into the service of the United States from the time they were called into service to the thirtieth day of June, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five millions seven hundred and sixty thousand dollars, or so much thereof as may be necessary to enable the Government to pay the militia and volunteers called into service of the United States, being an additional amount required for the fiscal year ending June thirtieth, eighteen hundred and sixty-one.

APPROVED, July 13, 1861.

CHAP. III.—An Act further to provide for the Collection of Duties on Imports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers, and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted, in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. *And be it further enacted,* That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way, and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided,* That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel shall desire to enter a port of entry in any other district in the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And provided further,* That the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. *And be it further enacted,* That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the Army or Navy or militia of the United States, or such force of citizen volunteers as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SEC. 4. *And be it further enacted,* That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means, and in the ordinary way, or in the mode and manner provided in the foregoing sections of this act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. *And be it further enacted,* That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President, by proclamation,

to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States: *Provided, however*, That the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations; and officers of the customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

SEC. 6. *And be it further enacted*, That from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

SEC. 7. *And be it further enacted*, That in the execution of the provisions of this act, and of the other laws of the United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

SEC. 8. *And be it further enacted*, That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March third, seventeen hundred and ninety-seven, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

SEC. 9. *And be it further enacted*, That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

APPROVED, July 13, 1861.

CHAP. IV.—An Act to provide for the appointment of Assistant Paymasters in the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of assistant paymaster in the Navy of the United States be, and hereby is, established, and that from and after the passage of this act the President of the United States, by and with the advice and consent of the Senate, may appoint assistant paymasters from time to time, as they shall be needed for active service in the Navy, not exceeding thirty-six in number.

SEC. 2. *And be it further enacted*, That every person who shall be appointed assistant paymaster shall, at the time of his appointment, be not less than twenty-one years of age, nor more than twenty-six years; and that previous to his appointment his physical, mental, and moral qualifications shall be inquired into and favorably reported upon by a board of paymasters appointed for that purpose by the Secretary of the Navy, and under such regulations as he may prescribe.

SEC. 3. *And be it further enacted*, That the annual pay of assistant paymaster shall be as follows, viz:

On duty at sea, for the first five years after date of commission, one thousand three hundred dollars; after five years from date of commission, one thousand five hundred dollars.

On other duty, for the first five years after date of commission, one thousand dollars; after five years from date of commission, one thousand two hundred dollars.

On leave of absence or waiting orders, for the first five years after date of commission, eight hundred dollars; after five years from date of commission, one thousand dollars; and when attached to vessels for sea service, each assistant paymaster shall be entitled to one ration per day.

SEC. 4. *And be it further enacted*, That from and after the passage of this act no commanding officer of any vessel in the Navy shall be required to perform the duties of paymaster or assistant paymaster; and when such office shall become vacant, by death or otherwise, in ships at sea or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person to perform the duties until another paymaster or assistant paymaster shall report for duty. Any person performing the duties of paymaster or assistant paymaster in accordance with this section (but not otherwise) shall be entitled to receive the pay of such grade whilst so acting.

SEC. 5. *And be it further enacted*, That each assistant paymaster shall, upon his appointment, enter into bonds in the amount of ten thousand dollars, with at least two good and sufficient securities, for the faithful performance of his duties, and that assistant paymasters shall have rank and precedence with assistant surgeons not passed, and that all appointments to fill vacancies in the corps of paymasters shall be made by regular promotion from the list of assistant paymasters.

SEC. 6. *And be it further enacted*, That within six months after the expiration of the present insurrection, the corps of paymasters and assistant paymasters shall be reduced to the number of seventy-five in the whole.

APPROVED, July 17, 1861.

CHAP. V.—An Act to authorize a National Loan and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to borrow on the credit of the United States, within twelve months from the passage of this act, a sum not exceeding two hundred and fifty millions of dollars, or so much thereof as he may deem necessary for the public service, for which he is authorized to issue coupon bonds, or registered bonds, or treasury notes, in such proportions of each as he may deem advisable; the bonds to bear interest not exceeding seven per centum per annum, payable semi-annually, irredeemable for twenty years, and after that period redeemable at the pleasure of the United States; and the treasury notes to be of any denomination fixed by the Secretary of the Treasury, not less than fifty dollars, and to be payable three years after date, with interest at the rate of seven and three tenths per centum per annum, payable semi-annually. And the Secretary of the Treasury may also issue in exchange for coin, and as part of the above loan, or may pay for salaries or other dues from the United States, treasury notes of a less denomination than fifty dollars, not bearing interest, but payable on demand by the Assistant Treasurers of the United States at Philadelphia, New York, or Boston, or treasury notes bearing interest at the rate of three and sixty-five hundredths per centum, payable in one year from date, and exchangeable at any time for treasury notes for fifty dollars, and upwards, issuable under the authority of this act, and bearing interest as specified above: *Provided*, That no exchange of such notes in any less amount than one hundred dollars shall be made at any one time: *And provided further*, That no treasury notes shall be issued of a less denomination than ten dollars, and that the whole amount of treasury notes, not bearing interest, issued under the authority of this act, shall not exceed fifty millions of dollars.

SEC. 2. *And be it further enacted*, That the treasury notes, and bonds issued under the provisions of this act shall be signed by the First or Second Comptroller, or the Register of the Treasury, and countersigned by such other officer or officers of the Treasury as the Secretary of the Treasury may designate; and all such obligations, of the denomination of fifty dollars and upwards, shall be issued under the seal of the Treasury Department. The registered bonds shall be transferable on the books of the Treasury on the delivery of the certificate, and the coupon bonds and treasury notes shall be transferable by delivery. The interest coupons may be signed by such person or persons, or executed in such manner, as may be designated by the Secretary of the Treasury, who shall fix the compensation for the same.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall cause books to be opened for subscription to the treasury notes for fifty dollars and upwards at such places as he may designate in the United States and under such rules and regulations as he may prescribe, to be superintended by the Assistant Treasurers of the United States at their respective localities, and at other places, by such depositaries, postmasters, and other persons as he may designate, notice thereof being given in at least two daily papers of this city, and in one or more public newspapers published in the several places where subscription books may be opened; and subscriptions for such notes may be received from all persons who may desire to subscribe, any law to the contrary notwithstanding; and if a larger amount shall be subscribed in the aggregate than is required at one time, the Secretary of the Treasury is authorized to receive the same, should he deem it advantageous to the public interest; and if not, he shall accept the amount required by giving the preference to the smaller subscriptions; and the Secretary of the Treasury shall fix the compensations of the public officers or others designated for receiving said subscriptions: *Provided*, That for performing this or any other duty in connection with this act, no compensation for services rendered shall be allowed or paid to any public officer whose salary is established by law; and the Secretary of the Treasury may also make such other rules and regulations as he may deem expedient touching the installment to be paid on any subscription at the time of subscribing and further payments by installments or otherwise, and penalties for non-payment of any installment, and also concerning the receipt, deposit, and safe-keeping of money received from such subscriptions, until the same can be placed in the possession of the official depositaries of the Treasury, any law or laws to the contrary notwithstanding. And the Secretary of the Treasury is also authorized, if he shall deem it expedient, before opening books of subscription as above provided, to exchange for coin or pay for public dues or for treasury notes of the issue of twenty-third of December, eighteen hundred and fifty-seven, and falling due on the thirtieth of June, eighteen hundred and sixty-one, or for treasury notes issued and taken in exchange for such notes, any amount of said treasury notes for fifty dollars or upwards not exceeding one hundred millions of dollars.

SEC. 4. *And be it further enacted*, That, before awarding any portion of the loan in bonds authorized by this act, the Secretary of the Treasury, if he deem it advisable to issue proposals for the same in the United States, shall give not less than fifteen days' public notice in two or more of the public newspapers in the city of Washington, and in such other places of the United States as he may deem advisable, designating the amount of such loan, the place and the time up to which sealed proposals will be received for the same, the periods for the payment, and the amount of each installment in which it is to be paid, and the penalty for the non-payment of any such installments, and when and where such proposals shall be opened in the presence of such persons as may

choose to attend; and the Secretary of the Treasury is authorized to accept the most favorable proposals offered by responsible bidders: *Provided*, That no offer shall be accepted at less than par.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury may, if he deem it advisable, negotiate any portion of said loan, not exceeding one hundred millions of dollars, in any foreign country and payable at any designated place either in the United States or in Europe, and may issue registered or coupon bonds for the amount thus negotiated agreeably to the provisions of this act, bearing interest payable semi-annually, either in the United States or at any designated place in Europe; and he is further authorized to appoint such agent or agents as he may deem necessary for negotiating such loan under his instructions, and for paying the interest on the same, and to fix the compensation of such agent or agents, and shall prescribe to them all the rules, regulations, and modes under which such loan shall be negotiated, and shall have power to fix the rate of exchange at which the principal shall be received from the contractors for the loan, and the exchange for the payment of the principal and interest in Europe shall be at the same rate.

SEC. 6. *And be it further enacted*, That whenever any treasury notes of a denomination less than fifty dollars, authorized to be issued by this act, shall have been redeemed, the Secretary of the Treasury may reissue the same, or may cancel them and issue new notes to an equal amount: *Provided*, That the aggregate amount of bonds and treasury notes issued under the foregoing provisions of this act shall never exceed the full amount authorized by the first section of this act; and the power to issue, or reissue such notes shall cease and determine after the thirty-first of December, eighteen hundred and sixty-two.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, whenever he shall deem it expedient, to issue in exchange for coin, or in payment for public dues, Treasury notes of any of the denominations hereinbefore specified, bearing interest not exceeding six per centum per annum, and payable at any time not exceeding twelve months from date, provided that the amount of notes so issued, or paid, shall at no time exceed twenty millions of dollars.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall report to Congress, immediately after the commencement of the next session, the amount he has borrowed under the provisions of this act, of whom, and on what terms, with an abstract of all the proposals, designating those that have been accepted and those that have been rejected, and the amount of bonds or Treasury notes that have been issued for the same.

SEC. 9. *And be it further enacted*, That the faith of the United States is hereby solemnly pledged for the payment of the interest and redemption of the principal of the loan authorized by this act.

SEC. 10. *And be it further enacted*, That all the provisions of the act entitled "An act to authorize the issue of Treasury notes," approved the twenty-third day of December, eighteen hundred and fifty-seven, so far as the same can or may be applied to the provisions of this act, and not inconsistent therewith, are hereby revived or reënacted.

SEC. 11. *And be it further enacted*, That, to defray all the expenses that may attend the execution of this act, the sum of two hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, July 17, 1861.

CHAP. VI.—An Act making additional Appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and sixty-two, and Appropriations of Arrearages for the fiscal year ending June thirtieth, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty-two:

For expenses of recruiting, transportation of recruits from the different rendezvous to general depots, procuring of medical attendance, and all other expenses attending the raising of twenty-four thousand two hundred and eighty-five men, to be organized into nine regiments of infantry, one regiment of cavalry, and one regiment of artillery, as per general orders number sixteen, dated War Department, Adjutant General's Office, Washington, May fourth, eighteen hundred and sixty-one, three hundred and fifty-eight thousand dollars.

For purchase of books of tactics and instruction for the volunteers, fifty thousand dollars.

For pay of the Army, three million nine hundred and sixty-nine thousand eight hundred and forty-eight dollars and eighty-eight cents.

For commutation of officers' subsistence, four hundred and seventy-eight thousand three hundred and seventeen dollars and sixty cents.

For commutation of forage for officers' horses, seventy-three thousand and fifty-six dollars.

For payments in lieu of clothing for officers' servants, fifty-seven thousand one hundred and eighty dollars.

For pay of the three months' volunteers, two million five hundred and seven thousand dollars.

For pay of the two and three years volunteers, fifty-five million dollars.

For subsistence in kind for regular troops, two million four hundred and ninety-three thousand four hundred and ninety-seven dollars and fifty cents.

For subsistence in kind for two and three years' volunteers, twenty-three million eighty-four thousand two hundred and eighty-four dollars.

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospital, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the regiments of dragoons, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's department, and for printing of division and department orders and reports, fourteen million two hundred and sixty-five thousand fifty-nine dollars and thirty-seven cents.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judges-advocate, recorders, members, and witnesses, while on that service, under the act of [March sixteenth] eighteen hundred and two; extra pay to soldiers employed under the direction of the quartermaster's department in the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of second of March, eighteen hundred and nineteen, and of fourth of August, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, or at other posts and places, when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters and guides for the Army; compensation of clerks to officers of the quartermaster's department; compensation of forage and wagon masters, authorized by the act of fifth July, eighteen hundred and thirty-eight; for the apprehension of deserters and the expenses incident to their pursuit; and for the following expenditures required for the regiments of dragoons and light artillery, viz: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named, seven million six hundred and sixty-six thousand six hundred and sixty-six dollars.

For the purchase of dragoon and artillery horses, ten million five hundred and fourteen thousand five hundred dollars.

For mileage, or the allowance made to officers of the Army for the transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies, five hundred thousand dollars.

For transportation of the Army, including the baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, from the depot at Philadelphia to the several posts and army depots, and from those depots to the troops in the field; and subsistence from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, and harness, and the purchase and repair of wagons, carts, and drays; and of ships and other seagoing vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic, and for procuring water at such posts as from their situations require it to be brought from a distance; and for clearing roads and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operation of the troops in the field, sixteen million two hundred and twenty thousand nine hundred and fifty-four dollars.

For gunboats on the western rivers, one million dollars.

Hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments, and for temporary huts, one million five hundred thousand dollars.

For clothing, camp and garrison equipage, thirteen million four hundred and sixteen thousand four hundred and thirty-seven dollars and two cents.

For contingencies of the Army, two hundred thousand dollars.

For the medical and hospital departments, one million two hundred and seventy-one thousand eight hundred and forty-one dollars.

For armament of fortifications, four hundred and fifty-seven thousand six hundred dollars.

For the current expenses of the ordnance service, two hundred and six thousand two hundred and ninety-two dollars.

For ordnance, ordnance stores, and supplies, including horse equipments for all mounted troops, two million three hundred and sixty thousand dollars.

For the manufacture of arms, two million five hundred and seventy-three thousand three hundred and ten dollars.

For increasing the manufacturing capacity of the national armory, four hundred and twenty-two thousand five hundred dollars.

For the purchase of gunpowder and lead, four hundred and fifty-one thousand seven hundred and eighty dollars.

For the purchase of artillery horses, two hundred and seventy-five thousand dollars.

For additions to and extensions of the shop-room, machinery, tools, and fixtures at the different arsenals, one hundred and twenty-six thousand six hundred and ninety dollars.

For the following fortifications:

Fort Montgomery, Lake Champlain, New York, twenty thousand dollars.

Fort Knox, Penobscot river, Maine, twenty thousand dollars.

Fort on Hog Island Ledge, Portland harbor, Maine, fifteen thousand dollars.

Fort Adams, Newport harbor, Rhode Island, five thousand dollars.

Fort Richmond, Staten Island, New York, ten thousand dollars.

Fort on site of Fort Tompkins, Staten Island, New York, fifty thousand dollars.

Fort at Willet's Point, opposite Fort Schuyler, New York, one hundred thousand dollars.

Fort Carroll, Baltimore harbor, Maryland, twenty-five thousand dollars.

Fort Calhoun, Hampton Roads, Virginia, twenty-five thousand dollars.

Fort Taylor, Key West, Florida, one hundred thousand dollars.

Fort Jefferson, Garden Key, Florida, one hundred thousand dollars.

Fort at Fort Point, San Francisco bay, California, fifty thousand dollars.

Fort at Alcatraz Island, San Francisco bay, California, twenty-five thousand dollars.

Fort at Sandy Hook, New York harbor, one hundred thousand dollars.

For repairs and alterations of barracks quarters at forts not permanently occupied by troops, ten thousand dollars.

For contingencies of fortifications, thirty thousand dollars.

For surveys for military defenses, fifty thousand dollars.

For amount required to refund to the States expenses incurred on account of volunteers called into the field, ten million dollars.

SEC. 2. *And be it further enacted*, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one:

For subsistence in kind for three months volunteers, one million two hundred and eighty-one thousand dollars.

For subsistence in kind for two and three years volunteers, four hundred and twenty thousand dollars.

For the regular supplies of the quartermaster's department, five hundred and sixty-five thousand two hundred and forty-six dollars and sixty-three cents.

For incidental expenses of the quartermaster's department, three hundred and sixty-five thousand and thirteen dollars and eighty cents.

For transportation of the Army and its supplies, two million two hundred and fifty-four thousand one hundred and eighty-six dollars and eighty-one cents.

For transportation of officers' baggage, fifteen thousand three hundred and sixty-seven dollars.

For purchase of dragoon horses, two hundred and ninety-seven thousand three hundred and thirty-five dollars.

For clothing, camp and garrison equipage, one million three hundred and fifty thousand one hundred and fifty-one dollars and thirty-eight cents.

For current expenses of ordnance service, twenty thousand dollars.

For ordnance, ordnance stores, and supplies, including horse equipments for all mounted troops, four hundred thousand dollars.

For manufacture of arms, sixty thousand dollars.

For increasing the manufacturing capacity of the national armory, fifty thousand dollars.

For purchase of gunpowder and lead, forty thousand dollars.

For purchase of artillery horses, twenty-five thousand dollars.

For hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments, and for temporary huts, one hundred and fifty-eight thousand two hundred and eighty-three dollars and eighty-one cents.

SEC. 3. *And be it further enacted*, That all appropriations and all provisions of law herein contained applicable to three years volunteers shall apply to two years volunteers, and all other volunteers who have been or may be received into the service of the United States, for a period exceeding three months.

APPROVED, July 17, 1861.

CHAP. VII.—An Act to alter and regulate the Navy Ration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navy ration shall consist of the following daily allowance of provisions to each person: one pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour, and two ounces of dried apples, or other dried fruit; or three quarters of a pound of preserved meat, with half a pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potato; together with fourteen ounces of buscuit, one quarter of an ounce of tea, or one ounce of coffee or cocoa, two ounces of sugar, and a gill of spirits; and of a weekly allowance of half a pound of pickles, half a pint of molasses, and half a pint of vinegar.

SEC. 2. *And be it further enacted*, That fresh or preserved meat may be substituted for salt beef or pork, and vegetables for the other articles usually issued with the salted meats; allowing one and a quarter pound of fresh, or three quarters of a pound of preserved meat for one pound of salted beef or pork; and regulating the quantity of vegetables so as to equal the value of the articles for which they may be substituted.

SEC. 3. *And be it further enacted*, That should it be necessary to vary the above-described daily allowance, it shall be lawful to substitute one pound of soft bread, or one pound of flour, or half a pound of rice, for fourteen ounces of biscuit; half a pint of wine for a gill of spirits; half a pound of rice for half a pint of beans or peas; half a pint of beans or peas for half a pound of rice.

SEC. 4. *And be it further enacted*, That in case of necessity, the daily allowance of provisions may be diminished or varied by the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance shall be thus diminished, according to the scale of prices which is, or may be, established for the same; but a commander who shall thus make a diminution or variation shall report to his commanding officer, or to the Navy Department, the necessity for the same, and give to the paymaster written orders, specifying particularly the diminution or reduction which is to be made.

SEC. 5. *And be it further enacted*, That no commissioned or warrant officer, or any person under twenty-one years of age, shall be allowed to draw the spirit part of the daily ration; and all other persons shall be permitted to relinquish that part of their rations under such restriction as the President of the United States may authorize; and that the spirit portion of the daily ration may be suspended or stopped by the commanding officer, whenever, in his opinion, it shall be expedient, for cause of drunkenness; and to any person who, by this section, is prohibited from drawing, or who may relinquish the spirit part of his ration, there shall be paid, in lieu thereof, the sum of four cents per day.

SEC. 6. *And be it further enacted*, That the provisions of this act shall go into effect in the United States on the first day of the succeeding quarter after it becomes a law; and in vessels abroad, on the first day of the succeeding quarter after its official receipt; that any acts and parts of acts which may be contrary to, or inconsistent with, the provisions of this act, shall be, and are hereby, repealed.

SEC. 7. *And be it further enacted*, That the Secretary of the Navy be authorized to procure the preserved meats, pickles, butter, and desiccated vegetables in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

APPROVED, July 18, 1861.

CHAP. VIII.—An Act making additional Appropriations for the Naval Service for the year ending the thirtieth of June, eighteen hundred and sixty-two, and Appropriations of Arrearages for the year ending the thirtieth of June, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty-two:

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy, six million eight hundred and forty thousand dollars.

For the repair and equipment of vessels of the Navy, eight million five hundred and seventy-five thousand dollars.

For fuel for the Navy, to be purchased in the mode prescribed by law for other materials, and for the transportation thereof, one million and eighty thousand dollars.

For the purchase of hemp and other materials for the Navy, three hundred thousand dollars.

For ordnance and ordnance stores, including incidental expenses, three million five hundred and twenty thousand dollars.

For the completion of seven steam screw sloops, authorized by act of February twenty-first, eighteen hundred and sixty-one, one million six hundred thousand dollars.

For the completion of seven steam screw sloops and side-wheel steamer, ninety-one thousand four hundred and thirty-nine dollars and eighty-two cents.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, one million nine hundred and ninety-four thousand two hundred and twenty-two dollars and forty-seven cents.

For surgeons' necessaries and appliances for the sick and hurt of the Navy, including the engineer and marine corps, twenty-five thousand dollars.

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage on public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions, and pay of clerks to Navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, one million fifty-two thousand three hundred dollars: *Provided*, That the expenditures under the foregoing appropriations shall be so accounted for as to show the disbursements by each bureau, under each respective appropriation.

MARINE CORPS.

For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, stewards, and servants, for rations and clothing for servants, additional rations for five years' service, for undrawn clothing and rations, bounties for reënlistment, one hundred and sixty thousand two hundred and twenty-four dollars.

For provisions, forty-two thousand and forty-eight dollars.

For clothing, fifty-six thousand four hundred and forty-eight dollars.

For fuel, six thousand and forty-eight dollars.

For military stores, viz: pay of armorers, repair of arms, purchase of accouterments, ordnance stores, flags, drums, fifes, and other instruments, six thousand dollars.

For transportation of officers and troops, and expenses of recruiting, eight thousand dollars.

For contingencies, viz.: freight, ferriage, toll,

carriage, wharfage, purchase and repair of boats, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, telegraphing, apprehension of deserters, oil, candles, gas, repair of gas and water fixtures, water rent, forage, straw, barrack furniture, furniture for officers' quarters, bed sacks, spades, shovels, axes, picks, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters, repairs of fire-engine, purchase and repair of engine hose, purchase of lumber for benches, mess tables, bunks, repairs to public carry-all, purchase and repair of harness, galleys and cooking-stoves for mess rooms, stoves where there are no grates, gravel for parade grounds, repair of pumps, furniture for staff and commanding officers' offices, brushes, brooms, buckets, paving, and for other purposes, twelve thousand dollars.

NAVY-YARDS.

Portsmouth, New Hampshire.

For repairs of all kinds, ten thousand dollars.

Boston.

For machinery, completing machine shop, drainage, masting shears, repairs, and painting, one hundred and fifty-four thousand one hundred dollars.

New York.

For hoisting apparatus for provision stores, four thousand six hundred and fifty dollars.

For dredging channels, twenty thousand dollars.

For repairs of dry-dock, six thousand dollars.

For water pipes, hydrants, two thousand five hundred dollars.

For floor for mold loft, one thousand two hundred dollars.

For bilge blocks for dry-dock, three thousand dollars.

For new derrick, including foundation, twenty-one thousand nine hundred and eighty-eight dollars.

For floor to third story of machine shop, and columns to support, three thousand dollars.

For railroad through new store, two thousand five hundred dollars.

For caisson to launching ways, eight thousand five hundred and forty-one dollars.

For repairs of all kinds, twenty-eight thousand four hundred and thirty dollars.

For removing small shears, one thousand dollars.

Philadelphia.

For repairs of floating-dock, forty thousand dollars.

Washington.

For repairs of all kinds, forty-four thousand four hundred and forty-seven dollars.

Mare Island.

For repairs to floating-dock, and other repairs in the yard, sixty thousand dollars.

For machinery for machine shop, thirty thousand dollars.

NAVAL ASYLUM.

Philadelphia.

For the extension of main sewer, eight hundred dollars.

For contingent expenses at the several navy-yards, to meet extraordinary demands for the remainder of the current and the next fiscal year, one hundred thousand dollars.

SEC. 2. *And be it further enacted*, That the following sums be, and they are hereby, appropriated for arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one:

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy, three hundred and thirty-nine thousand two hundred dollars.

For the charter of vessels, their purchase, fitting for war service, reservations due on existing contracts, the fitting out of the ships of war, three million eight hundred and sixty-six thousand dollars.

For ordnance and ordnance stores, including incidental expenses, ninety thousand dollars.

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, ten thousand dollars; and the Secretary of the Navy is hereby authorized to expend so much of the sums remaining in the Treasury on the first of July, eighteen hundred and sixty-one, to the credit of "printing and publication of sailing directions, wind and current charts, astronomical observations, and hydrographical surveys," as may be necessary for completing the unfinished work left at the Observatory by the late Superintendent: *Provided*, That the expenditures under the foregoing appropriations shall be so accounted for as to show the disbursements by each bureau under each respective appropriation.

SEC. 3. *And be it further enacted*, That no patented article connected with marine engines shall be hereafter purchased or attached to, or used in connection with any steam vessel of war, until the same shall have been submitted to, and officially recommended in writing for purchase and use by a competent board of naval engineers.

APPROVED, July 18, 1861.

CHAP. IX.—An Act to authorize the employment of Volunteers to aid in enforcing the Laws and protecting Public Property.

Whereas certain of the forts, arsenals, custom-houses, navy-yards, and other property of the United States, have been seized, and other violations of law have been committed and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the Government of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property: *Provided*, That the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war. And all provisions of law applicable to three years volunteers shall apply to two years volunteers, and to all volunteers who have been, or may be, accepted into the service of the United States, for a period not less than six months, in the same manner as if such volunteers were specially named. Before receiving into service any number of volunteers exceeding those now called for and accepted, the President shall, from time to time, issue his proclamation, stating the number desired, either as cavalry, infantry, or artillery, and the States from which they are to be furnished, having reference, in any such requisition, to the number then in service from the several States, and to the exigencies of the service at the time, and equalizing, as far as practicable, the number furnished by the several States according to Federal population.

SEC. 2. *And be it further enacted*, That the said volunteers shall be subject to the rules and regulations governing the Army of the United States, and that they shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon and one assistant surgeon, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital steward, two principal musicians, and twenty-four musicians for a band, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

SEC. 3. *And be it further enacted*, That these forces, when accepted as herein authorized, shall be organized into divisions of three or more brigades each; and each division shall have a major-general, three aides-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments, and shall have one brigadier-general, two aides-de-camp, one assistant adjutant-general with the rank of captain, one surgeon, one assistant quartermaster, and one commissary of subsistence.

SEC. 4. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the forces provided for in this act, a number of major-generals, not exceeding six, and a number of brigadier-generals, not exceeding eighteen, and the other division and brigade officers required for the organization of these forces, except the aides-de-camp, who shall be selected by their respective generals from the officers of the Army or volunteer corps: *Provided*, That the President may select the major-generals and brigadier-generals provided for in this act from the line or staff of the regular Army, and the officers so selected shall be permitted to retain their rank therein. The Governors of the States furnishing volunteers under this act shall commission the field, staff, and company officers requisite for the said volunteers; but, in cases where the State authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff, and company officers.

SEC. 5. *And be it further enacted*, That the officers, non-commissioned officers, and privates organized as above set forth, shall, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular Army: *Provided*, That the allowances of non-commissioned officers and privates for clothing, when not furnished in kind, shall be three dollars and fifty cents per month, and that each company officer, non-commissioned officer, private, musician, and artificer of cavalry, shall furnish his own horse and horse equipments, and shall receive forty cents per day for their use and risk, except that in case the horse shall become disabled or shall die, the allowance shall cease until the disability be removed or another horse be supplied. Every volunteer non-commissioned officer, private, musician, and artificer, who enters the service of the United States under this act, shall be paid at the rate of fifty cents in lieu of subsistence, and if a cavalry volunteer, twenty-five cents additional, in lieu of forage, for every twenty miles of travel from his place of enrollment to the place of muster; the distance to be measured by the shortest usually traveled route; and when honorably discharged an allowance at the same rate from the place of his discharge to his place of enrollment, and in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of one hundred dollars: *Provided*, That such of the companies of cavalry

herein provided for, as may require it, may be furnished with horses and horse equipments in the same manner as in the United States Army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

SEC. 7. *And be it further enacted*, That the bands of the regiments of infantry and of the regiments of cavalry shall be paid as follows: one fourth of each shall receive the pay and allowances of sergeants of engineer soldiers; one fourth those of corporals of engineer soldiers; and the remaining half those of privates of engineer soldiers of the first class; and the leaders of the band shall receive the same pay and emoluments as second lieutenants of infantry.

SEC. 8. *And be it further enacted*, That the wagoners and saddlers shall receive the pay and allowances of corporals of cavalry; the regimental commissary sergeant shall receive the pay and allowances of regimental sergeant-major; and the regimental quartermaster-sergeant shall receive the pay and allowances of a sergeant of cavalry.

SEC. 9. *And be it further enacted*, That there shall be allowed to each regiment one chaplain, who shall be appointed by the regimental commander on the vote of the field officers and company commanders on duty with the regiment at the time the appointment shall be made. The chaplain so appointed must be a regular ordained minister of a Christian denomination, and shall receive the pay and allowances of a captain of cavalry, and shall be required to report to the colonel commanding the regiment to which he is attached, at the end of each quarter, the moral and religious condition of the regiment, and such suggestions as may conduce to the social happiness and moral improvement of the troops.

SEC. 10. *And be it further enacted*, That the general commanding a separate department or a detached army is hereby authorized to appoint a military board or commission, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct, and efficiency, of any commissioned officer of volunteers within his department or army, who may be reported to the board or commission; and upon such report, if adverse to such officer, and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible to sit on such board or commission whose rank or promotion would in any way be affected by its proceedings, and two members at least, if practicable, shall be of equal rank of the officer being examined. And when vacancies occur in any of the companies of volunteers, an election shall be called by the colonel of the regiment to fill such vacancies, and the men of each company shall vote in their respective companies for all officers as high as captain, and vacancies above captain shall be filled by the votes of the commissioned officers of the regiment, and all officers so elected shall be commissioned by the respective Governors of the States, or by the President of the United States.

SEC. 11. *And be it further enacted*, That all letters written by soldiers in the service of the United States may be transmitted through the mails without prepayment of postage, under such regulations as the Post Office Department may prescribe, the postage thereon to be paid by the recipients.

SEC. 12. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to introduce among the volunteer forces in the service of the United States, the system of allotment tickets now used in the Navy, or some equivalent system, by which the family of the volunteer may draw such portions of his pay as he may request.

APPROVED, July 22, 1861.

CHAP. X.—An Act authorizing the Secretary of the Treasury to remit Fines and Penalties incurred in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to the person or persons entitled to receive the same, the amount of such fines or penalties as have been incurred and paid by the owners or masters of vessels since the first day of December, eighteen hundred and sixty, in consequence of their failure to produce to collectors of the customs the clearances or other papers prescribed and required by the laws of the United States regulating the issue of marine papers, and the foreign and coasting trades: *Provided*, That the Secretary of the Treasury shall be satisfied in each case that there was no willful negligence, or any intention of fraud on the part of the person or persons incurring the fines or penalties aforesaid, and that they were unable to obtain the requisite papers, by reason of there being no officer of the customs at the port of departure authorized to issue marine papers, or to grant clearances under the laws of the United States.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to the person or persons entitled to receive the same, the sum of five hundred dollars, that being the amount of a fine improperly exacted by the collector of the customs at the port of Norfolk, Virginia, in the month of November, eighteen hundred and sixty, of the master of the India, a Russian vessel.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to remit, in whole or in part, on such conditions, and under such regulations, not inconsistent with law, as he may prescribe, the additional duty secured by the bond given for the transportation of merchandise from a port in one collection district to a port in another collection district, prescribed by the sixth section of the act entitled "An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes," approved the twenty-eighth day of March, eighteen hundred and fifty-four: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the failure to transport and deliver the merchandise aforesaid according to the conditions of the bond, occurred without willful negligence or fraudulent intent on the part of the obligors.

APPROVED, July 24, 1861.

CHAP. XI.—An Act making additional Appropriations for sundry Civil Expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-two, and Appropriations of Arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two, viz:

For purchase or construction of steam or sailing revenue cutters, equiping the same, and expenses connected therewith, four hundred and fifty thousand dollars.

For repair of the Potomac, Navy Yard, and upper bridges, and the roads appurtenant thereto, ten thousand dollars.

For annual repairs of the Capitol water-closets, public stables, water-pipes, broken glass, and locks, one thousand dollars.

For fuel, in part, of the President's House, six hundred dollars.

For contingent expenses of the executive office, including stationery therefor, one thousand dollars.

SEC. 2. *And be it further enacted*, That the following sums be, and they are hereby, appropriated, in like manner:

For contingent expenses of foreign intercourse, twenty thousand dollars.

For contingent expenses of all the missions abroad, twenty-five thousand dollars.

For publication in pamphlet form and in the newspapers of the States and Territories the laws of the first session of the Thirty-Seventh Congress, nine thousand dollars, or so much thereof as may be necessary

SEC. 3. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated, in like manner, for the year ending the thirtieth of June, eighteen hundred and sixty-one:

For lighting the Capitol and President's House, the public grounds around them, and around the executive offices, eight thousand dollars.

For contingent expenses of the executive office, including stationery therefor, four hundred dollars.

SEC. 4. *And be it further enacted*, That the proper accounting officers of the Treasury are hereby directed to allow to Asbury Dickens, late Secretary of the Senate, in the settlement of his accounts, credit for a payment to Mrs. E. A. Richardson, of four hundred dollars, under a resolution of the Senate of the second of March, one thousand eight hundred and sixty-one.

APPROVED, July 24, 1861.

CHAP. XII.—An Act in relation to forwarding Soldiers' Letters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all prepaid letters to soldiers in any regiment in the service of the United States, and directed to them at a point where they have been stationed, may be forwarded, whenever practicable, to any other point to which they may have been ordered, without further charge thereon.

APPROVED, July 24, 1861.

CHAP. XIII.—An Act to provide for the temporary increase of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for and during the present insurrection the Secretary of the Navy shall be, and he is hereby, authorized to hire, purchase, or contract for such vessels as may be necessary for the temporary increase of the Navy of the United States, and he is also hereby authorized to furnish any vessel or vessels which may be purchased or contracted for, with such ordnance, ordnance stores, and munitions of war, as may be necessary to enable such vessel or vessels to render the most efficient service, pursuant to the orders which may be given to their respective commanders.

SEC. 2. *And be it further enacted*, That the temporary appointments made, or which may be made, by the Secretary of the Navy, of acting lieutenants, acting paymasters, acting assistant surgeons, acting masters, and masters' mates, are hereby ratified and confirmed as temporary acting appointments, until the return of the vessels in which they are respectively employed, or until the suppression of the present insurrection, as may be deemed necessary; and the rate of compensation allowed for the several grades specified is hereby legalized and approved.

SEC. 3. *And be it further enacted*, That for the purpose of carrying into effect the foregoing act, and to suppress piracy, and render more effective the closing of the ports of the insurgents, there be appropriated and placed at the disposal of the Navy Department the sum of three millions of dollars.

APPROVED, July 24, 1861.

CHAP. XVII.—An Act in addition to the Act to authorize the employment of Volunteers to aid in enforcing the Laws and protecting Public Property, approved July twenty-second, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers as the exigencies of the public service may in his opinion demand, to be organized as authorized by the act of the twenty-second of July, eighteen hundred and

sixty-one: *Provided*, That the number of troops hereby authorized shall not exceed five hundred thousand.

SEC. 2. *And be it further enacted*, That the volunteers authorized by this act shall be armed as the President may direct; they shall be subject to the rules and articles of war, and shall be upon the footing, in all respects, with similar corps of the United States Army, and shall be mustered into the service for "during the war."

SEC. 3. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the volunteer forces, such number of major generals and of brigadier generals, as may, in his judgment, be required for their organization.

APPROVED, July 25, 1861.

CHAP. XVIII.—An Act to refund Duties on Arms imported by States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to refund, out of any money in the Treasury not otherwise appropriated, the duties paid on arms imported by States, under the conditions and subject to the limitation of the act approved the tenth day of July, eighteen hundred and sixty-one, entitled "An act to refund and remit the duties on arms imported by States."

APPROVED, July 25, 1861.

CHAP. XIX.—An Act for the better organization of the Marine Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, the United States Marine Corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: One colonel commandant, one colonel, two lieutenant colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for band, sixty drummers, sixty fifers, and twenty-five hundred privates.

SEC. 2. *And be it further enacted*, That the commissions of the officers now in the Marine Corps shall not be vacated by this act; and that the President of the United States may, during the recess of the Senate, first by promotions, and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

SEC. 3. *And be it further enacted*, That the appointment of commissioned officers to be made under the provisions of this act shall be of persons between the ages of twenty and twenty-five years, and [they] shall be subjected, under the direction of the Secretary of the Navy, to an examination as to their qualifications for the service to which they are to be appointed.

APPROVED, July 25, 1861.

CHAP. XX.—An Act relative to the Revenue Marine, to fix the Compensation of the Officers thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of the officers of the revenue cutters shall be at the following rates, to wit:

DUTY PAY.

Captains, eighteen hundred dollars per annum.

First lieutenants, fourteen hundred dollars per annum.

Second lieutenants, twelve hundred dollars per annum.

Third lieutenants, nine hundred dollars per annum.

LEAVE OF ABSENCE OR WAITING ORDERS PAY.

Captains, twelve hundred dollars per annum.

First lieutenants, one thousand dollars per annum.

Second lieutenants, eight hundred dollars per annum.

Third lieutenants, seven hundred dollars per annum.

SEC. 2. *And be it further enacted*, That the number of officers for each revenue vessel shall be one captain and three lieutenants, first, second, and third; and of a steam-vessel, one engineer, and one assistant engineer, and such number of petty officers and men as in the opinion of the Secretary of the Treasury may be required to make the vessels efficient for the duties required of them: *Provided*, That the Secretary of the Treasury shall have the power to assign any greater number of officers than is herein prescribed, should the nature of the service to which any vessel may be assigned in his opinion require it.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall have the power to direct the performance of any service by the revenue vessels which, in his judgment, may be necessary for the protection of the revenue.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may, at his discretion, dispose of any of the vessels now belonging to the revenue marine which, in his opinion, are unsuitable for service, and to substitute therefor such other vessels as the advanced naval architecture and the increased wants of the service demand: *Provided*, That no expenditure shall be incurred beyond the specific appropriation therefor.

SEC. 5. *And be it further enacted*, That the President of the United States, with the assent of the Secretary of the Treasury, may transfer the steamer Harriet Lane permanently to the Navy: *Provided*, That the cost of said steamer shall be refunded to the appropriation "for a suitable steamer for a revenue cutter," and which amount, together with the proceeds of any vessels disposed of by authority of this act, may be applied to the building or purchase of such other vessels as may be required.

SEC. 6. *And be it further enacted*, That there may be appointed such number of additional engineers and assistant engineers as may be required by the steamers now or hereafter in the service.

APPROVED, July 25, 1861.

CHAP. XXI.—An Act to indemnify the States for Expenses incurred by them in Defense of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the Governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

APPROVED, July 27, 1861.

CHAP. XXII.—An Act making additional Appropriations for the Legislative, Executive, and Judicial expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-two, and Appropriations of Arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two, namely:

Contingent Expenses of the House of Representatives.

For stationery, four thousand six hundred dollars.

For pages and temporary mail-boys, four thousand eight hundred and forty dollars.

For laborers, one thousand nine hundred and seventeen dollars.

For furniture and repairs and boxes for members, five thousand dollars.

For reporting proceeding of the called session of the Thirty-Seventh Congress, at the rate per column fixed by law, eight thousand dollars: *Provided*, That the said proceedings shall be reported with and bound in the Congressional Globe and Appendix of the first regular session of the present Congress.

TREASURY DEPARTMENT.

Office of the Secretary of the Treasury:

For contingent expenses, including compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, and additional compensation for extra labor of clerks in his office, twenty-five thousand dollars.

INTERIOR DEPARTMENT.

For compiling and supervising the publication of the Biennial Register, per act of March *third*, [second,] eighteen hundred and sixty-one, five hundred dollars.

To enable the Secretary of the Interior to supply such newly created offices as are entitled thereto with full sets of the Statutes at Large, and to replace those once furnished to old officers which have since been unavoidably lost or destroyed, two thousand dollars.

For salaries of five clerks of class three, eleven clerks of class two, and four clerks of class one, per acts of April twenty-second and May thirty-first, eighteen hundred and fifty-four, twenty-eight thousand two hundred dollars.

For compensation of eight additional night watchmen for the Department of the Interior, at a salary of six hundred dollars each per annum, four thousand eight hundred dollars.

Surveyors General.

For compensation of the surveyor general of the Territory of Colorado, three thousand six hundred and nine dollars and eighty-nine cents.

For compensation of the surveyor general of the Territory of Nevada, three thousand seven hundred and seventy-five dollars.

For compensation of the surveyor general of the Territory of Dakota, two thousand one hundred and fifteen dollars and thirty-eight cents.

Contingent Expenses of the War Department.

Office of the Secretary of War:

For the purpose of increasing temporarily the clerical force and messengers in the War Department and its bureaus, as follows, viz:

In the office of the Secretary of War, one clerk of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers at an annual salary of eight hundred and forty dollars each.

In the office of the Quartermaster General, five clerks of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers at an annual salary of eight hundred and forty dollars each.

In the office of the Commissary General, three clerks of the first class and two of the second.

In the office of Surgeon General, one clerk of the third class.

In the office of the Paymaster General, three clerks of the second class and three of the third.

In the Bureau of Topographical Engineers, two clerks of the third class.

In the Ordnance Bureau, two clerks of the first class; forty-eight thousand seven hundred and sixty dollars.

And the Adjutant General is authorized to employ in his office any number, not exceeding ten, of non-commissioned officers, to be selected by him from the Army, in addition to his present clerical force.

For blank-books, stationery, binding, labor, and miscellaneous items, two thousand dollars.

Office of the Adjutant General:

For blank-books, binding, stationery, and miscellaneous items, one thousand dollars.

Office of the Paymaster General:

For blank-books, binding, stationery, and miscellaneous items, five hundred dollars.

Office of the Surgeon General:

For blank-books, binding, stationery, and miscellaneous items, five hundred dollars.

Office of the Colonel of Ordnance:

For blank-books, binding, stationery, and miscellaneous items, one thousand five hundred dollars.

Office of the Colonel of Topographical Engineers:

For blank-books, binding, stationery, and miscellaneous items, eight hundred dollars.

For the general purposes of the Northwest Executive Building:

For fuel, light, and miscellaneous items, one thousand dollars.

Mint of the United States at Philadelphia.

For transportation of bullion from assay office to the Mint for coinage, forty thousand four hundred and seventy-four dollars and eighty-three cents.

Independent Treasury.

For increased establishment of office of Assistant Treasurer of the United States at New York, seven thousand two hundred dollars; being for additional clerks and compensation to clerks in said office.

For additional compensation of clerk of Assistant Treasurer of the United States at St. Louis, three hundred dollars.

GOVERNMENT OF THE TERRITORIES.

Territory of Dakota.

For salaries of governor, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Nevada.

For salaries of governor, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

For compensation of the district attorney for the Territory of Dakota, two hundred and fifty dollars.

For compensation of the district attorney for the Territory of Nevada, two hundred and fifty dollars.

For compensation of the marshal for the Territory of Dakota, two hundred dollars.

For compensation of the marshal for the Territory of Nevada, two hundred dollars.

For office rent for the surveyor general of the Territory of Colorado, fuel, furniture, books, stationery, and other incidental expenses, two thousand dollars.

For office rent for the surveyor general of the Territory of Nevada, furniture, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For office rent for the surveyor general of the Territory of Dakota, furniture, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For salaries and commissions of registers of land offices and receivers of public moneys, two thousand five hundred dollars.

For incidental expenses of the several land offices, two thousand dollars.

For the support and maintenance of the penitentiary of the District of Columbia, five thousand dollars.

For the pay of eight additional first-class clerks in the Navy Department, nine thousand six hundred dollars.

For the salary of Assistant Secretary of the Navy, four thousand two hundred dollars.

For the yearly compensation of the two laborers employed in the library of Congress, which is hereby fixed at five hundred dollars each, beginning July first, eighteen hundred and sixty-one, one thousand dollars.

SEC. 2. *And be it further enacted*, That the following sum be, and the same is hereby, appropriated, in like manner, for the year ending the thirtieth of June, eighteen hundred and sixty-one:

For the support and maintenance of the penitentiary in the District of Columbia, seven thousand nine hundred and eighty-one dollars and eighty cents.

SEC. 3. *And be it further enacted*, That the sum of ten thousand one hundred and fifty dollars appropriated for the contingent expenses of the office of the Auditor of the Treasury for the Post Office Department, in "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the thirtieth day of June, eighteen hundred and sixty-two," approved February twentieth, eighteen hundred and sixty-one, shall be applied, so far as may be necessary, to pay for stationery, horse for the use of the office, lights, washing, towels, ice, and miscellaneous items, in addition to the items mentioned in said appropriation.

APPROVED, July 27, 1861.

CHAP. XXIII.—An Act to provide for the payment of the Police organized by the United States for the City of Baltimore, and to enable the Mint to furnish small Gold Coins, and to provide for the manufacture or purchase of Field Signals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the maintenance of said police there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars.

SEC. 2. *And be it further enacted*, That of said sum not more than twenty thousand dollars shall be expended in any one month for said purpose, and that the same shall cease when the said police are dismissed from service by the United States: *And provided*, That the disbursements of the amount hereby allowed shall be made only with the sanction and by the authority of the commanding general of that military department.

SEC. 3. *And be it further enacted*, That there be and hereby is appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, viz:

To enable the Mint to furnish such small gold coins as may be required for the public service, forty thousand dollars, or so much thereof as may be necessary.

For the manufacture or purchase of apparatus and equipments for field signals, five thousand dollars.

APPROVED, July 27, 1861.

CHAP. XXIV.—An Act to increase the present Military Establishment of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be added to the regular Army, as now authorized by law, nine regiments of infantry, one regiment of cavalry, and one regiment of artillery; each regiment of infantry to consist of not less than two nor more than three battalions, as the exigencies of the public service may, in the opinion of the President of the United States, demand; each battalion to consist of eight companies; each company to consist of one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, and as many privates, not exceeding eighty-two, as the President of the United States may, according to the requirements of military service, direct. The regiment of cavalry hereby authorized shall consist of not more than three battalions of not more than two squadrons each; and each squadron shall consist of two companies, each company to be composed of one captain, one first and one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two farriers, one saddler, one wagoner, and as many privates, not exceeding seventy-two, as the President of the United States may, according to the requirements of the military service, direct. The regiment of artillery hereby authorized shall consist of not more than twelve batteries; and each battery shall consist of one captain, one first and one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President of the United States may, according to the requirements of the military service, direct. And there may be added to the aforesaid battery organization, at the discretion of the President, having due regard to the public necessities and means, one first and one second lieutenant, two sergeants, and four corporals.

SEC. 2. *And be it further enacted*, That the field and staff commissioned and non-commissioned officers of the regiments hereinbefore authorized shall be as follows: To each regiment of infantry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, one drum major, or leader of the band, and two principal musicians; and to each battalion of infantry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary sergeant, and one hospital-steward; the regimental and battalion adjutants, and quartermasters and commissaries, to be taken from the lieutenants of the regiments and battalions, respectively: To the regiment of cavalry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, and two chief buglers; and to each battalion of cavalry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital-steward, one saddler sergeant, and one veterinary sergeant; the regimental adjutant and the regimental and battalion quartermasters and commissaries to be taken from the lieutenants of the regiments and battalions, respectively: To the regiment of artillery, one colonel, one lieutenant-colonel, one major to every four batteries, one adjutant, one regimental quartermaster and commissary, to be taken from the lieutenants of the regiment, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two principal musicians, and one hospital-steward; and the bands of the regular regiments shall consist of not more than twenty-four musicians for each regiment of infantry and artillery, and sixteen musicians for each regiment of mounted troops.

SEC. 3. *And be it further enacted*, That there shall be added to the Army of the United States the following general officers, namely: Four major-generals, with three aides-de-camp each, to be taken from captains or lieutenants of the Army, and six brigadier-generals, with two aides-de-camp each, to be taken from the lieutenants of the Army.

SEC. 4. *And be it further enacted*, That the officers and enlisted men raised in pursuance of the foregoing sections shall receive the same pay, emoluments, and allowances, and be on the same footing, in every respect, with those of corresponding grades and corps now in the regular service. The regimental bands will be paid as follows: one fourth of each, the pay and allowances of sergeants of engineer soldiers; one fourth, those of corporals of engineer soldiers; and one half, those of engineer soldiers of the first class. The drum-major, or leader of the band, the pay and emoluments of a second lieutenant of infantry. The saddler sergeants, veterinary sergeants, company quartermaster-sergeants, and drum-majors, will receive the pay and allowances of sergeants of cavalry. The battalion adjutant and battalion quartermasters and commissaries will receive the emoluments now provided by law for regimental adjutants.

SEC. 5. *And be it further enacted*, That the term of enlistments made and to be made in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, in the regular Army, including the force authorized by this act, shall be for the period of three years, and those to be made after January one, eighteen hundred and sixty-three, shall be for the term of five years, as at present authorized, and that the men enlisted in the regular forces, after the first day of July, eighteen hundred and sixty-one, shall be entitled to the same bounties, in every respect, as those allowed or to be allowed to the men of the volunteer forces.

SEC. 6. *And be it further enacted*, That the increase of the military establishment created or authorized by this act is declared to be for ser-

vice during the existing insurrection and rebellion; and within one year after the constitutional authority of the Government of the United States shall be reëstablished, and organized resistance to such authority shall no longer exist, the military establishment may be reduced to a number not exceeding twenty-five thousand men, unless otherwise ordered by Congress.

SEC. 7. *And be it further enacted*, That the President of the United States shall cause regiments, battalions, and companies to be disbanded, and officers, non-commissioned officers, musicians, and privates to be discharged, so as to reduce the military establishment as is provided by the preceding section: *Provided*, That all of the officers of the regular Army who have been or may be detached or assigned to duty for service in any other regiment or corps shall resume their positions in the regular Army, and shall be entitled to the same rank, promotion, and emoluments as if they had continued to serve in their own regiments or corps.

SEC. 8. *And be it further enacted*, That the enlistments for the regiments authorized by this act shall be in charge of the officers detailed for that purpose who are appointed to said regiments from civil life; and that in the mean time the officers appointed to the same from the regular Army shall be detailed by the commanding general to such service in the volunteer regiments now in the field as will, in his judgment, give them the greatest military instruction and efficiency; and that the commanding general may, in his discretion, employ said officers with any part of the regular forces now in the field until the regiments authorized by this act shall have been fully recruited, and detail any of the officers now in the regular Army to service with the volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said volunteer regiments, for the purpose of imparting to them military instruction and efficiency.

APPROVED, July 29, 1861.

CHAP. XXV.—An Act to provide for the Suppression of Rebellion against and Resistance to the laws of the United States, and to amend the Act entitled "An Act to provide for calling forth the Militia to execute the laws of the Union," &c., passed February twenty-eight, seventeen hundred and ninety-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President of the United States to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

SEC. 2. *And be it further enacted*, That whenever, in the judgment of the President, it may be necessary to use the military force hereby directed to be employed and called forth by him, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes, within a limited time.

SEC. 3. *And be it further enacted*, That the militia so called into the service of the United States shall be subject to the same rules and articles of war as the troops of the United States, and be continued in the service of the United States until discharged by proclamation of the President: *Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor: *And provided further*, That the militia so called into the service of the United States shall, during their time of service, be entitled to the same pay, rations, and allowances for clothing, as are or may be established by law for the Army of the United States.

SEC. 4. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer and private shall be liable to imprisonment, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of such fine.

SEC. 5. *And be it further enacted*, That courts-martial for the trial of militia shall be composed of militia officers only.

SEC. 6. *And be it further enacted*, That all fines to be assessed as aforesaid shall be certified by the presiding officer of the court-martial, and shall be collected and paid over according to the provisions and in the manner prescribed by the seventh and eighth sections of the act of February twenty-eight, seventeen hundred and ninety-five, to which this is an amendment.

SEC. 7. *And be it further enacted*, That the marshals of the several districts of the United States, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have by law in executing the laws of the respective States.

SEC. 8. *And be it further enacted*, That sections two, three, and four of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," approved February twenty-eight, seventeen hundred and ninety-five, and so much of the residue of said act and of all other acts as conflict with this act, are hereby repealed.

APPROVED, July 29, 1861.

CHAP. XXVII.—An Act authorizing the appointment of an Assistant Secretary of the Navy, and fixing the Salary of the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall appoint, in the Department of the Secretary of the Navy, by and with the advice and consent of the Senate, a competent person, who shall be called the Assistant Secretary of the Navy, whose salary shall be four thousand dollars, payable in the same manner as the salary of the Secretary of the Navy, who shall perform all such duties in the office of the Secretary of the Navy, belonging to that Department, as shall be prescribed by the Secretary of the Navy, or as may be required by law, and who shall act as Secretary of the Navy in the absence of that officer.

SEC. 2. *And be it further enacted*, That there be added to the clerical force of the Navy Department eight additional clerks, with a salary of twelve hundred dollars each per annum.

APPROVED, July 31, 1861.

CHAP. XXVIII.—An Act making an Appropriation to pay the expenses of transporting and delivering Arms and Munitions of War to the loyal Citizens of the States of which the inhabitants now are or hereafter may be in Rebellion against the Government of the United States, and to provide for the expense of organizing them into Companies, Battalions, Regiments, or otherwise, for their own protection against domestic Violence, Insurrection, Invasion, or Rebellion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the President of the United States, in supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in his judgment may be expedient and proper to place in the hands of any of the loyal citizens residing in any of the States of which the inhabitants are in rebellion against the Government of the United States, or in which rebellion is or may be threatened, and likewise for defraying such expenses as may be properly incurred in organizing and sustaining, while so organized, any of said citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

APPROVED, July 31, 1861.

CHAP. XXIX.—An Act making an Appropriation for the purchase of Arms for the Volunteers and Regular Troops of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President of the United States, for the purchase of arms for the use of the volunteers and regular troops of the United States.

APPROVED, July 31, 1861.

CHAP. XXX.—An Act providing a Commission to examine and report as to the Compensation of all Officers of the Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of scaling, equalizing, and reducing the compensation of the various officers of the Government, a Board of Commissioners is hereby organized, to be composed as follows: Of two members of the Senate, to be appointed by the Presiding Officer of the Senate; three members of the House of Representatives, to be appointed by the Speaker of the House; one officer of the Navy and one officer of the Army, to be appointed by the President. That said Board shall examine and report, as soon as practicable: first, a fair and just compensation for each officer of the Government; second, such provisions of law as will regulate the expenditure of all indefinite and contingent appropriations, including those for the courts of the United States; third, regulations for the more economical collection of the revenue; fourth, what officers or employments, if any, may be dispensed with without detriment to the public service.

SEC. 2. *And be it further enacted*, That said Commission have leave to report by bill or bills, or otherwise, to each House at the next session of Congress, and have leave to employ a clerk, at a compensation not to exceed four dollars per day for the time actually needed.

APPROVED, July 31, 1861.

CHAP. XXXI.—An Act to increase the Medical Corps of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the medical corps of the Navy shall consist of eighty surgeons, and one hundred and twenty passed and other assistant surgeons.

APPROVED, July 31, 1861.

CHAP. XXXII.—An Act in addition to an Act entitled "An Act further to provide for the collection of Duties on Imports, and for other purposes," approved July thirteenth, A. D. eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the power of the President to declare the inhabitants of any State, or any part thereof, in a state of insurrection, as provided in the fifth section of the act to which this is an addition, shall extend to and include the inhabitants of any State, or part thereof, where such insurrection against the United States shall be found by the President at any time to exist.

APPROVED, July 31, 1861.

CHAP. XXXIII.—An Act to define and punish certain Conspiracies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force, the Government of the United States, or to levy war against the United States, or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States against the will or contrary to the authority of the United States; or by force, or intimidation, or threat, to prevent any person from accepting or holding any office, or trust, or place of confidence, under the United States; each and every person so offending shall be guilty of a high crime, and upon conviction thereof in any district or circuit court of the United States having jurisdiction thereof, or district or supreme court of any Territory of the United States having jurisdiction thereof, shall be punished by a fine not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, as the court shall determine, for a period not less than six months nor greater than six years, or by both such fine and imprisonment.

APPROVED, July 31, 1861.

CHAP. XXXIV.—An Act authorizing the Secretary of War to reimburse Volunteers for expenses incurred in employing Regimental and other Bands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the volunteers called out by the President's proclamation of the fifteenth April, one thousand eight hundred and sixty-one, such sums of money as may have been expended by the said volunteers in the employment of regimental or company bands during the period of their service under said proclamation: *Provided*, The amount to be allowed shall not exceed that to be paid to volunteer bands regularly mustered into the service under the President's proclamation of May third, one thousand eight hundred and sixty-one.

SEC. 2. *And be it further enacted*, That the President, in accepting and organizing volunteers under the act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-two, eighteen hundred and sixty-one, may accept the service of such volunteers without previous proclamation, and in such numbers from any State or States, as, in his discretion, the public service may require.

APPROVED, July 31, 1861.

CHAP. XXXV.—An Act to increase the Consular Representation of the United States during the present Insurrection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may, by and with the advice and consent of the Senate, appoint consuls at any foreign ports where he shall deem it advisable, for the purpose of preventing piracy, with such compensation, not exceeding fifteen hundred dollars per annum, as he shall think proper; to hold their offices, respectively, during the pleasure of the President, and in every case such compensation to cease with the restoration of internal peace within the United States. And the President may, during the present insurrection, increase the compensation of any consuls in foreign ports, if he shall deem it necessary, so as not, however, to exceed the sum of fifteen hundred dollars in any case. But this power shall cease with the reëstablishment of internal peace as aforesaid.

APPROVED, August 2, 1861.

CHAP. XXXVI.—An Act to amend an Act entitled "An Act supplementary to the Act entitled 'An Act providing for a Naval Peace Establishment, and for other purposes,' passed March twenty-seventh, eighteen hundred and four."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the above entitled act be, and the same is hereby, amended by inserting after the word "captain," where the same first occurs in said act, the words "or commander," so that the President shall be authorized to select the superintendents of the several navy-yards and heads of bureaus from the captains or commanders of the Navy of the United States.

APPROVED, August 2, 1861.

CHAP. XXXVII.—An Act concerning the Attorney General and the Attorneys and Marshals of the several Districts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States be, and he is hereby, charged with the general superintendence and direction of the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the said district attorneys and marshals are hereby required to report to the Attorney General an account of their official proceedings, and the state and condition of their respective offices, in such time and manner as the Attorney General may direct.

SEC. 2. *And be it further enacted*, That the Attorney General be, and he is hereby, empowered, whenever in his opinion the public interest may require it, to employ and retain (in the name of the United States) such attorneys and counselors-at-law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant counsel the amount of compensation.

SEC. 3. *And be it further enacted*, That the Attorney General shall have power to increase the clerical force of his office to discharge the increased duties of the same, occasioned by this act, by appointing additional clerks, not exceeding two, and may fix their compensation at an annual salary not exceeding fourteen hundred dollars each per annum.

APPROVED, August 2, 1861.

CHAP. XXXVIII.—An Act to provide for the construction of one or more Armored Ships and Floating Batteries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel clad steamships or steam batteries, and on their report, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel clad steamships or floating steam batteries to be built; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million five hundred thousand dollars.

SEC. 2. *And be it further enacted*, That in case of a vacancy in the office of engineer-in-chief of the Navy the appointment thereto shall be made from the list of chief engineers.

APPROVED, August 3, 1861.

CHAP. XXXIX.—An Act to amend "An Act to prohibit the sale of Spirituous Liquors and Intoxicating Drinks in the District of Columbia, in certain cases."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person shall be convicted of the offense described in the act entitled "An act to prohibit the sale of spirituous liquors and intoxicating drinks in the District of Columbia, in certain cases," he shall be punished by a fine of twenty dollars or imprisonment in the jail of Washington county, in the District of Columbia, for the period of thirty days.

APPROVED, August 3, 1861.

CHAP. XL.—An Act to provide for the purchase of Arms, Ordnance, and Ordnance Stores.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase and manufacture of arms, ordnance, and ordnance stores.

APPROVED, August 3, 1861.

CHAP. XLI.—An Act to suspend in part the operation of an Act entitled "An Act relating to Revenue Cutters and Steamers."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of third March, eighteen hundred and forty-five, entitled "An act relating to revenue cutters and steamers, be and the same is so far suspended as to allow the Secretary of the Treasury to apply so much of the appropriation for the collection of the revenue as he may deem expedient to the charter or purchase of vessels for the revenue service: *Provided*, That no liability shall be incurred for the purposes herein named, which, together with the expenses of collecting the revenue, shall exceed the appropriation already made for the latter object.

APPROVED, August 3, 1861.

CHAP. XLII.—An Act providing for the better Organization of the Military Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer in the War Department, to be called the Assistant Secretary of War, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall be prescribed by the Secretary of War, or as may be required by law.

SEC. 2. *And be it further enacted*, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, in addition to the number authorized by existing laws and in accordance with existing regulations, five assistant inspector generals, with the rank and pay of majors of cavalry, ten surgeons, and twenty assistant surgeons, to have the pay, rank, and allowances, and perform the duties of similar officers in the present military establishment. That hereafter the Adjutant General's department shall consist of the following officers, namely: one adjutant general, with the rank, pay, and emoluments of a brigadier general; one assistant adjutant general, with the rank, pay, and emoluments of a colonel of cavalry; two assistant adjutant generals, with the rank, pay, and emoluments each of a lieutenant colonel of cavalry; four assistant adjutant generals, with the rank, pay, and emoluments each of a major of cavalry; and twelve assistant adjutant generals, with the rank, pay, and emoluments each of a captain of cavalry; and that there shall be added to the subsistence department four commissaries of subsistence, each with the rank, pay, and emoluments of a major of cavalry; and eight commissaries of subsistence, with the rank, pay, and emoluments each of a captain of cavalry, and to be taken from the line of the Army, either of the volunteers or regular Army.

SEC. 3. *And be it further enacted*, That there shall be added to each of the corps of engineers and topographical engineers three first and three second lieutenants, to be promoted thereto in accordance with the existing laws and regulations. And there shall be added to the quartermaster's department one colonel, two lieutenant colonels, four majors, and twenty captains, with the rank, pay, and allowances of officers of cavalry; and

whenever any Army captain of the quartermaster's department shall have served fourteen years' continuous service, he shall be promoted to the rank of major; and that there shall be added to the quartermaster's department as many master wagoners, with the rank, pay, and allowances of sergeants of cavalry, and as many wagoners, with the pay and allowances of corporals of cavalry, as the military service, in the judgment of the President, may render necessary. And there shall be added to the ordnance department of the United States Army, as now organized, one chief of ordnance, with the rank, pay, and emoluments of the quartermaster general of the Army; one colonel, one lieutenant colonel, and six second lieutenants; the field officers to be appointed by selection from the officers of the Army, and the second lieutenants from the graduates of the United States Military Academy, by transfers from the engineers, or the topographical engineers, or the artillery.

SEC. 4. *And be it further enacted*, That there shall be added to the corps of engineers three companies of engineer soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and be entitled to the same benefits, in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May sixteen, eighteen hundred and forty-six. The said three companies shall be subject to the rules and articles of war; shall be recruited in the same manner and with the same limitations; shall be instructed in and perform the same duties, and be liable to serve in the same way, and shall have their vehicles, pontons, tools, implements, arms, and other supplies, regulated in the same manner as the existing engineer company; and each of the four companies of engineer soldiers shall hereafter be composed of ten sergeants, ten corporals, two musicians, sixty-four privates of the first class, or artificers, and sixty-four privates of the second class; in all one hundred and fifty men each.

SEC. 5. *And be it further enacted*, That there be added to the medical staff of the Army a corps of medical cadets, whose duty it shall be to act as dressers in the general hospitals and as ambulance attendants in the field, under the direction and control of the medical officers alone. They shall have the same rank and pay as the military cadets at West Point. Their number shall be regulated by the exigencies of service, at no time to exceed fifty. It shall be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and have attended at least one course of lectures in a medical college. They shall enlist for one year, and be subject to the rules and articles of war. On the fifteenth day of the last month of their service, the near approach of their discharge shall be reported to the Surgeon General, in order, if desired, that they may be relieved by another detail of applicants.

SEC. 6. *And be it further enacted*, That in general or permanent hospitals female nurses may be substituted for soldiers, when, in the opinion of the Surgeon General or medical officer in charge, it is expedient to do so; the number of female nurses to be indicated by the Surgeon General or surgeon in charge of the hospital. The nurses so employed to receive forty cents a day and one ration in kind, or by commutation, in lieu of all emoluments except transportation in kind.

SEC. 7. *And be it further enacted*, That one chaplain shall be allowed to each regiment of the Army, to be selected and appointed as the President may direct: *Provided*, That none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment.

SEC. 8. *And be it further enacted*, That no cadet who has been or shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the Academy, shall be returned or reappointed, or appointed to any place in the Army, before his class shall have left the Academy and received their commissions, unless upon the recommendation of the academic board of the Academy: *Provided*, That all cadets now in the service, or hereafter entering the Military Academy at West Point, shall be called on to take and subscribe the following oath: "I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the national Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever: and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the armies of the United States." And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.

SEC. 9. *And be it further enacted*, That the three months' extra pay allowed by the twenty-ninth section of the act of the fifth of July, eighteen hundred and thirty-eight, for reënlistments under certain conditions, the bounty granted by the third section of the act of the seventeenth of June, eighteen hundred and fifty, for enlistments at remote and distant stations, and the premium now paid for bringing accepted recruits to the rendezvous, be, and they are hereby, abolished.

SEC. 10. *And be it further enacted*, That hereafter two dollars per month shall be retained out of the monthly pay of each enlisted man in the regular Army until the expiration of his term of service, instead of one dollar per month, as authorized by existing laws.

SEC. 11. *And be it further enacted*, That in all cases of enlistment and reënlistment in the military service of the United States the prescribed oath of allegiance may be administered by any commissioned officer of the Army.

SEC. 12. *And be it further enacted*, That the two regiments of dragoons, the regiment of mounted riflemen, and the two regiments of cavalry, shall hereafter be known and recognized as the first, second, third, fourth, and fifth regiments of cavalry, respectively; the officers thereof to retain their present relative rank, and to be promoted as of one arm of service, according to existing law and established usage and regulation.

SEC. 13. *And be it further enacted*, That the Army ration shall be increased as follows, viz: Twenty-two ounces of bread or flour, or one pound of hard bread, instead of the present issue; fresh beef shall be issued as often as the commanding officer of any detachment or regiment shall require it, when practicable, in place of salt meat; beans and rice or hominy shall be issued in the same ration in the proportions now provided by the regulation, and one pound of potatoes per man shall be issued at least three times a week, if practicable; and when these articles cannot be issued in these proportions, an equivalent in value shall be issued in some other proper food, and a ration of tea may be substituted for a ration of coffee upon the requisition of the proper officer: *Provided*, That after the present insurrection shall cease, the ration shall be as provided by law and regulations on the first day of July, eighteen hundred and sixty-one.

SEC. 14. *And be it further enacted*, That there may be allowed in hospitals, to be provided under such rules as the surgeon general of the Army, with the approval of the Secretary of War, may prescribe, such quantities of fresh or preserved fruits, milk, or butter, and of eggs, as may be necessary for the proper diet of the sick.

SEC. 15. *And be it further enacted*, That any commissioned officer of the Army, or of the Marine Corps, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

SEC. 16. *And be it further enacted*, That if any commissioned officer of the Army, or of the Marine Corps, shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That should the brevet lieutenant general be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided further*, That there shall not be on the retired list at any one time more than seven per centum of the whole number of officers of the Army, as fixed by law.

SEC. 17. *And be it further enacted*, That, in order to carry out the provisions of this act, the Secretary of War, or Secretary of the Navy, as the case may be, under the direction and approval of the President of the United States, shall, from time to time, as occasion may require, assemble a board of not more than nine, nor less than five commissioned officers, two fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank, to determine the facts as to the nature and occasion of the disability of such officers as appear disabled to perform such military service, such board being hereby invested with the powers of a court of inquiry and court-martial, and their decision shall be subject to like revision as that of such courts by the President of the United States. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity results from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register, or Navy Register, as the case may be: *Provided always*, That the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the Army shall be retired either partially or wholly from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

SEC. 18. *And be it further enacted*, That the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Army Register, or Navy Register, as the case may be, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

SEC. 19. *And be it further enacted*, That so much of the sixth section of the act of August twenty-three, eighteen hundred and forty-two, as allows additional or double rations to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

SEC. 20. *And be it further enacted*, That officers of the Army, when absent from their appropriate duties for a period exceeding six months, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel, and quarters, either in kind or in commutation.

SEC. 21. *And be it further enacted*, That any officer of the Navy who has been forty years in the service of the United States may, upon his own application to the President of the United States, be placed upon the list of retired officers of the Navy, and shall receive the pay and emoluments allowed by this act.

SEC. 22. *And be it further enacted*, That if any officer of the Navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list, and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: captains in the Navy, thirteen hundred dollars; commanders in the Navy, eleven hundred dollars; lieutenants in the Navy, one thousand dollars; surgeons ranking with captains, thirteen hundred dollars; surgeons ranking with commanders, eleven hundred dollars; surgeons ranking with

lieutenants, one thousand dollars; paymasters ranking with captains, thirteen hundred dollars; paymasters ranking with commanders, eleven hundred dollars; paymasters ranking with lieutenants, one thousand dollars; chief engineers, one thousand dollars; first assistant engineers, seven hundred dollars; second assistant engineers, five hundred dollars; third assistant engineers, four hundred dollars; masters, four hundred dollars; passed midshipmen, three hundred and fifty dollars; and with four rations per day to each of the above-named officers of the Navy, to be commuted at thirty cents each ration, and without any other pay or allowances. Captains, commanders, and lieutenants, now on the retired list of the Navy, shall receive the same compensation and no greater than is allowed to retired officers of the same rank by the provisions of this act. The next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

SEC. 23. *And be it further enacted*, That whenever any officer of the Navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Navy shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine, and not less than five commissioned officers, two fifths of whom shall be members of the medical bureau of the Navy; the board, except those taken from the medical bureau, to be composed, if possible, (as far as may be,) of his seniors in rank. The determination of the board, in each case, shall, with a record of its proceedings, be transmitted to the Secretary of the Navy, to be laid before the President for his approval or disapproval, and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act; but if such disability or incompetency proceeded from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service, with one year's pay, at the discretion of the President; and in this last case his name shall be wholly omitted from the Navy Register. The members of the board shall, in every case, be sworn to an honest and impartial discharge of their duties; and no officer of the Navy shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if he shall demand it.

SEC. 24. *And be it further enacted*, That the retired officers shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Navy Register, shall be subject to the rules and articles governing the Navy, and to trial by general court-martial.

SEC. 25. *And be it further enacted*, That retired officers of the Army, Navy, and Marine Corps, may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require.

APPROVED, August 3, 1861.

CHAP. XLIV.—An Act to prohibit the sale of Spirituous Liquors and Intoxicating Drinks in the District of Columbia in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person in the District of Columbia to sell, give, or administer to any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, any spirituous liquor or intoxicating drink; and every person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a magistrate or court having criminal jurisdiction, shall be punished by a fine of twenty-five dollars or imprisonment for thirty days.

APPROVED, August 5, 1861.

CHAP. XLV.—An Act to provide increased Revenue from Imports, to pay Interest on the Public Debt, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the passage of this act, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty—that is to say: first, on raw sugar, commonly called Muscovado or brown sugar, and on sugars not advanced above number twelve, Dutch standard, by claying, boiling, clarifying, or other process, and on sirup of sugar or of sugar cane and concentrated molasses, or concentrated melado, two cents per pound, and on white and clayed sugar, when advanced beyond the raw state, above number twelve, Dutch standard, by clarifying or other process, and not yet refined, two and a half cents per pound; on refined sugars, whether loaf, lump, crushed, or pulverized, four cents per pound; on sugars after being refined, when they are tinctured, colored, or in any way adulterated, and on sugar candy, six cents per pound; on molasses, five cents per gallon: *Provided*, That all sirups of sugar or of sugar cane, concentrated molasses or melado, entered under the name of molasses, or any other name than sirup of sugar or of sugar cane, concentrated molasses or concentrated melado, shall be liable to forfeiture to the United States; on all teas, fifteen cents per pound; on almonds, four cents per pound; shelled almonds, six cents per pound; on brimstone, crude, three dollars per ton; on brimstone, in rolls, six dollars per ton; on coffee, of all kinds, four cents per pound; on cocoa, three cents per pound; on cocoa leaves and cocoa shells, two cents per pound; on cocoa, prepared or manufactured, eight cents per pound; on chiccory root, one cent per pound; and on chiccory, ground, two cents per pound; on chocolate, six cents per pound; on cassia, ten cents per pound; cassia buds, fifteen cents per pound; on cinnamon, twenty cents per pound; on cloves, eight cents per pound; on cayenne pepper, six cents per pound; on cayenne pepper, ground, eight cents per pound; on currants, five cents per pound; on argol, three cents per pound; on cream tartar, six cents per pound; on tartaric acid, tartar emetic, and Rochelle salts, ten cents per pound; on dates, two cents per pound; on figs, five cents per pound; on ginger root, three cents per pound; on ginger, ground, five cents per pound; on liquorice paste and juice, five cents per pound; liquorice root, one cent per pound; on mace and nutmegs, twenty-five cents per pound; on nuts of all kinds, not otherwise provided for, two cents per pound; on pepper, six cents per pound; on pimento, six cents per pound; on plums, five cents per pound; on prunes, five cents per pound; on raisins, five cents per pound; on unmanufactured Russia hemp, forty dollars per ton; on manilla and other hemps of India, twenty-five dollars per ton; on lead, in pigs or bars, one dollar and fifty cents per one hundred pounds; in sheets, two dollars and twenty-five cents per one hundred pounds; on white lead, dry or ground in oil, and red lead, two dollars and twenty-five cents per one hundred pounds; on salt, in sacks, eighteen cents per one hundred pounds, and in bulk, twelve cents per one hundred pounds; on soda ash, one half cent per pound; on bicarbonate of soda, one cent per pound; on sal soda, one half cent per pound; on caustic soda, one cent per pound; on chloride of lime, thirty cents per one hundred pounds; on saltpeter, crude, one cent per pound; refined, or partially refined, two cents per pound; on spirits of turpentine, ten cents per gallon; on oil of cloves, seventy cents per pound; on brandy, one dollar and twenty-five cents per gallon; on spirits distilled from grain or other materials, fifty cents per gallon; on gum copal and other gums or resinous substances used for the same or similar purposes as gum copal, ten cents per pound.

SEC. 2. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties—that is to say: on arrowroot, twenty per centum ad valorem; on ginger, preserved or pickled, thirty per centum ad valorem; on limes, lemons, oranges, bananas, and plantains, twenty per centum ad valorem; on Peruvian bark, fifteen per centum ad valorem; on quinine, thirty per centum ad valorem; on rags, of whatever material, ten per centum ad valorem; on gunpowder, thirty per centum ad valorem; on feathers and downs, thirty per centum ad valorem; on hides, ten per centum ad valorem; on sole and bend leather, thirty per centum ad valorem; on India-rubber, raw or unmanufactured, ten per centum ad valorem; on India-rubber shoes and boots, thirty per centum ad valorem; on ivory, unmanufactured, and on vegetable ivory, ten per centum ad valorem; on wines of all kinds, fifty per centum ad valorem; on silk in the gum, not more advanced in the manufacture than single, tram, and thrown or organzine, twenty-five per centum ad valorem; on all silks valued at not over one dollar per square yard, thirty per centum ad valorem; on all silks valued at over one dollar per square yard, forty per centum ad valorem; on all silk velvets, or velvets of which silk is the component material of chief value, valued at three dollars per square yard or under, thirty per centum ad valorem; valued at over three dollars per square yard, forty per centum ad valorem; on floss silks, thirty per centum ad valorem; on silk ribbons, galloons, braids, fringes, laces, tassels, buttons, button cloths, trimmings, and on silk twist, twist composed of mohair and silk, sewing silk in the gum or purified, and all other manufactures of silk, or of which silk shall be the component material of chief value, not otherwise provided for, forty per centum ad valorem.

SEC. 3. *And be it further enacted*, That all articles, goods, wares, and merchandise, imported from beyond the Cape of Good Hope in foreign vessels, not entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges, and all other articles, goods, wares, and merchandise not imported direct from the place of their growth or production, or in foreign vessels entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges, shall be subject to pay, in addition to the duties imposed by this act, ten per centum ad valorem: *Provided*, That this rule shall not apply to goods, wares, and merchandise imported from beyond the Cape of Good Hope in American vessels.

SEC. 4. *And be it further enacted*, That, from and after the passage of this act, there shall be allowed, on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That ten per centum on the amount of all drawbacks so allowed shall be retained for the use of the United States by the collectors paying such drawbacks, respectively.

SEC. 5. *And be it further enacted*, That all goods, wares, and merchandise actually on shipboard and bound to the United States, and all goods, wares, and merchandise on deposit in warehouses or public stores at the date of the passage of this act, shall be subject to pay such duties as provided by law before and at the time of the passage of this act: *Provided*, That all goods deposited in public store or bonded warehouse after this act takes effect and goes into operation, if designed for consumption in the United States, must be withdrawn therefrom, or the duties thereon paid in three months after the same are deposited, and goods designed for exportation and consumption in foreign countries may be withdrawn by the owner at any time before the expiration of three years after the same are deposited, such goods, if not

withdrawn in three years, to be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury: *Provided*, That merchandise upon which the owner may have neglected to pay duties within three months from the time of its deposit may be withdrawn and entered for consumption at any time within two years of the time of its deposit upon the payment of the legal duties, with an addition of twenty-five per centum thereto: *Provided, also*, That merchandise upon which duties have been paid, if exported to a foreign country within three years, shall be entitled to return duties, proper evidence of such merchandise having been landed abroad to be furnished to the collector by the importer, one per centum of said duties to be retained by the Government.

SEC. 6. *And be it further enacted*, That the act entitled "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March two, eighteen hundred and sixty-one, be, and the same is hereby, amended as follows—that is to say: first, in section six, article first, after the words "in cordials and," strike out "liquors" and insert "liqueurs;" second, in the same section, after the word "represent," insert, "*Provided also*, That no lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and all other spirituous beverages, than that now fixed by law for the description of first proof, but shall be increased in proportion for any greater strength than the strength of first proof;" third, in section seven, clause fifth, the words "on screws, washed or plated, and all other screws, of iron or any other metal," shall be stricken out, and the words "on screws of any other metal than iron" shall be inserted; fourth, section twelve, article first, after the words "eighteen cents," where they first occur, insert "or less;" fifth, section thirteen, article second, after the word "manufacturer," insert "except hosiery;" sixth, in the same section, article third, strike out "wool" wherever it occurs, and insert in each place "worsted;" seventh, in section fourteen, article first, after the words "ten per centum," insert "ad valorem;" eighth, in section fifteen, before the word "yarns" insert "hemp;" in the same section, after the word "sheetings" insert "of flax or hemp;" and strike out "jute goods," and in lieu thereof insert "jute yarns;" ninth, in section twenty-two, strike out the words "unwrought clay, three dollars per ton;" tenth, in section nineteen, strike out "compositions of glass or paste not set, intended for use by jewelers;" eleventh, in section twenty-two, strike out "compositions of glass or paste, when set;" twelfth, in section twenty-three, article sheathing metal, strike out "yard" and insert "foot."

SEC. 7. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed: *Provided*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act for the prosecution and punishment of all offenses, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing to that effect in the existing laws contained, had been inserted in and reënacted by this act.

SEC. 8. *And be it further enacted*, That a direct tax of twenty millions of dollars be, and is hereby, annually laid upon the United States, and the same shall be, and is hereby, apportioned to the States, respectively, in manner following:

To the State of Maine, four hundred and twenty thousand eight hundred and twenty-six dollars.

To the State of New Hampshire, two hundred and eighteen thousand four hundred and six and two third dollars.

To the State of Vermont, two hundred and eleven thousand and sixty-eight dollars.

To the State of Massachusetts, eight hundred and twenty-four thousand five hundred and eighty-one and one third dollars.

To the State of Rhode Island, one hundred and sixteen thousand nine hundred and sixty-three and two third dollars.

To the State of Connecticut, three hundred and eight thousand two hundred and fourteen dollars.

To the State of New York, two million six hundred and three thousand nine hundred and eighteen and two third dollars.

To the State of New Jersey, four hundred and fifty thousand one hundred and thirty-four dollars.

To the State of Pennsylvania, one million nine hundred and forty-six thousand seven hundred and nineteen and one third dollars.

To the State of Delaware, seventy-four thousand six hundred and eighty-three and one third dollars.

To the State of Maryland, four hundred and thirty-six thousand eight hundred and twenty-three and one third dollars.

To the State of Virginia, nine hundred and thirty-seven thousand five hundred and fifty and two third dollars.

To the State of North Carolina, five hundred and seventy-six thousand one hundred and ninety-four and two third dollars.

To the State of South Carolina, three hundred and sixty-three thousand five hundred and seventy and two third dollars.

To the State of Georgia, five hundred and eighty-four thousand three hundred and sixty-seven and one third dollars.

To the State of Alabama, five hundred and twenty-nine thousand three hundred and thirteen and one third dollars.

To the State of Mississippi, four hundred and thirteen thousand eighty-four and two third dollars.

To the State of Louisiana, three hundred and eighty-five thousand eight hundred and eighty-six and two third dollars.

To the State of Ohio, one million five hundred and sixty-seven thousand eighty-nine and one third dollars.

To the State of Kentucky, seven hundred and thirteen thousand six hundred and ninety-five and one third dollars.

To the State of Tennessee, six hundred and sixty-nine thousand four hundred and ninety-eight dollars.

To the State of Indiana, nine hundred and four thousand eight hundred and seventy-five and one third dollars.

To the State of Illinois, one million one hundred and forty-six thousand five hundred and fifty-one and one third dollars.

To the State of Missouri, seven hundred and sixty-one thousand one hundred and twenty-seven and one third dollars.

To the State of Kansas, seventy-one thousand seven hundred and forty-three and one third dollars.

To the State of Arkansas, two hundred and sixty-one thousand eight hundred and eighty-six dollars.

To the State of Michigan, five hundred and one thousand seven hundred and sixty-three and one third dollars.

To the State of Florida, seventy-seven thousand five hundred and twenty-two and two third dollars.

To the State of Texas, three hundred and fifty-five thousand one hundred and six and two third dollars.

To the State of Iowa, four hundred and fifty-two thousand and eighty-eight dollars.

To the State of Wisconsin, five hundred and nineteen thousand six hundred and eighty-eight and two third dollars.

To the State of California, two hundred and fifty-four thousand five hundred and thirty-eight and two third dollars.

To the State of Minnesota, one hundred and eight thousand five hundred and twenty-four dollars.

To the State of Oregon, thirty-five thousand one hundred and forty and two third dollars.

To the Territory of New Mexico, sixty-two thousand six hundred and forty-eight dollars.

To the Territory of Utah, twenty-six thousand nine hundred and eighty-two dollars.

To the Territory of Washington, seven thousand seven hundred and fifty-five and one third dollars.

To the Territory of Nebraska, nineteen thousand three hundred and twelve dollars.

To the Territory of Nevada, four thousand five hundred and ninety-two and two third dollars.

To the Territory of Colorado, twenty-two thousand nine hundred and five and one third dollars.

To the Territory of Dakota, three thousand two hundred and forty-one and one third dollars.

To the District of Columbia, forty-nine thousand four hundred and thirty-seven and one third dollars.

SEC. 9. *And be it further enacted*, That for the purpose of assessing the above tax and collecting the same, the President of the United States be, and he is hereby, authorized to divide, respectively, the States and Territories of the United States and the District of Columbia into convenient collection districts, and to nominate and, by and with the advice of the Senate, to appoint an assessor and a collector for each such district, who shall be freeholders and resident within the same: *Provided*, That any of said States and Territories, as well as the District of Columbia, may, if the President shall deem it proper, be erected into one district: *And provided further*, That the appointment of said assessors and collectors, or any of them, shall not be made until on or after the second Tuesday in February, one thousand eight hundred and sixty-two.

SEC. 10. *And be it further enacted*, That before any such collector shall enter upon the duties of his office, he shall execute a bond for such amount as shall be prescribed by the Secretary of the Treasury, with sureties to be approved as sufficient by the Solicitor of the Treasury, containing the condition that said collector shall justly and faithfully account for to the United States, and pay over, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; which bond shall be filed in the office of the First Comptroller of the Treasury, to be by him directed to be put in suit upon any breach of the condition thereof. And such collectors shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury may direct.

SEC. 11. *And be it further enacted*, That each of the assessors shall divide his district into a convenient number of assessment districts, within each of which he shall appoint one respectable freeholder, to be assistant assessor; and each assessor and assistant assessor so appointed, and accepting the appointment, shall, before he enters on the duties of his appointment, take and subscribe before some competent magistrate, or some collector, to be appointed by this act, (who is hereby empowered to administer the same,) the following oath or affirmation, to wit: "I, A B, do swear, or affirm, [as the case may be,] that I will, to the best of my knowledge, skill, and judgment, diligently and faithfully execute the office and duties of assessor for, [naming the assessment district,] without favor or partiality, and that I will do equal right and justice in every case in which I shall act as assessor." And a certificate of such oath or affirmation shall be delivered to the collector of the district for which such assessor or assistant assessor shall be appointed. And every assessor or assistant assessor acting in the said office without having taken the said oath or affirmation shall forfeit and pay one hundred dollars, one moiety thereof to the use of the United States, and the other moiety thereof to him who shall first sue for the same; to be recovered, with costs of suit, in any court having competent jurisdiction.

SEC. 12. *And be it further enacted*, That the Secretary of the Treasury shall establish regulations suitable and necessary for carrying this act into effect, which regulations shall be binding on each assessor and his assistants in the performance of the duties enjoined by or under this act, and shall also frame instructions for the said assessors and their assistants; pursuant to which instructions the said assessors shall, on the first day of March next, direct and cause the several assistant assessors in the district to inquire after and concerning all lands, lots of ground, with their improvements, buildings, and dwelling-houses, made liable to taxation under this act, by reference as well to any lists of assessment or collec-

tion taken under the laws of the respective States as to any other records or documents, and by all other lawful ways and means, and to value and enumerate the said objects of taxation in the manner prescribed by this act, and in conformity with the regulations and instructions above mentioned.

SEC. 13. *And be it further enacted*, That the said direct tax laid by this act shall be assessed and laid on the value of all lands and lots of ground, with their improvements and dwelling-houses, which several articles subject to taxation shall be enumerated and valued by the respective assessors at the rate each of them is worth in money on the first day of April, eighteen hundred and sixty-two: *Provided, however*, That all property of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States or any State, or permanently or specially exempted from taxation by the laws of the State wherein the same may be situated, at the time of the passage of this act, together with such property belonging to any individual who actually resides thereon as shall be worth the sum of five hundred dollars, shall be exempted from the aforesaid enumeration and valuation, and from the direct tax aforesaid: *And provided further*, That in making such assessment due regard shall be had to any valuation that may have been made under the authority of the State or Territory at any period nearest to said first day of April.

SEC. 14. *And be it further enacted*, That the respective assistant assessors shall, immediately after being required as aforesaid by the assessors, proceed through every part of their respective districts, and shall require all persons owning, possessing, or having the care or management of any lands, lots of ground, buildings, or dwelling-houses, lying and being within the collection district where they reside, and liable to a direct tax as aforesaid, to deliver written lists of the same; which lists shall be made in such manner as may be directed by the assessor, and, as far as practicable, conformably to those which may be required for the same purpose under the authority of the respective States.

SEC. 15. *And be it further enacted*, That if any person owning, possessing, or having the care or management of property liable to a direct tax as aforesaid, shall not be prepared to exhibit a written list when required as aforesaid, and shall consent to disclose the particulars of any and all the lands and lots of ground, with their improvements, buildings, and dwelling-houses, taxable as aforesaid, then and in that case it shall be the duty of the officer to make such list, which, being distinctly read and consented to, shall be received as the list of such person.

SEC. 16. *And be it further enacted*, That if any such person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby intended to be made, such person so offending, and being convicted thereof before any court having competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, at the discretion of the court, and shall pay all costs and charges of prosecution; and the valuation and enumeration required by this act shall, in all such cases, be made as aforesaid upon lists, according to the form above described, to be made out by the assessors and assistant assessors, respectively; which lists the said assessors are hereby authorized and required to make according to the best information they can obtain, and for the purpose of making which they are hereby authorized to enter into and upon all and singular the premises, respectively; and from the valuation and enumeration so made there shall be no appeal.

SEC. 17. *And be it further enacted*, That in case any person shall be absent from his place of residence at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor or assistant assessor to leave at the house or place of residence of such person, with some person of suitable age and discretion, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act within ten days from the date of such note or memorandum.

SEC. 18. *And be it further enacted*, That if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or lists as aforesaid within the time required by this act, it shall be the duty of the assessor for the assessment district within which such person shall reside, and he is hereby authorized and required, to enter into and upon the lands, buildings, dwelling-houses, and premises, if it be necessary, of such persons so refusing or neglecting, and to make, according to the best information which he can obtain, and on his own view and information, such lists of the lands and lots of ground, with their improvements, buildings, and dwelling-houses, owned or possessed, or under the care or management of such person, as are required by this act; which lists so made and subscribed by such assessor shall be taken and reputed as good and sufficient lists of the persons and property for which such person is to be taxed for the purposes of this act.

SEC. 19. *And be it further enacted*, That whenever there shall be in any assessment district any property, lands, and lots of ground, buildings or dwelling-houses, not owned or possessed by, or under the care and management of, any person or persons within such district, and liable to be taxed as aforesaid, and no list of which shall be transmitted to the assessor in the manner provided by this act, it shall be the duty of the assessor for such district, and he is hereby authorized and required, to enter into and upon the real estate, if it be necessary, and take such view thereof, and make lists of the same, according to the form prescribed, which lists being subscribed by the said assessor, shall be taken and reputed as good and sufficient lists of such property, under and for the purposes of this act.

SEC. 20. *And be it further enacted*, That the owners, possessors, or persons having the care or management of lands, lots of ground, buildings, and dwelling-houses, not lying or being within the assessment district in which they reside, shall be permitted to make out and deliver the lists thereof required by this act (provided the assessment district in which the said objects of taxation lie or be is therein distinctly stated) at the time and in the manner prescribed to the assessor of the assessment district wherein such persons reside. And it shall be the duty of the assessors, in all such cases, to transmit such lists at the time and in the manner prescribed for the transmission of the lists of the objects of taxation lying and being within their respective assessment districts to the assessor of the collection district wherein the said objects of taxation shall lie or be immediately after the receipt thereof; and the said lists shall be valid and sufficient for the purposes of this act; and on the delivery of every such list, the person making and delivering the same shall pay to the assessor one dollar, which he shall retain to his own use.

SEC. 21. *And be it further enacted*, That the lists aforesaid shall be taken with reference to the day fixed for that purpose by this act, as aforesaid; and the assistant assessors, respectively, after collecting the said lists, shall proceed to arrange the same, and to make two general lists—the first of which shall exhibit, in alphabetical order, the names of all persons liable to pay a tax under this act residing within the assessment district, together with the value and assessment of the objects liable to taxation within such district for which each such person is liable, and, whenever so required by the assessor, the amount of direct tax payable by each person on such objects under the State laws imposing direct taxes; and the second list shall exhibit, in alphabetical order, the names of all persons residing out of the collection district, owners of property within the district, together with the value and assessment thereof, with the amount of direct tax payable thereon as aforesaid. The forms of the said general list shall be devised and prescribed by the assessor, and lists taken according to such form shall be made out by the assistant assessors and delivered to the assessor within sixty days after the day fixed by this act, as aforesaid, requiring lists from individuals. And if any assistant assessor shall fail to perform any duty assigned by this act within the time prescribed by his precept, warrant, or other legal instructions, not being prevented therefrom by sickness or other unavoidable accident, every such assistant assessor shall be discharged from office, and shall, moreover, forfeit and pay two hundred dollars, to be recovered for the use of the United States in any court having competent jurisdiction, with costs of suit.

SEC. 22. *And be it further enacted*, That immediately after the valuations and enumerations shall have been completed as aforesaid, the assessor in each collection district shall, by advertisement in some public newspaper, if any there be in such district, and by written notifications to be publicly posted up in at least four of the most public places in each collection district, advertise all persons concerned of the place where the said lists, valuations, and enumerations may be seen and examined; and that during twenty-five days after the publication of the notifications, as aforesaid, appeals will be received and determined by him relative to any erroneous or excessive valuations or enumerations by the assessor. And it shall be the duty of the assessor in each collection district, during twenty-five days after the date of publication to be made as aforesaid, to submit the proceedings of the assistant assessors and the list by them received or taken as aforesaid to the inspection of any and all persons who shall apply for that purpose; and the said assessors are hereby authorized to receive, hear, and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided always*, That it shall be the duty of said assessor to advertise and attend, not less than two successive days of the said twenty-five, at the court-house of each county within his collection district, there to receive and determine upon the appeals aforesaid: *And provided also*, That the question to be determined by the assessor, on an appeal respecting the valuation of property, shall be, whether the valuation complained of be or be not in a just relation or proportion to other valuations in the same collection district. And all appeals to the assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter, or thing respecting which a decision is requested; and shall, moreover, state the ground or principle of inequality or error complained of. And the assessor shall have power to reëxamine and equalize the valuations as shall appear just and equitable; but no valuation shall be increased without a previous notice, of at least five days, to the party interested, to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling-house of the party by such assessor or an assistant assessor.

SEC. 23. *And be it further enacted*, That whenever a State, Territory, or the District of Columbia, shall contain more than one collection district, the assessors shall have power, on examination of the lists rendered by the assistant assessors according to the provisions of this act, to revise, adjust, and equalize the valuation of lands and lots of ground, with their improvements, buildings, and dwelling-houses, between such collection districts, by deducting from or adding to either such a rate per centum as shall appear just and equitable.

SEC. 24. *And be it further enacted*, That the assessors shall, immediately after the expiration of the time for hearing and deciding appeals, make out correct lists of the valuation and enumeration in each collection district, and deliver the same to the board of assessors hereinafter constituted in and for the States respectively. And it shall be the duty of the assessors in each State to convene in general meeting at such time and place as shall be appointed and directed by the Secretary of the Treasury. And the said assessors, or a majority of them, so convened shall constitute, and they are hereby constituted, a board of assessors for the purposes of this act, and shall make and establish such rules and regulations as to them shall appear necessary for carrying such purposes into effect, not being inconsistent with this act or the laws of the United States.

SEC. 25. *And be it further enacted*, That the said board of assessors, convened and organized as aforesaid, shall, and may, appoint a suitable person or persons to be their clerk or clerks, but not more than one for each collection district, who

shall hold his or their office or offices at the pleasure of said board of assessors, and whose duty it shall be to receive, record, and preserve all tax lists, returns, and other documents delivered and made to the said board of assessors, and who shall take an oath or affirmation (if conscientiously scrupulous of taking an oath) faithfully to discharge his or their trust; and in default of taking such oath or affirmation previous to entering on the duties of such appointment, or on failure to perform any part of the duties enjoined on him or them respectively by this act, he or they shall respectively forfeit and pay the sum of two hundred dollars, for the use of the United States, to be recovered in any court having competent jurisdiction, and shall also be removed from office.

SEC. 26. *And be it further enacted*, That it shall be the duty of the said clerks to record the proceedings of the said board of assessors, and to enter on the record the names of such of the assessors as shall attend any general meeting of the board of assessors for the purposes of this act. And if any assessor shall fail to attend such general meeting, his absence shall be noted on the said record, and he shall, for every day he may be absent therefrom, forfeit and pay the sum of ten dollars, for the use of the United States. And if any assessor shall fail or neglect to furnish the said board of assessors with the lists of valuation and enumeration of each assessment district within his collection district within three days after the time appointed, as aforesaid, for such general meeting of the said board of assessors, he shall forfeit and pay the sum of five hundred dollars, for the use of the United States, and moreover, shall forfeit his compensation as assessor. And it shall be the duty of the clerks of the said board of assessors to certify to the Secretary of the Treasury an extract of the minutes of the board, showing such failures or neglect, which shall be sufficient evidence of the forfeiture of such compensation, to all intents and purposes: *Provided always*, That it shall be in the power of the Secretary of the Treasury to exonerate such assessor or assessors from the forfeiture of the said compensation, in whole or in part, as to him shall appear just and equitable.

SEC. 27. *And be it further enacted*, That if the said board of assessors shall not, within three days after the first meeting thereof, as aforesaid, be furnished with all the lists of valuation of the several counties and State districts of any State, they shall, nevertheless, proceed to make out the equalization and apportionment by this act directed, and they shall assign to such counties and State districts, the valuation lists of which shall not have been furnished, such valuation as they shall deem just and right; and the valuation thus made to such counties and State districts by the board of assessors shall be final, and the proper quota of direct tax shall be, and is hereby, declared to be imposed thereon accordingly.

SEC. 28. *And be it further enacted*, That it shall be the duty of the said board of assessors diligently and carefully to consider and examine the said lists of valuation, and they shall have power to revise, adjust, and equalize the valuation of property in any county or State district, by adding thereto or deducting therefrom such a rate per centum as shall, under the valuation of the several counties and State districts, be just and equitable: *Provided*, The relative valuation of property in the same county shall not be changed, unless manifest error or imperfection shall appear in any of the lists of valuation, in which case the said board of assessors shall have power to correct the same as to them shall appear just and right. And if, in consequence of any revisal, change, and alteration of the said valuation, any inequality shall be produced in the apportionment of the said direct tax to the several States, as aforesaid, it shall be the duty of the Secretary of the Treasury to report the same to Congress, to the intent that provision may be made by law for rectifying such inequality.

SEC. 29. *And be it further enacted*, That as soon as the said board of assessors shall have completed the adjustment and equalization of the valuation aforesaid, they shall proceed to apportion to each county and State district its proper quota of direct tax. And the said board of assessors shall, within twenty days after the time appointed by the Secretary of the Treasury for their first meeting, complete the said apportionment, and shall record the same; they shall thereupon further deliver to each assessor a certificate of such apportionment, together with the several lists by the assessors respectively presented to the board, as aforesaid, and transmit to the Secretary of the Treasury a certificate of the apportionment by them made, as aforesaid; and the assessors, respectively, shall thereupon proceed to revise their respective lists, and alter and make the same in all respects conformable to the apportionment aforesaid by the said board of assessors; and the said assessors, respectively, shall make out lists containing the sums payable according to the provisions of this act upon every object of taxation in and for each collection district; which lists shall contain the name of each person residing within the said district, owning or having the care or superintendence of property lying within the said district which is liable to the said tax, when such person or persons are known, together with the sums payable by each; and where there is any property within any collection district liable to the payment of the said tax, not owned or occupied by or under the superintendence of any person resident therein, there shall be a separate list of such property, specifying the sum payable, and the names of the respective proprietors, where known. And the said assessors shall furnish to the collectors of the several collection districts, respectively, within thirty-five days after the apportionment is completed, as aforesaid, a certified copy of such list or lists for their proper collection districts, and in default of performance of the duties enjoined on the board of assessors and assessors, respectively, by this section, they shall severally and individually forfeit and pay the sum of five hundred dollars to the use of the United States, to be recovered in any court having competent jurisdiction. And it is hereby enacted and declared that the valuation, assessment, equalization, and apportionment, made by the said board of assessors, as aforesaid, shall be and remain in full force and operation for laying, levying, and collecting, yearly and every year, the annual direct tax by this act laid and imposed, until altered, modified, or abolished by law.

SEC. 30. *And be it further enacted*, That there shall be allowed and paid to the several assessors and assistant assessors, for their services under this act—to each assessor two dollars per day for every day employed in making the necessary arrangements and giving the necessary instructions to the assistant assessors for the valuation, and three dollars per day for every day employed in hearing appeals, revising valuations, and making out lists agreeably to the provisions of this act, and one dollar for every hundred taxable persons contained in the tax list, as delivered by him to said board of assessors; to each assistant assessor two dollars for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose to be certified by the assessor and approved by the commissioner of taxes, and one dollar for every hundred taxable persons contained in the tax lists, as completed and delivered by him to the assessor; to each of the assessors constituting the board of assessors, as aforesaid, for every day's actual attendance at said board, the sum of three dollars, and for traveling to and from the place designated by the Secretary of the Treasury, ten cents for each mile, by the most direct and usual route; and to each of the clerks of said board two dollars for every day's actual attendance thereon. And the said board of assessors, and said assessors, respectively, shall be allowed their necessary and reasonable charges for stationery and blank-books used in the execution of their duties; and the compensation herein specified shall be in full for all expenses not otherwise particularly authorized, and shall be paid at the Treasury, and such amount as shall be required for such payment is hereby appropriated.

SEC. 31. *And be it further enacted*, That each collector, on receiving a list, as aforesaid, from the said assessors, respectively, shall subscribe three receipts; one of which shall be given on a full and correct copy of such list, which list shall be delivered by him to and shall remain with, the assessor of his collection district, and shall be open to the inspection of any person who may apply to inspect the same; and the other two receipts shall be given on aggregate statements of the lists aforesaid, exhibiting the gross amount of taxes to be collected in each county or State district contained in the collection district one of which aggregate statements and receipts shall be transmitted to the Secretary, and the other to the First Comptroller of the Treasury.

SEC. 32. *And be it further enacted*, That each collector, before receiving any list, as aforesaid, for collection, shall give bond, with one or more good and sufficient sureties, to be approved by the Solicitor of the Treasury, in the amount of the taxes assessed in the collection district for which he has been or may be appointed; which bond shall be payable to the United States, with condition for the true and faithful discharge of the duties of his office according to law, and particularly for the due collection and payment of all moneys assessed upon such district, and the said bond shall be transmitted to the Solicitor of the Treasury, and, after approval by him, shall be deposited in the office of the First Comptroller of the Treasury: *Provided always*, That nothing herein contained shall be deemed to annul or in anywise impair the obligation of the bond heretofore given by any collector; but the same shall be and remain in full force and virtue, anything in this act to the contrary thereof in anywise notwithstanding.

SEC. 33. *And be it further enacted*, That the annual amount of the taxes so assessed shall be and remain a lien upon all lands and other real estate of the individuals who may be assessed for the same during two years after the time it shall annually become due and payable; and the said lien shall extend to each and every part of all tracts or lots of land or dwelling-houses, notwithstanding the same may have been divided or alienated in part.

SEC. 34. *And be it further enacted*, That each collector shall be authorized to appoint, by an instrument of writing under his hand and seal, as many deputies as he may think proper, to be by him compensated for their services, and also to revoke the powers of any deputy, giving public notice thereof in that portion of the district assigned to such deputy; and each such deputy shall have the like authority, in every respect, to collect the direct tax so assessed within the portion of the district assigned to him which is by this act vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done as deputy collector by any of his deputies whilst acting as such: *Provided*, That nothing herein contained shall prevent any collector from collecting himself the whole or any part of the tax so assessed and payable in his district.

SEC. 35. *And be it further enacted*, That each of the said collectors shall, within ten days after receiving his collection list from the assessors, respectively, as aforesaid, and annually, within ten days after he shall be so required by the Secretary of the Treasury, advertise in one newspaper printed in his collection district, if any there be, and by notifications to be posted up in at least four public places in his collection district, that the said tax has become due and payable, and state the times and places at which he or they will attend to receive the same, which shall be within twenty days after such notification; and with respect to persons who shall not attend according to such notifications, it shall be the duty of each collector, in person or by deputy, to apply once at their respective dwellings within such district, and there demand the taxes payable by such persons, which application shall be made within sixty days after the receipt of the collection lists as aforesaid, or after the receipt of the requisition of the Secretary of the Treasury as aforesaid, by the collectors; and if the said taxes shall not be then paid, or within twenty days thereafter, it shall be lawful for such collector or his deputies to proceed to collect the said tax by distraint and sale of the goods, chattels, or effects of the persons delinquent as aforesaid. And in case of such distraint, it shall be the duty of the officer charged with the collection to make or cause to be made

an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with some person of suitable age and discretion, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly posted up at two of the taverns nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained and the time and place for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for the sale not more than five miles distant from the place of making such distraint: *Provided*, That in any case of distraint for the payment of the tax aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor if, prior to the sale thereof, payment or tender thereof shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing and keeping the goods, chattels, or effects so distrained, as may be allowed in like cases by the laws or practice of the State wherein the distraint shall have been made; but in case of non-payment or tender, as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects, at public auction, and shall and may retain from the proceeds of such sale the amount demandable for the use of the United States, with the necessary and reasonable expenses of distraint and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects shall have been distrained: *Provided*, That it shall not be lawful to make distraint of the tools or implements necessary for the cultivation of improved land, arms, or household furniture, or apparel necessary for a family.

SEC. 36. *And be it further enacted*, That whenever goods, chattels, or effects sufficient to satisfy any tax upon buildings, dwelling-houses, or lands, and their improvements, owned, occupied, or superintended by persons known or residing within the same collection district, cannot be found, the collector having first advertised the same for thirty days, in a newspaper printed within the collection district, if such there be, and having posted up, in at least ten public places within the same, a notification of the intended sale, thirty days previous thereto, shall proceed to sell at public sale so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum to the said taxes. But in all cases where the property liable to a direct tax under this act may not be divisible, so as to enable the collector, by a sale of part thereof, to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges, and commissions, shall be paid to the owner of the property, or his legal representatives, or if he or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the United States, to be there held for the use of the owner or his legal representatives, until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasury, cause the same to be paid to the applicant. And if the property advertised for sale as aforesaid cannot be sold for the amount of the tax due thereon, with the said additional twenty per centum thereto, the collector shall purchase the same in behalf of the United States for the amount aforesaid: *Provided*, That the owner or superintendent of the property aforesaid, after the same shall have been as aforesaid, advertised for sale, and before it shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of ten per centum on the same, on the payment of which the sale of the property shall not take place: *Provided also*, That the owners, their heirs, executors, or administrators, or any person on their behalf, shall have liberty to redeem the lands and other property sold, as aforesaid, within two years from the time of sale, upon payment to the collector for the use of the purchaser, his heirs, or assigns, of the amount paid by said purchaser, with interest for the same, at the rate of twenty per centum per annum; and no deed shall be given in pursuance of such sale until the time of redemption shall have expired. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and shall pay into the Treasury the surplus, if any there be, of the aforesaid addition of twenty per centum, or ten per centum, as the case may be, after defraying the charges. And in every case of the sale of real estate which shall be made under the authority of this act by the collectors, respectively, or their lawful deputies, respectively, the deeds for the estate so sold shall be prepared, made, executed, and proved or acknowledged at the time and times prescribed in this act by the collectors, respectively, within whose collection district such real estate shall be situated, in such form of law as shall be authorized and required by the laws of the United States, or by the law of the State in which such real estate lies, for making, executing, proving, and acknowledging deeds of bargain and sale or other conveyances for the transfer and conveyance of real estate; and for every deed so prepared, made, executed, proved, and acknowledged, the purchaser or grantee shall pay to the collector the sum of two dollars, for the use of the collector or other person effecting the sale of the real estate thereby conveyed.

SEC. 37. *And be it further enacted*, That with respect to property lying within any collection district, not owned, or occupied, or superintended by some person residing in such collection district, and on which the tax shall not have been paid to the collector within ninety days after the day on which he shall have received the collection lists from the said assessors, respectively, as aforesaid, or the requisition of the Secretary of the Treasury, as aforesaid, the collector shall transmit lists of the same to one of the collectors within the same State, to be designated for that purpose by the Secretary of the Treasury; and the collector who shall have been thus designated by the Secretary of the Treasury shall transmit receipts for all the lists received, as aforesaid, to the collector transmitting the same; and the collectors, thus designated in each State by the Secretary of the Treasury, shall cause notifications of the taxes due as aforesaid, and contained in the lists thus transmitted to them, to be published for sixty days in at least one of the newspapers published in the State; and the owners of the property on which such taxes may be due shall be permitted to pay to such collector the said tax, with an addition of ten per centum thereon: *Provided*, That such payment is made within one year after the day on which the collector of the district where such property lies had notified that the tax had become due on the same.

SEC. 38. *And be it further enacted*, That when any tax, as aforesaid, shall have remained unpaid for the term of one year, as aforesaid, the collector in the State where the property lies, and who shall have been designated by the Secretary of the Treasury, as aforesaid, having first advertised the same for sixty days in at least one newspaper in the State, shall proceed to sell, at public sale, so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum thereon; or if such property is not divisible, as aforesaid, the whole thereof shall be sold, and accounted for in the manner hereinbefore provided. If the property advertised for sale cannot be sold for the amount of the tax due thereon, with the said addition thereon, the collector shall purchase the same in behalf of the United States for such amount and addition. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and pay into the Treasury the surplus, if any, of the aforesaid addition of ten or twenty per centum, as the case may be, after defraying the said charges.

SEC. 39. *And be it further enacted*, That the collectors, designated as aforesaid by the Secretary of the Treasury, shall deposit with the clerks of the district courts of the United States in the respective States, and within which district the property lies, correct lists of the tracts of land or other real property sold by virtue of this act for non-payment of taxes, together with the names of owners or presumed owners, and of the purchasers of the same at the public sales aforesaid, and of the amount paid by said purchasers for the same; the owners, their heirs, executors, or administrators, or any person in their behalf, shall have liberty to redeem the lands or other property sold, as aforesaid, within two years from the time of sale, upon payment to the clerk aforesaid, for the use of the purchaser, his heirs, or assigns, of the amount paid by such purchaser for the said land or other real property, with interest for the same at the rate of twenty per centum per annum, and of a commission of five per centum on such payment for the use of the clerk aforesaid. The clerks shall, on application, pay to the purchasers the moneys thus paid for their use; and the collectors, respectively, shall give deeds for the lands or property aforesaid, to the purchasers entitled to the same, in all cases where the same shall not have been redeemed within two years, as aforesaid, by the original owners thereof, or their legal representatives, or any person in their behalf, and deposit such deeds with such clerk. And the said clerk shall be entitled to receive from the purchaser, for his own use, the sum of one dollar, in addition to the sum hereinbefore made payable to the collector, for every such deed, to be paid on the delivery thereof to such purchasers. And in all cases where lands may be sold under this act for the payment of taxes, belonging to infants, persons of insane mind, married women, or persons beyond sea, such persons shall have the term of two years after their respective disabilities shall have been removed, or their return to the United States, to redeem lands thus sold, on their paying into the clerk's office, aforesaid, the amount paid by the purchaser, with fifty per centum addition thereto, together with ten per centum interest per annum on the aggregate sum, and on their payment to the purchaser of the land aforesaid a compensation for all improvements he may have made on the premises subsequent to his purchase, the value of which improvements to be ascertained by three or more neighboring freeholders, to be appointed by the clerk aforesaid, who, on actual view of the premises, shall assess the value of such improvements, on their oaths, and make return of such valuation to the clerk immediately. And the clerk of the court shall receive such compensation for his services herein, to be paid by and received from the parties like costs of suit, as the judge of the district court shall in that respect tax and allow.

SEC. 40. *And be it further enacted*, That the several collectors shall, at the expiration of every month, after they shall, respectively, commence their collections in the next and every ensuing year, transmit to the Secretary of the Treasury a statement of the collections made by them, respectively, within the month, and pay over quarterly, or sooner if required by the Secretary of the Treasury, the moneys by them respectively collected within the said term; and each of the said collectors shall complete the collection of all sums annually assigned to him for collection, as aforesaid, shall pay over the same into the Treasury, and shall render his final account to the Treasury Department within six months from and after the day when he shall have received the collection lists from the said board of assessors or the said requisition of the Secretary of the Treasury, as aforesaid: *Provided, however*, That the period of one year and three months from the said annual day shall be annually allowed to the collector designated in each State, as aforesaid, by the Secretary of the Treasury, with respect to the taxes contained in the list transmitted to him by the other collectors, as aforesaid.

SEC. 41. *And be it further enacted*, That each collector shall be charged with the whole amount of taxes by him receipted, whether contained in the lists delivered to him by the principal assessors, respectively, or transmitted to him by other collectors; and shall be allowed credit for the amount of taxes contained in the lists transmitted in the manner above provided to other collectors, and by them receipted as aforesaid; and also for

the taxes of such persons as may have absconded or become insolvent subsequent to the date of the assessment, and prior to the day when the tax ought, according to the provisions of this act, to have been collected: *Provided*, That it shall be proved to the satisfaction of the First Comptroller of the Treasury that due diligence was used by the collector, and that no property was left from which the tax could have been recovered; and each collector designated in each State, as aforesaid, by the Secretary of the Treasury, shall receive credit for the taxes due for all tracts of land which, after being offered by him for sale in manner aforesaid, shall or may have been purchased by him in behalf of the United States.

SEC. 42. *And be it further enacted*, That if any collector shall fail either to collect, or to render his account, or to pay over in the manner or within the times hereinbefore provided, it shall be the duty of the First Comptroller of the Treasury, and he is hereby authorized and required, immediately after such delinquency, to report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes with which the said collector is chargeable, and the sums, if any, which have been paid. And the said marshal shall, himself or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels or any personal effects of the delinquent collector; and for want of goods, chattels, or effects aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain until discharged in due course of law; and furthermore, notwithstanding the commitment of the collector to prison, as aforesaid, or if he abscond, and goods, chattels, and effects cannot be found sufficient to satisfy the said warrant, the said marshal or his deputy shall and may proceed to levy and collect the sum which remains due, by distress and sale of the goods and chattels or any personal effects of the surety or sureties of the delinquent collector. And the amount of the sums due from any collector, as aforesaid, shall, and the same are hereby declared to be a lien upon the lands and real estate of such collector and his sureties until the same shall be discharged according to law. And for want of goods and chattels or other personal effects of such collector or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the preceding section of this act, the lands and real estate of such collector and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks in not less than three public places in the collection district, and in one newspaper printed in the county or district, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and for all lands and real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under delinquent collectors or their sureties aforesaid. And all moneys that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

SEC. 43. *And be it further enacted*, That each and every collector, or his deputy, who shall exercise or be guilty of any extortion or oppression under color of this act, or shall demand other or greater sums than shall be authorized by this act, shall be liable to pay a sum not exceeding two thousand dollars, to be recovered by and for the use of the party injured, with costs of suit, in any court having competent jurisdiction; and each and every collector, or his deputies, shall give receipts for all sums by them collected and retained in pursuance of this act.

SEC. 44. *And be it further enacted*, That separate accounts shall be kept at the Treasury of all moneys received from the direct tax, and from the internal duties or income tax, in each of the respective States, Territories, and District of Columbia, and collection districts; and that separate accounts shall be kept of the amount of each species of duty that shall accrue, with the moneys paid to the collectors, assessors, and assistant assessors, and to the other officers employed in each of the respective States, Territories, and collection districts, which accounts it shall be the duty of the Secretary of the Treasury, annually, in the month of December, to lay before Congress.

SEC. 45. *And be it further enacted*, That the assessors, respectively, shall, yearly and in every year, after the expiration of one year from the second Tuesday of February next, inquire and ascertain, in the manner by the fourteenth section of this act provided, what transfers and changes of property in lands, lots of ground, buildings, and dwelling-houses, have been made and effected in their respective districts subsequent to the next preceding valuation, assessment, and apportionment of the direct tax by this act laid; and within twenty days thereafter they shall make out three lists of such transfers and changes, and transmit one list to the Secretary of the Treasury, another list to the commissioner of taxes, and the third shall be delivered to the collector of the collection district. And it shall, yearly and every year, after the said year one thousand eight hundred and sixty-two, be the duty of the Secretary of the Treasury to notify the collectors of the several collection districts the day on which it shall be the duty of the said collectors to commence laying and collecting the annual direct tax by this act laid and imposed, according to the assessment of the tax lists to them delivered by the said assessors, as aforesaid, subject only to such alterations therein as shall be just and proper, in the opinion of the Secretary of the Treasury, to conform to the transfers and changes aforesaid, ascertained by the assessors aforesaid; and the said collectors shall, annually, in all respects, proceed in and conclude the collection of the said direct tax in the same manner and within the time hereinbefore provided and prescribed.

SEC. 46. *And be it further enacted*, That in case any State, Territory, or the District of Columbia, after notice given of its intention to assume and pay, or to levy, collect, and pay said direct tax herein provided for and apportioned to said State, Territory, or District, shall, in any year after the taking effect of this act, fail to pay the amount of said direct tax, or any part thereof, as provided in this act, in such cases it shall be lawful for the Secretary of the Treasury of the United States to appoint United States assessors, assistant assessors, and collectors, as in this act provided, whose duty it shall be to proceed forthwith, under such regulations as the said Secretary of the Treasury shall prescribe, to collect all or any part of said direct tax the same as though said State, Territory, or District, had not given notice, nor assumed to levy, collect, and pay said taxes, or any part thereof.

SEC. 47. *And be it further enacted*, That any person who shall be convicted of willfully taking a false oath or affirmation in any of the cases in which an oath or affirmation is required to be taken by this act, shall be liable to the pains and penalties to which persons are liable for willful and corrupt perjury, and shall, moreover, forfeit the sum of five hundred dollars.

SEC. 48. *And be it further enacted*, That there shall be allowed to the collectors appointed under this act, in full compensation for their services and that of their deputies in carrying this act into effect, a commission of four per centum upon the first hundred thousand dollars, one per centum upon the second one hundred thousand dollars, and one half of one per centum upon all sums above two hundred thousand dollars; such commissions to be computed upon the amounts by them respectively paid over and accounted for under the instructions of the Treasury Department: *Provided*, That in no case shall such commissions exceed the sum of four thousand dollars for a principal officer and two thousand dollars for an assistant. And there shall be further allowed to each collector their necessary and reasonable charges for stationery and blank-books used in the performance of their official duties, which, after being duly examined and certified by the commissioner of taxes, shall be paid out of the Treasury.

SEC. 49. *And be it further enacted*, That from and after the first day of January next there shall be levied, collected, and paid, upon the annual income of every person residing in the United States, whether such income is derived from any kind of property, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, if such annual income exceeds the sum of eight hundred dollars, a tax of three per centum on the amount of such excess of such income above eight hundred dollars: *Provided*, That upon such portion of said income as shall be derived from interest upon Treasury notes or other securities of the United States, there shall be levied, collected, and paid a tax of one and one half per centum. Upon the income, rents, or dividends, accruing upon any property, securities, or stocks owned in the United States by any citizen of the United States residing abroad, there shall be levied, collected, and paid, a tax of five per centum, excepting that portion of said income derived from interest on Treasury notes and other securities of the Government of the United States, which shall pay one and one half per centum. The tax herein provided shall be assessed upon the annual income of the persons hereinafter named for the year next preceding the time for assessing said tax, to wit: the year next preceding the first of January, eighteen hundred and sixty-two; and the said taxes when so assessed and made public shall become a lien on the property or other sources of said income for the amount of the same with the interest and other expenses of collection until paid: *Provided*, That in estimating said income all national, State, or local taxes assessed upon the property from which the income is derived shall be first deducted.

SEC. 50. *And be it further enacted*, That it shall be the duty of the President of the United States, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one principal assessor and one principal collector in each of the States and Territories of the United States, and in the District of Columbia, to assess and collect the internal duties or income tax imposed by this act, with authority in each of said officers to appoint so many assistants as the public service may require, to be approved by the Secretary of the Treasury. The said taxes to be assessed and collected under such regulations as the Secretary of the Treasury may prescribe. The said collectors, herein authorized to be appointed, shall give bonds, to the satisfaction of the Secretary of the Treasury, in such sums as he may prescribe, for the faithful performance of their respective duties. And the Secretary of the Treasury shall prescribe such reasonable compensation for the assessment and collection of said internal duties or income tax as may appear to him just and proper, not, however, to exceed in any case the sum of two thousand five hundred dollars per annum for the principal officers herein referred to, and twelve hundred dollars per annum for an assistant. The assistant collectors herein provided shall give bonds to the satisfaction of the principal collector for the faithful performance of their duties. The Secretary of the Treasury is further authorized to select and appoint one or more depositaries in each State for the deposit and safe-keeping of the moneys arising from the taxes herein imposed when collected; and the receipt of the proper officer of such depository to the collector for the moneys deposited by him shall be the proper voucher for such collector in the settlement of his account at the Treasury Department. And he is further authorized and empowered to make such officer or depositary the disbursing agent of the Treasury for the payment of all interest due to the citizens of such State upon the Treasury notes or other Government securities issued by authority of law. And he shall also prescribe the forms of returns to be made to the Department by all assessors and collectors appointed under the authority of this act. He shall also prescribe the form of oath or obligation to be taken by the several officers authorized or directed to be appointed and commissioned by the President under this act before a competent magistrate duly authorized to administer oaths, and the form of the return to be made thereon to the Treasury Department.

SEC. 51. *And be it further enacted*, That the tax

herein imposed by the forty-ninth section of this act shall be due and payable on or before the thirtieth day of June, in the year eighteen hundred and sixty-two, and all sums due and unpaid at that day shall draw interest thereafter at the rate of six per centum per annum; and if any person or persons shall neglect or refuse to pay after due notice, said tax assessed against him, her, or them, for the space of more than thirty days after the same is due and payable, it shall be lawful for any collector or assistant collector charged with the duty of collecting such tax, and they are hereby authorized, to levy the same on the visible property of any such person, or so much thereof as may be sufficient to pay such tax, with the interest due thereon, and the expenses incident to such levy and sale, first giving thirty days' public notice of the time and place of the sale thereof; and in case of the failure of any person or persons authorized to act as agent or agents for the collection of the rents or other income of any person residing abroad shall neglect or refuse to pay the tax assessed thereon (having had due notice) for more than thirty days after the thirtieth of June, eighteen hundred and sixty-two, the collector or his assistant, for the district where such property is located, or rents or income is payable, shall be, and hereby is, authorized to levy upon the property itself, and to sell the same, or so much thereof as may be necessary to pay the tax assessed, together with the interest and expenses incident to such levy and sale, first giving thirty days' public notice of the time and place of sale. And in all cases of the sale of property herein authorized, the conveyance by the officer authorized to make the sale, duly executed, shall give a valid title to the purchaser, whether the property sold be real or personal. And the several collectors and assistants appointed under the authority of this act may, if they find no property to satisfy the taxes assessed upon any person by authority of the forty-ninth section of this act, and which such person neglects to pay as hereinbefore provided, shall have power, and it shall be their duty, to examine, under oath, the person assessed under this act, or any other person, and may sell at public auction after ten days' notice any stocks, bonds, or choses in action belonging to said person, or so much thereof as will pay such tax and the expenses of such sale; and in case he refuses to testify, the said several collectors and assistants shall have power to arrest such person and commit him to prison, to be held in custody until the same shall be paid, with interest thereon, at the rate of six per centum per annum, from the time when the same was payable as aforesaid, and all fees and charges of such commitment and custody. And the place of custody shall in all cases be the same provided by law for the custody of persons committed for any cause by the authority of the United States, and the warrant of the collector, stating the cause of commitment, shall be sufficient authority to the proper officer for receiving and keeping such person in custody until the amount of said tax and interest, and all fees and the expense of such custody shall have been fully paid and discharged; which fees and expenses shall be the same as are chargeable under the laws of the United States in other cases of commitment and custody. And it shall be the duty of such collector to pay the expenses of such custody, and the same, with his fees, shall be allowed on settlement of his accounts. And the person so committed shall have the same right to be discharged from such custody as may be allowed by the laws of the State or Territory, or the District of Columbia, where he is so held in custody to persons committed under the laws of such State or Territory, or District of Columbia, for the non-payment of taxes, and in the manner provided by such laws; or he may be discharged at any time by order of the Secretary of the Treasury.

SEC. 52. *And be it further enacted*, That should any of the people of any of the States or Territories of the United States or the District of Columbia be in actual rebellion against the authority of the Government of the United States at the time this act goes into operation, so that the laws of the United States cannot be executed therein, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such State or Territory or District of Columbia so soon as the authority of the United States therein is reëstablished, and to collect the sums which would have been due from the persons residing or holding property or stocks therein, with the interest due, at the rate of six per centum per annum thereon until paid in the manner and under the regulations prescribed in the foregoing *in the foregoing* sections of this act.

SEC. 53. *And be it further enacted*, That any State or Territory and the District of Columbia may lawfully assume, assess, collect, and pay into the Treasury of the United States, the direct tax, or its quota thereof, imposed by this act upon the State, Territory, or the District of Columbia, in its own way and manner, by and through its own officers, assessors, and collectors, that it shall be lawful to use for this purpose the last or any subsequent valuation, list, or appraisal made by State or territorial authority for the purpose of State or territorial taxation therein, next preceding the date when this act takes effect, to make any laws or regulations for these purposes, to fix or change the compensation to officers, assessors, and collectors; and any such State, Territory, or District, which shall give notice by the Governor, or other proper officer thereof, to the Secretary of the Treasury of the United States, on or before the second Tuesday of February next, and in each succeeding year thereafter, of its intention to assume and pay, or to assess, collect, and pay into the Treasury of the United States, the direct tax imposed by this act, shall be entitled, in lieu of the compensation, pay per diem and percentage, herein prescribed and allowed to assessors, assistant assessors, and collectors of the United States, to a deduction of fifteen per centum on the quota of direct tax apportioned to such State, Territory, or the District of Columbia, levied and collected by said State, Territory, and the District of Columbia through its said officers: *Provided, however*, That the deduction shall only be made to apply to such part or parts of the same as shall have been actually paid into the Treasury of the United States on or before the last day of June in the year to which such payment relates, and a deduction of ten per centum to such part or parts of the same as shall have been actually paid into the Treasury of the United States on or before the last day of September in the year to which such payment relates, such year being regarded as commencing on the first day of April: *And provided, further*, That whenever notice of the intention to make such payment by the State or Territory and the District of Columbia shall have been given to the Secretary of the Treasury, in accordance with the foregoing provisions, no assessors, assistant assessors, or collectors, in any State, Territory, or District so giving notice, shall be appointed, unless said State, Territory, or District shall be in default: *And provided, further*, That the amount of direct tax apportioned to any State, Territory, or the District of Columbia, shall be liable to be paid and satisfied, in whole or in part, by the release of such State, Territory, or District, duly executed, to the United States, of any liquidated and determined claim of such State, Territory, or District, of equal amount against the United States: *Provided*, That in case of such release such State, Territory, or District shall be allowed the same abatement of the amount of such tax as would be allowed in case of payment of the same in money.

SEC. 54. *And be it further enacted*, That it shall be the duty of the collectors aforesaid in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States or of the collector within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of such collector.

SEC. 55. *And be it further enacted*, That the amount of all debts due to the United States by any collector under this act, whether secured by bond or otherwise, shall, and are hereby declared to be a lien upon the lands and real estate of such collector, and of his sureties, if he shall have given bond, from the time when suit shall be instituted for recovering the same; and, for want of goods and chattels and other personal effects of such collector or his sureties to satisfy any judgment which shall or may be recovered against them, respectively, such lands and real estate may be sold at public auction, after being advertised for at least three weeks in not less than three public papers within the collection district, and in one newspaper printed in the county, if any there be, at least six weeks prior to the time of sale; and for all lands or real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such collector or his sureties, respectively.

SEC. 56. *And be it further enacted*, That, for superintending the collection of the direct tax and internal duties or income tax laid by this act, an officer is hereby authorized in the Treasury Department, to be called "Commissioner of Taxes," who shall be charged, under the direction of the Secretary, with preparing all the forms necessary for the assessment and collection of the tax and duties aforesaid, with preparing, signing, and distributing all such licenses as are required, and with the general superintendence of all the officers employed in assessing and collecting said tax and duties; said commissioner shall be appointed by the President, upon the nomination of the Secretary of the Treasury, and he shall receive an annual salary of three thousand dollars. The Secretary of the Treasury may assign the necessary clerks to the office of said commissioner, whose aggregate salaries shall not exceed six thousand dollars per annum, and the amount required to pay the salaries of said commissioner and clerks is hereby appropriated.

SEC. 57. *And be it further enacted*, That in case of the sickness or temporary disability of a collector to discharge such of his duties as cannot, under existing laws, be discharged by a deputy, they may be devolved by him upon a deputy: *Provided*, Information thereof be immediately communicated to the Secretary of the Treasury, and shall not be disapproved by him: *And provided*, That the responsibility of the collector or his sureties to the United States shall not be thereby affected or impaired.

SEC. 58. *And be it further enacted*, That in case a collector shall die, resign, or be removed, the deputy of such collector longest in service at the time immediately preceding, who shall have been longest employed by him, may and shall, until a successor shall be appointed, discharge all the duties of said collector, and for whose conduct, in case of the death of the collector, his estate shall be responsible to the United States.

APPROVED, August 5, 1861.

CHAP. XLVI.—An Act supplementary to an Act entitled "An Act to authorize a National Loan, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to issue bonds of the United States, bearing interest at six per centum per annum, and payable at the pleasure of the United States after twenty years from date; and if any holder of treasury notes bearing interest at the rate of seven and three tenths per centum, which may be issued under the authority of the act to authorize a national loan, and for other purposes, approved July seventeenth, eighteen hundred and sixty-one, shall desire to exchange the same for said bonds, the Secretary of the Treasury may, at any time before or at the maturity of said treasury notes, issue to said holder, in payment thereof, an amount of said bonds equal to the amount which, at the time of such payment or exchange, may be due on said treasury notes; but no such bonds shall be issued for a less sum than five hundred dollars, nor shall the whole amount of such bonds exceed the whole amount of treasury notes bearing seven and three tenths per centum interest, issued under said act; and any part of

the treasury notes payable on demand, authorized by said act, may be made payable by the assistant treasurer at St. Louis, or by the depositary at Cincinnati.

SEC. 2. *And be it further enacted*, That the treasury notes issued under the provisions of the said act to authorize a national loan, and for other purposes, or of any other act now in force authorizing the issue of such notes, shall be signed by the Treasurer of the United States, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Treasurer, and countersigned by the Register of the Treasury, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Register, and no treasury notes, issued under any act, shall require the seal of the Treasury Department.

SEC. 3. *And be it further enacted*, That so much of the act to which this is supplementary as limits the denomination of a portion of the treasury notes authorized by said act at not less than ten dollars, be and is so modified as to authorize the Secretary of the Treasury to fix the denomination of said notes at not less than five dollars.

SEC. 4. *And be it further enacted*, That, in addition to the amount heretofore appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay such expenses, commissions, or compensation as may be necessary, in the judgment of the Secretary of the Treasury, to carry into execution the provisions of this act, and of the act to which this is supplementary.

SEC. 5. *And be it further enacted*, That the Treasury notes authorized by the act to which this is supplementary, of a less denomination than fifty dollars, payable on demand without interest, and not exceeding in amount the sum of fifty millions of dollars, shall be receivable in payment of public dues.

SEC. 6. *And be it further enacted*, That the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursements of the public revenue," passed August six, eighteen hundred and forty-six, be, and the same are hereby, suspended, so far as to allow the Secretary of the Treasury to deposit any of the moneys obtained on any of the loans now authorized by law, to the credit of the Treasurer of the United States, in such solvent specie-paying banks as he may select; and the said moneys, so deposited, may be withdrawn from such deposit for deposit with the regular authorized depositaries, or for the payment of public dues, or paid in redemption of the notes authorized to be issued under this act, or the act to which this is supplementary, payable on demand, as may seem expedient to, or be directed by, the Secretary of the Treasury.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury may sell or negotiate for any portion of the loan provided for in the act to which this is supplementary, bonds payable not more than twenty years from date, and bearing interest not exceeding six per centum per annum, payable semi-annually, at any rate not less than the equivalent of par, for the bonds bearing seven per centum interest, authorized by said act.

APPROVED, August 5, 1861.

CHAP. XLVII.—An Act supplementary to an Act entitled "An Act to increase the present Military Establishment of the United States," approved July twenty-ninth, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States during the existing insurrection and rebellion, upon the recommendation of the Lieutenant General commanding the Army of the United States, or of any major general of the regular Army of the United States, commanding forces of the United States in the field, to appoint such number of aides-de-camp, in addition to those now authorized by law, as the exigencies of the service may, in the opinion of the President, require; such aides-de-camp to bear respectively the rank and authority of captains, majors, lieutenant colonels, or colonels of the regular Army, as the President may direct, and to receive the same pay and allowances as are provided by existing laws for officers of cavalry of corresponding rank. The President shall cause all aides-de-camp appointed under this act to be discharged whenever they shall cease to be employed in active service, and he may reduce the number so employed whenever he may deem it expedient so to do. Any officers of the regular Army appointed aides-de-camp under this act, and detached or assigned to duty for service as such, shall, upon their discharge, resume their positions in the regular Army, and shall be entitled to the same rank and promotion as if they had continued to serve in their own regiments or corps.

APPROVED, August 5, 1861.

CHAP. XLVIII.—An Act supplementary to an Act entitled "An Act to protect the Commerce of the United States, and punish the Crime of Piracy."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any vessel or boat which shall be built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or boat or not; and any such vessel or boat may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States, after due process and trial, in like manner as is provided in section four of the act to which this act is supplementary, which section is hereby made, in all respects, applicable to cases arising under this act.

SEC. 2. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by the Congress of the United States, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States any vessel or boat built, purchased, fitted out, or held, as in the first section of this act mentioned.

SEC. 3. *And be it further enacted*, That the collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States be, and are hereby, authorized and required to seize any and all vessels or boats built, purchased, fitted out, or held as aforesaid, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as hereinbefore provided.

APPROVED, August 5, 1861.

CHAP. XLIX.—An Act to reduce Consular Fees for Vessels running to or between foreign ports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That American vessels running regularly, by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year, anything in the law or regulations respecting consular fees to the contrary notwithstanding.

APPROVED, August 5, 1861.

CHAP. L.—An Act authorizing additional Enlistments in the Navy of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to cause to be enlisted in the Navy of the United States, for the term of three years or during the war, such number of able seamen, ordinary seamen, and boys, as he may judge necessary and proper to place the entire Navy of the United States, and all vessels that may be added to it, in a State of the utmost efficiency for active service.

APPROVED, August 5, 1861.

CHAP. LI.—An Act making further Appropriation for the support of the Naval Service for the year ending June thirtieth, eighteen hundred and sixty-two, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of thirty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the coal depot at Key West, Florida, and repairs of the wharf belonging to the same.

For the completion of the marine barracks at Charlestown, Massachusetts, twelve thousand dollars.

For the purchase of the right to manufacture and use Coston's night signals, twenty thousand dollars: *Provided*, That the full right to manufacture and use the same can be purchased at a price not exceeding that sum.

For the purchase of ordnance for the use of the Navy, three hundred thousand dollars.

For repairing the quarters and outbuildings at Fort Abercrombie, seven thousand dollars.

For collecting, drilling, and organizing volunteers, under the acts authorizing the President to accept the services of five hundred thousand men, twenty millions of dollars.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to change the names of any vessels purchased for the use of the Navy Department by authority of law, and they shall be thereafter known by the names so given them by virtue of this act.

SEC. 3. *And be it further enacted*, That there be, and hereby is, appropriated, in like manner, the sum of one hundred thousand dollars for the construction and equipment of gun-boats for service on the western rivers.

APPROVED, August 5, 1861.

CHAP. LII.—An Act making Appropriation to pay the Expenses of the Investigating Committees of the House of Representatives and Senate, appointed the first session of the Thirty-Seventh Congress, and of the Commission authorized to examine and report as to the compensation of all officers of the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars, to pay the expenses of the investigating committees of the Senate and House of Representatives, appointed at the first session of the Thirty-Seventh Congress, and also the expenses of the commission authorized to examine and report as to the compensation of all officers of the Government, said sum of money to be drawn from the Treasury as part of the contingent expenses of the House of Representatives, and to be disbursed in the mode provided by law for such expenses.

APPROVED, August 5, 1861.

CHAP. LIII.—An Act authorizing the construction of twelve small Side-Wheel Steamers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy shall cause to be constructed, with the least possible delay, twelve small side-wheel steamers, for the use of the Navy of the United States, of light

draught and great speed; and that for the purpose aforesaid twelve hundred thousand dollars be, and the same hereby is, appropriated.

APPROVED, August 5, 1861.

CHAP. LIV.—An Act making Appropriations for Fortifications, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars for contingencies of fortifications, to be used and applied under the direction of the Secretary of War.

SEC. 2. *And be it further enacted*, That any commissioned officer of the Army, Navy, or marine corps, who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by the proper authority, and without leave, quit his post or proper duties with the intent to remain permanently absent therefrom, shall be registered as a deserter, and punished as such.

SEC. 3. *And be it further enacted*, That flogging as a punishment in the Army is hereby abolished.

SEC. 4. *And be it further enacted*, That for removing stables and other obstructions from the grounds around the Washington Infirmary, used as an Army hospital, and grading said grounds to secure proper drainage of the same, the sum of five thousand dollars be, and the same is hereby, appropriated, to be expended under the direction of the surgeon general of the United States Army.

APPROVED, August 5, 1861.

CHAP. LV.—An Act in relation to the office of Attorney of the United States for the Southern District of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid to the attorney of the United States for the southern district of New York, quarterly, a salary at the rate of six thousand dollars per annum, and such additional sum as shall be necessary, together with the costs and fees now allowed by law, to pay such amount as shall be fixed by the Secretary of the Interior for the proper expenses of the office, including salaries of assistants and clerks.

SEC. 2. *And be it further enacted*, That the accounts of said attorney, from and after the fourth day of April last, shall be adjusted and settled in the same manner as the same would have been adjusted and settled had this act been in operation on and after that day.

APPROVED, August 6, 1861.

CHAP. LVI.—An Act to punish certain Crimes against the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall be guilty of the act of recruiting soldiers or sailors in any State or Territory of the United States to engage in armed hostility against the United States, or who shall open a recruiting station for the enlistment of such persons, either as regulars or volunteers, to serve as aforesaid, shall be guilty of a high misdemeanor, and upon conviction in any court of record having jurisdiction of the offense, shall be fined a sum not less than two hundred dollars nor more than one thousand dollars, and confined and imprisoned for a period not less than one year nor more than five years.

SEC. 2. *And be it further enacted*, That the person so enlisted, or engaged as regular or volunteer, shall be fined in a like manner a sum of one hundred dollars, and imprisoned not less than one nor more than three years.

APPROVED, August 6, 1861.

CHAP. LVII.—An Act to promote the efficiency of the Engineer and Topographical Engineer Corps, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be added to each of the corps of engineers, and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors.

SEC. 2. *And be it further enacted*, That there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act for the organization of a company of sappers and miners, and pontoniers, approved May *sixteenth*, [fifteenth,] eighteen hundred and forty-six. The said company shall be subject to the rules and articles of war, and shall have the same organization as the companies of engineer soldiers attached to the corps of engineers.

SEC. 3. *And be it further enacted*, That vacancies hereafter occurring among the commissioned officers of the volunteer regiments shall be filled by the Governors of the States respectively in the same manner as original appointments. And so much of the tenth section of the act approved July twenty-second, eighteen hundred and sixty-one, as is inconsistent herewith be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted*, That the President of the United States is hereby authorized to appoint two additional inspectors general for the United States Army; said inspectors general to have the same rank and receive the same pay and allowances as now provided by law for inspectors general.

SEC. 5. *And be it further enacted*, That so much of the first section of the act approved August fifth, eighteen hundred and fifty-four, as authorizes the appointment of civilians to superintend the national armories be, and the same is hereby, repealed, and that the superintendents of these armories shall be appointed hereafter from officers of the ordnance department.

APPROVED, August 6, 1861.

CHAP. LVIII.—An Act to authorize an Increase in the Corps of Engineers and Topographical Engineers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be added to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors.

SEC. 2. *And be it further enacted*, That there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May *sixteenth*, [fifteenth,] eighteen hundred and forty-six. The said company shall be subject to the rules and articles of war, and shall have the same organization as the companies of engineer soldiers attached to the corps of engineers.

SEC. 3. *And be it further enacted*, That the President of the United States is hereby authorized to appoint two additional inspectors general of the United States Army, to have the same rank and receive the same pay and allowances as now provided by law for inspectors general.

APPROVED, August 6, 1861.

CHAP. LIX.—An Act to provide for holding the District and Circuit Courts in Judicial Districts during a temporary vacancy of the Judgeship.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of a vacancy in the office of district judge of any judicial district of the United States in any State in which there are two judicial districts, it shall be lawful for the district judge of the other district in said State to hold the district court or circuit court in case of sickness or the absence of the circuit judge, and discharge all the judicial duties of the district judge of such vacant district so long as such vacancy shall continue; and all the acts and proceedings in said courts, or by or before the said district judge of the adjoining district, shall have the same force, effect, and validity as if done and transacted by and before a judge appointed for such district.

APPROVED, August 6, 1861.

CHAP. LX—An Act to confiscate Property used for Insurrectionary Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, during the present or any future insurrection against the Government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judical proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give, any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned.

SEC. 2. *And be it further enacted*, That such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

SEC. 3. *And be it further enacted*, That the Attorney General, or any district attorney of the United States in which said property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts.

SEC. 4. *And be it further enacted*, That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the law of any State, shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such labor or service is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy-yard, dock, armory, ship, intrenchment, or in any military or naval service whatsoever, against the Government and lawful authority of the United States, then, and in every such case, the person to whom such labor or service is claimed to be due shall forfeit his claim to such labor, any law of the State or of the United States to the contrary notwithstanding. And whenever thereafter the person claiming such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act.

APPROVED, August 6, 1861.

CHAP. LXI.—An Act relative to Appeals to the Supreme Court of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of appeal which have been or may hereafter be duly taken by both parties from the judgment or decree of any district or circuit court to the Supreme Court of the United States, a transcript of the record filed in the Supreme Court of the United States by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party

in the said Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases.

SEC. 2. *And be it further enacted*, That the district attorney of the United States of any district in California may transcribe and certify to the Supreme Court of the United States the records of the district court of his proper district in all land cases wherein the United States is a party, upon which appeals have been or may be taken to the Supreme Court of the United States; and records so certified by such district attorney under his hand, and filed in the Supreme Court of the United States, shall be taken as true and valid transcripts, to the same intent and purpose as if certified by the clerk of the proper district court; and the said district attorneys for the districts of California shall be authorized to employ such clerks, not exceeding three in number, as may be necessary to transcribe such records, at a compensation, for each of such clerks, not exceeding one hundred and fifty dollars per month, which shall be paid out of the appropriation for special and other extraordinary expenses of California land claims; and it shall be the duty of the clerk of any district court in California, on request of the district attorney of that district, to deliver to him the records in the cases before-mentioned on which appeals have been or may be taken, for the purpose of having them transcribed; and upon refusal or failure to do so, such clerk shall forfeit and pay to the United States the sum of five thousand dollars for each offense, to be recovered in an action of debt in any court of competent jurisdiction; and such clerk shall, moreover, be incapable of holding his said office of clerk, or any office under the United States.

APPROVED, August 6, 1861.

CHAP. LXII.—An Act to create a Metropolitan Police District of the District of Columbia, and to establish a police therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Corporations of Washington and Georgetown, and the county of Washington, outside of the limits of said corporations, are hereby constituted, for the purposes of this act, into one district, to be called "The Metropolitan Police District of the District of Columbia."

SEC. 2. *And be it further enacted*, That immediately upon the passage of this act, and thereafter from time to time, as required by this act, there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, five Commissioners of Police, who shall be the chief officers of the said "Metropolitan Police District," and who shall severally possess and perform therein the powers and duties authorized and enjoined by this act. The said commissioners, together with the mayors of the cities of Washington and Georgetown, ex officio, shall form the board of police for the said district, and a majority of them shall constitute a quorum of such board for the transaction of business.

SEC. 3. *And be it further enacted*, That three of said commissioners shall be appointed from the city of Washington, one from Georgetown and one from the county of Washington at large, for the term of three years, and until their successors are appointed and qualified, unless sooner removed by the President. The said commissioners shall meet at such time and place as may be designated by the President of the United States; and after being duly qualified, by taking and subscribing an oath or affirmation before some person duly authorized to administer oaths in said district, to support the Constitution of the United States, and faithfully to discharge the duties of his office, shall proceed to discharge such duties as [are] prescribed by this act.

SEC. 4. *And be it further enacted*, That the officers of the board of police shall be a president and a treasurer, who shall each be selected from among said commissioners by themselves, who shall discharge such duties as the board may prescribe. The treasurer shall give a bond, with two sureties, to the satisfaction of said board, in the penal sum of ten thousand dollars, for the faithful discharge of the duties of his office. The board may also appoint a clerk, to hold his office during the pleasure of the board, and to receive a compensation to be fixed by the board, not to exceed the rate of one thousand dollars per annum, and who shall perform such duties as may be required by said board of police.

SEC. 5. *And be it further enacted*, That it shall be the duty of the board of police hereby constituted, at all times of the day and night, within the boundaries of the said police district, to preserve the public peace; to prevent crime, and arrest offenders; to protect the rights of persons and of property; to guard the public health; to preserve order at every public election; to remove nuisances existing in the public streets, roads, alleys, highways, and other places; to provide a proper police force at every fire, in order that thereby the firemen and property may be protected; to protect strangers and travelers at steamboat and ship landings and railway stations; to see that all laws relating to the observance of Sunday, and regarding pawnbrokers, mock auctions, elections, gambling, intemperance, lottery dealers, vagrants, disorderly persons, and the public health, are promptly enforced, and to enforce and obey all laws and ordinances of the city councils of the cities of Washington and Georgetown which are properly applicable to police or health, and not inconsistent with the provisions of this act.

SEC. 6. *And be it further enacted*, That the duties of the board of police shall be more especially executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass, from time to time, for the proper government and discipline of its subordinate officers, by a police force for the whole of said police district, and authorized to do duty in any part thereof, without regard to residence or corporation lines.

SEC. 7. *And be it further enacted*, That the said police force shall consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem necessary, not exceeding, for the regular service, one hundred and fifty. The said offices hereby created for the said police force shall be severally filled by appointment from the board of police; and each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the said board, the laws of the United States, and the laws or ordinances existing within the district, enacted by the city or county authorities within the same, and which laws or ordinances apply to such part of the district where the members of the police force may be on duty.

SEC. 8. *And be it further enacted*, That the qualifications, enumeration, and distribution of duties, mode of trial, and removal from office, of each officer of said police force shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the Constitution and laws of the United States applicable thereto: *Provided, however*, That no person shall be so appointed to office, or hold office in the police force aforesaid, who cannot read and write the English language, or who is not a citizen of the United States, or who shall ever have been indicted and convicted of crime: *And provided*, That no person shall be removed therefrom except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense.

SEC. 9. *And be it further enacted*, That the members of the said police force shall possess, in every part of the District of Columbia, all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest, issued by any magistrate of said District of Columbia, may be executed in any part of said District by any member of said police force, without any backing or indorsement of the said warrant, and according to the terms thereof; and all the provisions of law in relation to the giving and taking of bail in said District shall apply to this act. The superintendent of police and the sergeants of police, having just cause to suspect that any felony has been, or is being, or is about to be, committed within any building, or on board of any ship, boat, or vessel within the said District, may enter upon the same at all hours of day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen.

SEC. 10. *And be it further enacted*, That the board of police may divide the said District into precincts, not exceeding ten, and may assign one sergeant of police to each of said precincts. The board may, from time to time, establish a station or sub-station in each precinct for the accommodation of the police force on duty therein. It may, from time to time, detail and change, without regard to or limitation of residence, the sergeants or patrolmen to such parts of the District, or to such of the police or criminal courts, and to the public offices of the Government of the United States, or of the cities of Washington and Georgetown, as it may deem advisable. It shall promulgate all regulations and orders through the superintendent of police, who shall take the place of the Mayor of the city of Washington or Georgetown, as being the head of the police departments or force in the said cities, but always subject to the orders and regulations of the board of police; and it shall be the duty of the police force to respect and obey the said superintendent of police, as the head and chief of the same, subject to the rules and regulations and general orders of the board of police.

SEC. 11. *And be it further enacted*, That the board of police, whenever it shall see fit, shall, on the application of any person or persons, showing the necessity thereof, appoint and swear any additional number of patrolmen to duty at any place within the said District, at the charge and expense of the person or persons by whom the application shall be made, (but not to exceed the yearly sum provided for patrolmen of the force provided by this act as the general police force,) and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges, and duties of the patrol force heretofore prescribed. The persons so employed may be removed at any time by the board of police, without assigning cause thereof, upon one month's notice of the intention so to do, given to the person or persons who applied for the appointment aforesaid.

SEC. 12. *And be it further enacted*, That the board of police may also, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony, or celebration, appoint as many special patrolmen, without pay, from among the citizens, as it may deem advisable, and for a specified time; and during the term of service of such special patrolman, he shall possess all the powers and privileges, and perform all the duties, of the patrolmen of the standing police force of the District. And such special patrol shall wear an emblem, to be presented by the police commissioners.

SEC. 13. *And be it further enacted*, That no member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one month's notice thereof, in writing, to the superintendent of police; and no person who shall ever have been removed from the police force established by this act, for cause, shall be reappointed by the board of police to any office in the said police force.

SEC. 14. *And be it further enacted*, That all stolen property taken by the members of the police force shall be kept in a place and by a person to be designated by the board of police. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances, and the date of its receipt, and the name of the officer recovering the same. The board of police shall also cause to be kept general complaint books, in which shall be en-

tered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books of registry of lost, missing, or stolen property, for the general convenience of the public and of the police of the district. It shall also cause to be kept books of records of the police, wherein shall be entered the name of every member of the police force, with his time and place of nativity, and the time when he became a citizen if he was born out of the United States; his age; his former occupation; number and residence of family; the date of appointment or dismissal from office, with the cause of the latter. And in every such record sufficient space shall be left against all such entries, wherein to make record of the number of arrests made by such member of the police force, or of any special services deemed meritorious by the commissioner. It shall also cause to be kept in proper books the accounts of the treasurer of the board, and number of the several meetings thereof, and all receipts of moneys, or warrants or checks for moneys, shall be written in books kept for the purpose, and the said receipts signed by the person or persons in every case receiving money, warrants, or checks from the treasurer. All such books shall be, at all business hours, and when not in actual use, open to public inspection. The board of police shall also cause to be kept and bound all police returns and reports of the district.

SEC. 15. *And be it further enacted*, That it shall be the duty of the common councils of the cities of Washington and Georetown to provide at the expense of said cities, respectively, all necessary accommodations within their respective limits, for the station-houses required by the board of police, for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses, and the same suitably to warm and light. In case the said common councils, or either of them, neglect or refuse to do so, after having been thereto requested by the board of police, then the said board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursements thereof against the said city or cities whose common councils have so neglected or refused to make provision as aforesaid.

SEC. 16. *And be it further enacted*, That in every case of arrest, the same shall be made known within six hours thereafter to the sergeant of police on duty in the precinct in which the arrest is made, by the person making the same; and it shall be the duty of the said sergeant of police, within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention. The board of police shall provide suitable accommodations within said district for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of those charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in reference to their detention.

SEC. 17. *And be it further enacted*, That all telegraphic apparatus, public police property, books, records, and accouterments, now in the possession of the police departments of the cities of Washington and Georgetown, are hereby given for the use of the board of police herein authorized; but the ownership of the same, and the use thereof as aforesaid, shall be according to the laws or ordinances which the city councils of said cities, respectively, in which said property is situated, have enacted or may hereafter enact.

SEC. 18. *And be it further enacted*, That the necessary expenses incurred in the execution of criminal processes within the said district shall be chargeable to the United States, as under existing laws.

SEC. 19. *And be it further enacted*, That the board of health, or proper health officer of the city of Washington or of Georgetown, shall have power to call upon any of the police force of the District to a number not exceeding six, to aid him, upon any necessary emergency, in enforcing the powers and duties conferred upon their office by law; and it shall be the duty of any such number of police so called upon to obey him; but such service shall not continue longer than twenty-four hours. The board of police shall at all times cause the ordinances and laws of the cities of Washington and Georgetown to be properly enforced; and it shall be the duty of said board, at all times, when consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired and comply with all requests made by the city councils of said cities, or by the Mayors thereof.

SEC. 20. *And be it further enacted*, That the board of police is hereby invested with all the powers now conferred by law upon the Mayors of Washington or of Georgetown in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect the property, and preserve the public tranquillity. The board of police shall have power to issue subpenas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the clerk of the board of police, are hereby given power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized, as aforesaid, and to any depositions necessary by the rules and regulations of the board of police. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense.

SEC. 21. *And be it further enacted*, That it shall be a misdemeanor, punishable by imprisonment in the county jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars, for any person without justifiable or excusable cause, to use personal violence upon any elector in said district, or upon any member of the police force thereof when in the discharge of his duty, or for any such member to neglect making any arrest for an offense against the law of the United States committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

SEC. 22. *And be it further enacted*, That the treasurer of the board of police shall receive a stated salary of six hundred dollars per annum, and each commissioner shall receive an allowance of five dollars per day for each day of actual attendance upon the meetings or business of the board, not to exceed, however, to each commissioner (the treasurer excepted) two hundred and fifty dollars per annum; and no other compensation shall be paid or allowed to the members of the board. The superintendent of police shall receive a salary of fifteen hundred dollars per annum, each sergeant of police six hundred dollars per annum, and each police patrolman forty dollars per month, as compensation for their services, respectively.

SEC. 23. *And be it further enacted*, That from and after the first meeting of the board of police, under the provisions of this act, it shall possess all the power and authority heretofore conferred by law upon the auxiliary guard of the city of Washington, established by an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington," approved August twenty-three, eighteen hundred and forty-two, and all acts in amendment thereto, and said auxiliary guard or watch is hereby abolished; and said board of police shall also possess all the power and authority heretofore conferred by law upon the Mayor or any other officer or officers of the cities of Washington and Georgetown respectively, as the heads therein of the respective police departments or organizations of those cities, which power or authority shall relate to or in any way be connected with the police government or police discipline within either of said cities; and from and after the said first meeting and due organization of said board of police, the duty and authority and power of each and all of the aforementioned officers in relation to the police government, appointment, and discipline, shall wholly cease and vest as aforesaid in the said board of police constituted by this act, except that the Mayors of Washington and Georgetown shall be, with the commissioners, members ex officio of the board of police, and entitled to one vote each at every session thereof when present at its meetings.

SEC. 24. *And be it further enacted*, That the superintendent of police shall make to the board of police quarterly reports in writing of the state of the police district, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline of said district; and the board of police shall annually, on or before the first Monday in November, report in writing the condition of the police within said district to the Secretary of the Interior.

SEC. 25. *And be it further enacted*, That no member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by this act, except by consent of the board of police.

SEC. 26. *And be it further enacted*, That all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid and given for extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall constitute the "policeman's fund," of which the board of police shall be the trustee, and may invest as they shall see fit. And whenever any member of the police force, in the actual discharge of his duty, shall become bodily disabled, his necessary expenses, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, during the time of his disabling, as aforesaid, continues, may become a charge upon the said fund. But the board of police may discontinue said allowance for any satisfactory reason.

SEC. 27. *And be it further enacted*, That the board of police shall require and make suitable provisions respecting security to be entered into by the superintendent of police and by the sergeants of police, and for the taking by members of the police force of an oath of office, and the registry of the same, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer the same.

SEC. 28. *And be it further enacted*, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, including the payment of salaries and all other necessary charges and expenses of the "Metropolitan Police," for the year ending June thirty, eighteen hundred and sixty-two, in addition to the balance of the appropriation made by the act approved February twenty, eighteen hundred and sixty, "for the compensation of the auxiliary guard, and one lieutenant, and for fuel, oil, and lamps, and for twenty policemen," which balance is hereby directed to be applied to the purposes of this act, the sum of sixty thousand dollars.

SEC. 29. *And be it further enacted*, That all statutes, parts of statutes, and provisions of law inconsistent with the provisions of this act, are hereby repealed.

APPROVED, August 6, 1861.

CHAP. LXIII.—An Act to increase the Pay of the Privates in the Regular Army, and of the Volunteers in the service of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pay of the privates in the regular Army and volunteers in the service of the United States be thirteen dollars per month for three years from and after the passage of this act and until otherwise fixed by law.

SEC. 2. *And be it further enacted*, That the provisions of the act entitled "An act for the relief of the Ohio and other volunteers," approved July twenty-fourth, eighteen hundred and sixty-one, be, and the same are hereby, extended to all volunteers mustered into the service of the United States, whether for one, two, or three years, or for and during the war.

SEC. 3. *And be it further enacted*, That all the acts, proclamations, and orders of the President of the United States, after the fourth of March, eighteen hundred and sixty-one, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

APPROVED, August 6, 1861.

CHAP. LXIV.—An Act requiring an Oath of Allegiance, and to Support the Constitution of the United States, to be administered to certain persons in the Civil Service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the heads of the several Departments to cause to be administered to each and every officer, clerk, or employé, now in their respective Departments, or in any way connected therewith, or who shall hereafter in any way become connected therewith, the following oath, viz: "I do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever, and further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God." And that each and every such civil officer and employé, in the Departments aforesaid, or in any way connected therewith, in the service or employment of the United States, who shall refuse to take the oath or affirmation herein provided, shall be immediately dismissed and discharged from such service or employment.

SEC. 2. *And be it further enacted*, That the oath or affirmation, herein provided for in the first section of this act, may be taken before any justice of the peace, or notary public, or other person who is legally authorized to administer an oath in the State or District where the same may be administered. And that any violation of such oath by any person or persons taking the same shall subject the offender to all the pains and penalties of wilful and corrupt perjury, who shall be liable to be indicted and prosecuted to conviction for any such offense before any court having competent jurisdiction thereof: *And provided further*, That such offender shall be forthwith discharged from such service or employment.

APPROVED, August 6, 1861.

CHAP. LXV.—An Act explanatory of an Act entitled "An Act concerning the Attorney General and the Attorneys and Marshals of the several Districts."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act of which this act is explanatory shall be construed to repeal, modify, or in any way affect any law, now in force, defining or regulating the duties of the Solicitor of the Treasury.

APPROVED, August 6, 1861.

CHAP. LXVI.—An Act to provide for the Repairs of the Long Bridge across the Potomac river.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty thousand dollars be, and the same is hereby, appropriated for the repair of the present Long Bridge across the Potomac river.

APPROVED, August 6, 1861.

PUBLIC RESOLUTIONS.

No. 1.—Joint Resolution authorizing the appointment of Examiners to examine a Steam Floating Battery at Hoboken, New Jersey.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be authorized to appoint a board of examiners to examine the iron steam battery now building at Hoboken, New Jersey, and ascertain what will be the cost of completing the same, how soon it can be completed, and the expediency thereof, and report thereon for the next meeting of Congress.

APPROVED, July 24, 1861.

No. 2.—A Resolution relative to the Exhibition of the Industry of all Nations, to be holden in London in the year eighteen hundred and sixty-two.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he hereby is, authorized to take such measures as shall to him seem best to facilitate a proper representation of the industrial interests of the United States at the exhibition of the industry of all nations, to be holden at London in the year eighteen hundred and sixty-two; and the sum of two thousand dollars is hereby appropriated for the incidental expenses thereof.

APPROVED, July 27, 1861.

No. 3.—A Resolution requesting the President of the United States to recommend a day of Public Humiliation, Fasting, and Prayer.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, His blessings on their arms, and a speedy restoration of peace.

APPROVED, August 5, 1861.

No. 5.—A Resolution authorizing an Examination of James's Projectiles for Rifled Cannon.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to allow Charles T. James, of Providence, Rhode Island, to rifle one of the large ordinary Navy guns made for throwing round shot, and to have it tested sufficiently to settle the question of its capacity to use rifled projectiles without danger; and also to direct such experiments as may be sufficient to ascertain the relative and comparative value of said projectile and cannon thus rifled.

APPROVED, August 6, 1861.

PRIVATE ACTS.

CHAP. XIV.—An Act for the Relief of the Widows and Orphans of the Officers, Seamen, and Marines of the United States sloop-of-war Levant, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of fixing the time at which shall commence the pensions under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service, who were lost in the United States sloop-of-war Levant, as well as the time to which the pay of said officers, seamen, marines, and others in the service, shall be allowed, the thirtieth day of June, one thousand eight hundred and sixty-one, shall be deemed and taken to be the day on which the said sloop-of-war Levant foundered at sea.

SEC. 2. *And be it further enacted*, That the widow, or child, or children, and in case there shall be no widow, or child, or children, (as aforesaid,) then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service who were lost in said sloop-of-war Levant, including captain's clerk and assistant draughtsman, shall be entitled to, and receive, out of any money in the Treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.

SEC. 3. *And be it further enacted*, That the proper accounting officers of the Treasury Department be, and are hereby, authorized and directed to settle the accounts of Andrew J. Watson, late purser in the Navy, who was lost in the sloop-of-war Levant, with all his accounts and vouchers for expenditures and payments made by him, and with all the money, stores, and supplies procured for the use of said vessel, and to allow him a credit for whatever sum appears to be due from him on the books of the Department.

APPROVED, July 24, 1861.

CHAP. XV.—An Act for the Relief of certain Musicians and Soldiers stationed at Fort Sumter, in South Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of eleven hundred and fifty dollars to remunerate soldiers and members of the band stationed at Fort Sumter, in South Carolina, for losses of private property incurred in the removal from Fort Moultrie to Fort Sumter, on the evening of December twenty-six, eighteen hundred and sixty; said sum to be distributed as follows, namely: To the band, four hundred dollars; to company E, first artillery, five hundred dollars; to company H, first artillery, two hundred and fifty dollars; and to be divided among the members of said band and said companies suffering losses, or the heirs of such persons as aforesaid, according to the award of the commanding officers of the several commands.

APPROVED, July 24, 1861.

CHAP. XVI.—An Act for the Relief of the Ohio and other Volunteers.

Whereas the War Department has decided that the term of service of the ninety-days volunteers, called out under the act of seventeen hundred and ninety-five, commenced only on the day when they were actually sworn into the service of the United States; and whereas the troops now in the service of the United States from the State of Ohio were not sworn into said service until some days after their organization and acceptance as companies by the Governor of said State, and that for such period, under existing laws, no payment can be made: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper disbursing officer compute and pay to the said volunteers compensation from the day of their organization and acceptance as companies by the Governor of the State of Ohio, as aforesaid, until the expiration of their term of service.

SEC. 2. *And be it further enacted*, That where the militia of other States are situated similarly with those of Ohio, the War Department pay them according to the provisions of the foregoing section.

APPROVED, July 24, 1861.

CHAP. XXVI.—An Act to authorize the issue of a Register to the Steamer Estella.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to issue a register to the steamer Estella, in accordance with existing laws, excepting only that provision of law requiring the said vessel to have been built in the United States.

APPROVED, July 29, 1861.

CHAP. XLIII.—An Act for the Relief of John C. McConnell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, directed to audit and settle, upon terms of equity and justice, the accounts of John C. McConnell against the United States, for expenses necessarily incurred by him in raising a regiment of volunteers in the State of Maryland, in May, June, and July, eighteen hundred and sixty-one, and now in the United States service: *Provided,* That the same shall not exceed the sum of eight thousand five hundred dollars, to be paid out of any money in the Treasury of the United States not otherwise appropriated.

APPROVED, August 3, 1861.

CHAP. LXVII.—An Act authorizing the Secretary of War to pay the Volunteers, who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the Railroad Bridges and other Property in the vicinity of Oakland, Alleghany county, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the commissioned officers, non-commissioned officers, musicians, and privates who served as a home guard for the protection of the railroad bridge and other property, near Oakland, Alleghany county, Maryland, under command of Captain Charles W. White, and were called into service by order of Brigadier General T. A. Morris, and to make to them just and reasonable compensation for the failure of the officer of the Government of the United States to furnish to them rations, clothing, and other supplies during their service: *Provided,* The amount to be paid shall not exceed the amount to which, for similar service, and like rations, clothing, and supplies, volunteers, regularly mustered into service under the President's proclamation of May third, one thousand eight hundred and sixty-one, would be equitable entitled.

APPROVED, August 6, 1861.

CHAP. LXVIII.—An Act to provide for the payment of Arnold and Willett, for Bread, and Henry North, for Wood, supplied to the United States Volunteers in Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to cause the account of G. W. Arnold and Charles S. Willett, for bread, and the account of Henry North, for wood, furnished to the United States volunteers in the State of Maryland, to be audited and adjusted on terms of equity and justice.

APPROVED, August 6, 1861.

PRIVATE RESOLUTION.

No. 4.—A Resolution to pay to the Widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, required to pay to the widow of the late Stephen A. Douglas, late a Senator of the United States, the amount of compensation due to him up to the time of his death, being seven hundred and fifty dollars, out of any money in the Treasury not otherwise appropriated.

APPROVED, August 5, 1861.

APPROPRIATIONS, NEW OFFICES, ETC.

STATEMENTS SHOWING

I. Appropriations made during the first session of the Thirty-Seventh Congress.

II. Officers created and the salaries thereof.

III. The offices the salaries of which have been increased, with the amount of such increase during the same period.

AUGUST 19, 1861.—*Prepared under the direction of the Secretary of the Senate and Clerk of the House of Representatives, in compliance with the sixth section of the "Act to authorize the appointment of additional Paymasters, and for other purposes," approved July 4, 1836.*

I. APPROPRIATIONS MADE DURING THE FIRST SESSION OF THE THIRTY-SEVENTH CONGRESS.

By the act to provide for the payment of the militia and volunteers called into the service of the United States from the time they were called into service to the thirtieth day of June, eighteen hundred and sixty-one.

To enable the Government to pay the militia and volunteers called into service of the United States, being an additional amount required for the fiscal year ending June thirtieth, eighteen hundred and sixty-one. $5,769,000 00

By the act to authorize a national loan, and for other purposes.

To defray all the expenses that may attend the execution of this act.....$200,000 00

By the act making additional appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and sixty-two, and appropriations of arrearages for the fiscal year ending June thirtieth, eighteen hundred and sixty-one.

For the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty-two:

For expenses of recruiting, transportation of recruits from the different rendezvous to general depots, procuring of medical attendance, and all other expenses attending the raising of twenty-four thousand two hundred and eighty-five men, to be organized into nine regiments of infantry, one regiment of cavalry, and one regiment of artillery, as per general orders number sixteen, dated War Department, Adjutant General's office, Washington, May fourth, eighteen hundred and sixty-one.....	$358,000 00
For purchase of books of tactics and instruction for the volunteers.....	50,000 00
For pay of the Army.....	3,969,843 88
For commutation of officers' subsistence...	478,317 60
For commutation of forage for officers' horses.....	73,056 00
For payments in lieu of clothing for officers' servants.....	57,180 00
For pay of the three-months volunteers.....	2,507,000 00
For pay of the two and three-years volunteers.....	55,000,000 00
For subsistence in kind for regular troops...	2,493,497 50
For subsistence in kind for two and three-years volunteers.....	23,084,284 00
For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospital, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the regiments of dragoons, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's department, and for printing of division and department orders and reports.....	$14,265,059 37
For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judges-advocate, recorders, members, and witnesses, while on that service, under the act of eighteen hundred and two; extra pay to soldiers employed under the direction of the quartermaster's department in the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of second of March, eighteen hundred and nineteen, and of fourth of August, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and *from the frontier posts and armies* in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, or at other posts and places, when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters and guides for the Army; compensation of clerks to officers of the quartermaster's department; compensation of forage and wagon masters, authorized by the act of fifth July, eighteen hundred thirty-eight; for the apprehension of deserters and the expenses incident to their pursuit; and for the following expenditures required for the regiments of dragoons and light artillery, viz: the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named...	7,666,666 00
For the purchase of dragoon and artillery horses.....	10,514,500 00
For mileage, or the allowance made to officers of the Army for the transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies.....	500,000 00
For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage, from the depot at Philadelphia to the several posts and army depots, and from those depots to the troops in the field; and subsistence from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, and harness, and the purchase and repair of wagons, carts, and drays; and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic, and for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operation of the troops in the field.....	$16,220,954 00
For gunboats on the western rivers.....	1,000,000 00
Hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments and for temporary huts.....	1,500,000 00
For clothing, camp and garrison equipage..	13,416,437 02
For contingencies of the Army.....	200,000 00
For the medical and hospital departments..	1,271,841 00
For armament of fortifications.....	457,600 00
For the current expenses of the ordnance service.....	206,292 00
For ordnance, ordnance stores, and supplies, including horse equipments for all mounted troops.....	2,360,000 00
For the manufacture of arms.....	2,573,310 00
For increasing the manufacturing capacity of the national armory.....	422,500 00
For the purchase of gunpowder and lead...	451,780 00
For the purchase of artillery horses.....	275,000 00
For additions to, and extension of the shop-room, machinery, tools, and fixtures at the different arsenals.....	126,690 00
For the following fortifications:	
Fort Montgomery, Lake Champlain, New York.....	20,000 00
Fort Knox, Penobscot river, Maine.....	20,000 00
Fort on Hog Island Ledge, Portland harbor, Maine.....	15,000 00
Fort Adams, Newport harbor, Rhode Island,	5,000 00
Fort Richmond, Staten Island, New York,	10,000 00
Fort on site of Fort Tompkins, Staten Island, New York.....	50,000 00
Fort at Willet's Point, opposite Fort Schuyler, New York.....	100,000 00
Fort Carroll, Baltimore harbor, Maryland...	25,000 00
Fort Calhoun, Hampton Roads, Virginia....	25,000 00
Fort Taylor, Key West, Florida.....	100,000 00
Fort Jefferson, Garden Key, Florida.....	100,000 00
Fort at Fort Point, San Francisco bay, California.....	50,000 00
Fort at Alcatras Island, San Francisco bay, California.....	25,000 00
Fort at Sandy Hook, New York harbor....	100,000 00
For repairs and alterations of barracks quarters at forts not permanently occupied by troops.....	10,000 00
For contingencies of fortifications.....	30,000 00
For surveys for military defenses.....	50,000 00
For amount required to refund to the States expenses incurred on account of volunteers called into the field.....	10,000,000 00
For arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one:	
For subsistence in kind for three-months volunteers.....	1,281,000 00
For subsistence in kind for two and three-years volunteers.....	420,000 00
For the regular supplies of the quartermaster's department.....	565,246 63
For incidental expenses of the quartermaster's department.....	365,013 80
For transportation of the Army and its supplies.....	2,254,186 81
For transportation of officers' baggage.....	15,367 00
For purchase of dragoon horses.....	297,335 00
For clothing, camp and garrison equipage..	1,350,151 38
For current expenses of ordnance service..	20,000 00
For ordnance, ordnance stores and supplies, including horse equipments for all mounted troops.....	400,000 00
For manufacture of arms.....	60,000 00
For increasing the manufacturing capacity of the national armory.....	50,000 00
For purchase of gunpowder and lead.....	40,000 00

For purchase of artillery horses..... $25,000 00
For hire of quarters for troops, of storehouses for the safe-keeping of military stores, of grounds for summer cantonments, and for temporary huts..... 158,283 81

$179,536,397 80

By the act making additional appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and sixty-two, and appropriations of arrearages for the year ending the thirtieth of June, eighteen hundred and sixty-one.

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the Navy..... $6,840,000 00
For the repair and equipment of vessels of the Navy..... 8,575,000 00
For fuel for the Navy, to be purchased in the mode prescribed by law for other materials, and for the transportation thereof.. 1,080,000 00
For the purchase of hemp and other materials for the Navy..... 300,000 00
For ordnance and ordnance stores, including incidental expenses..... 3,520,000 00
For the completion of seven steam screw sloops, authorized by act of February twenty-first, eighteen hundred and sixty-one..... 1,600,000 00
For the completion of seven steam screw sloops and side-wheel steamer..... 91,439 82
For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines attached to vessels for sea service..... 1,994,222 47
For surgeons' necessaries and appliances for the sick and hurt of the Navy, including the engineer and marine corps..... 25,000 00
For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines, in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage on public letters, fuel, oil, and candles, for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports..... 1,052,300 00

MARINE CORPS.

For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, stewards, and servants, for rations and clothing for servants, additional rations for five years' service, for undrawn clothing and rations, bounties for reenlistments..... 160,224 00
For provisions..... 42,048 00
For clothing..... 56,448 09
For fuel..... 6,048 00
For military stores, viz: pay of armorers, repair of arms, purchase of accoutrements, ordnance stores, flags, drums, fifes, and other instruments..... 6,000 00
For transportation of officers and troops, and expenses of recruiting..... 8,000 00
For contingencies, viz: freight, terriage, toll, carriage, wharfage, purchase and repair of boats, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, telegraphing, apprehension of deserters, oil, candles, gas, repair of gas and water fixtures, water rent, forage, straw, barrack furniture, furniture for officers' quarters, bed sacks, spades, shovels, axes, picks, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters, repairs of fire-engine, purchase and repair of engine hose, purchase of lumber for benches, mess tables, bunks, repairs to public carry-all, purchase and repair of harness, galleys, and cooking stoves for mess room, stoves where there are no grates, gravel for parade grounds, repairs of pumps, furniture for staff and commanding officers' offices, brushes, brooms, buckets, paving, and for other purposes..... 12,000 00

NAVY-YARDS.

Portsmouth, New Hampshire.

For repairs of all kinds..... $10,000 00

Boston.

For machinery, completing machine shop, drainage, masting sheers, repairs and painting..... 154,100 00

New York.

For hoisting apparatus for provision stores.. 4,650 00
For dredging channels..... 20,000 00
For repairs of dry-dock..... 6,000 00
For water pipes, hydrants..... 2,500 00
For floor for mould loft..... 1,200 00
For bilge blocks for dry-dock..... 3,000 00
For new derrick, including foundation..... 21,988 00
For floor to third story of machine shop and columns to support..... 3,000 00
For railroad through new store..... 2,500 00
For caisson to launching ways..... 8,541 00
For repairs of all kinds..... 28,430 00
For removing small sheers..... 1,000 00

Philadelphia.

For repairs of floating-dock..... 40,000 00

Washington.

For repairs of all kinds..... 44,447 00

Mare Island.

For repairs to floating-dock and other repairs in the yard..... 60,000 00
For machinery for machine shop..... 30,000 00

NAVAL ASYLUM.

Philadelphia.

For the extension of main sewer..... 800 00
For contingent expenses at the several navy-yards, to meet extraordinary demands for the remainder of the current and the next fiscal year..... 100,000 00
For arrearages for the year ending thirtieth June, eighteen hundred and sixty-one:
For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy..... 339,200 00
For the charter of vessels, their purchase, fitting for war service, reservations due on existing contracts, the fitting out of the ships of war..... 3,866,000 00
For ordnance and ordnance stores, including incidental expenses..... 90,000 00
For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions and pay of clerks to Navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage, and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, 10,000 00

$30,216,086 29

By the act making additional appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-two, and appropriations of arrearages for the year ending the thirtieth of June, eighteen hundred and sixty-one.

For the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two, viz:

For purchase or construction of steam or sailing revenue cutters, equipping the same, and expenses connected therewith..... $450,000 00
For repair of the Potomac, Navy-Yard, and upper bridges, and the roads appurtenant thereto..... 10,000 00
For annual repairs of the Capitol water-closets, public stables, water pipes, broken glass, and locks..... 1,000 00
For fuel, in part, of the President's House.. 500 00
For contingent expenses of the executive office, including stationery therefor..... 1,000 00
For contingent expenses of foreign intercourse..... 20,000 00
For contingent expenses of all the missions abroad..... 25,000 00
For publication in pamphlet form and in the newspapers of the States and Territories the laws of the first session of the Thirty-Seventh Congress..... $9,000 00

For the year ending the thirtieth of June, eighteen hundred and sixty-one:

For lighting the Capitol and President's House, the public grounds around them, and around the executive offices..... 8,000 00
For contingent expenses of the executive office, including stationery therefor..... 400 00

$525,000 00

By the act to provide for the temporary increase of the Navy.

To hire, purchase, or contract for such vessels as may be necessary for the temporary increase of the Navy of the United States, and to furnish any vessel or vessels which may be purchased or contracted for with such ordnance, ordnance stores, and munitions of war as may be necessary to enable such vessel or vessels to render the most efficient service, pursuant to the orders which may be given to their respective commanders, to suppress piracy, and render more effective the closing of the ports of the insurgents..... $3,000,000 00

By the act to refund duties on arms imported by States.

To refund the duties paid on arms imported by States, under the conditions and subject to the limitation of the act approved the tenth day of July, eighteen hundred and sixty-one, entitled "An act to refund and remit the duties on arms imported by States."..... [Indefinite.]

By the act to indemnify the States for expenses incurred by them in defense of the United States.

To pay to the Governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury... [Indefinite.]

By the act making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-two, and appropriations of arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one.

For the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two, namely:

Contingent expenses of the House of Representatives.

For stationery..... $4,600 00
For pages and temporary mail boys..... 4,840 00
For laborers..... 1,917 00
For furniture and repairs and boxes for members..... 5,000 00
For reporting proceedings of the called session of the Thirty-Seventh Congress, at the rate per column fixed by law..... 8,000 00

Treasury Department.

Office of the Secretary of the Treasury:

For contingent expenses, including compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, and additional compensation for extra labor of clerks in his office..... 25,000 00

Interior Department.

For compiling and supervising the publication of the Biennial Register, per act of March third, eighteen hundred and sixty-one..... 500 00
To enable the Secretary of the Interior to supply such newly created offices as are entitled thereto with full sets of the Statutes at Large, and to replace those once furnished to old officers which have since been unavoidably lost or destroyed..... 2,000 00
For salaries of five clerks of class three, eleven clerks of class two, and four clerks of class one, per acts of April twenty-second and May thirty-first, eighteen hundred and fifty-four..... 28,200 00
For compensation of eight additional night watchmen for the Department of the Interior, at a salary of six hundred dollars each per annum..... 4,800 00

Surveyors General.

For compensation of the Surveyor General of the Territory of Colorado..... 3,609 89
For compensation of the Surveyor General of the Territory of Nevada..... 3,775 00
For compensation of the Surveyor General of the Territory of Dakota..... 2,115 38

Office of the Secretary of War.

For the purpose of increasing temporarily the clerical force and messengers in the War Department and its bureaus, as follows, viz:

In the office of the Secretary of War, one

clerk of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers at an annual salary of eight hundred and forty dollars each..... $10,680 00

In the office of the Quartermaster General, five clerks of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers at an annual salary of eight hundred and forty dollars each..... 15,480 00

In the office of the Commissary General, three clerks of the first class and two of the second..... 6,400 00

In the office of the Surgeon General, one clerk of the third class..... 1,600 00

In the office of the Paymaster General, three clerks of the second class and three of the third..... 9,000 00

In the Bureau of Topographical Engineers, two clerks of the third class..... 3,200 00

In the Ordnance Bureau, two clerks of the first class..... 2,400 00

For blank-books, stationery, binding, labor, and miscellaneous items..... 2,000 00

Office of the Adjutant General:

For blank-books, binding, stationery, and miscellaneous items..... 1,000 00

Office of the Paymaster General:

For blank-books, binding, stationery, and miscellaneous items..... 500 00

Office of the Surgeon General:

For blank-books, binding, stationery, and miscellaneous items..... 500 00

Office of the Colonel of Ordnance:

For blank-books, binding, stationery, and miscellaneous items..... 1,500 00

Office of the Colonel of Topographical Engineers:

For blank-books, binding, stationery, and miscellaneous items..... 800 00

For the general purposes of the Northwest Executive Building.

For fuel, light, and miscellaneous items.... 1,000 00

Mint of the United States at Philadelphia.

For transportation of bullion from assayoffice to the Mint for coinage..... 40,474 83

Independent Treasury.

For increased establishment of office of assistant treasurer of the United States at New York, being for additional clerks and compensation to clerks in said office..... 7,200 00

For additional compensation of clerk of assistant treasurer of the United States at St. Louis..... 300 00

Government of the Territories.

Territory of Dakota:

For salaries of Governor, three judges, and secretary..... 9,700 00

For contingent expenses of said Territory.. 1,000 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Nevada:

For salaries of Governor, three judges, and secretary..... 9,700 00

For contingent expenses of said Territory.. 1,000 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

For compensation of the district attorney for the Territory of Dakota..... 250 00

For compensation of the district attorney for the Territory of Nevada..... 250 00

For compensation of the marshal for the Territory of Dakota..... 200 00

For compensation of the marshal for the Territory of Nevada..... 200 00

For office rent for the surveyor general of the Territory of Colorado, fuel, furniture, books, stationery, and other incidental expenses..... 2,000 00

For office rent for the surveyor general of the Territory of Nevada, furniture, fuel, books, stationery, and other incidental expenses..... 2,000 00

For office rent for the surveyor general of the Territory of Dakota, furniture, fuel, books, stationery, and other incidental expenses..... 2,000 00

For salaries and commissions of registers of land offices and receivers of public moneys..... 2,500 00

For incidental expenses of the several land offices..... 2,000 00

For the support and maintenance of the penitentiary of the District of Columbia..... 5,000 00

For the pay of eight additional first-class clerks in the Navy Department..... 9,600 00

For the salary of Assistant Secretary of the Navy..... 4,200 00

For the yearly compensation of the two laborers employed in the library of Congress, which is hereby fixed at five hundred dollars each, beginning July first, eighteen hundred and sixty-one..... 1,000 00

For the year ending the thirtieth of June, eighteen hundred and sixty-one:

For the support and maintenance of the penitentiary in the District of Columbia... $7,981 80

$298,973 90

By the act to provide for the payment of the police organized by the United States for the city of Baltimore, and to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals.

For the maintenance of said police..... $100,000 00

To enable the Mint to furnish such small gold coins as may be required for the public service..... 40,000 00

For the manufacture or purchase of apparatus and equipments for field signals.... 5,000,00

$145,000 00

By the act making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the States of which the inhabitants now are or hereafter may be in rebellion against the Government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

For supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in the judgment of the President may be expedient and proper to place in the hands of any of the loyal citizens residing in any of the States of which the inhabitants are in rebellion against the Government of the United States, or in which rebellion is or may be threatened, and likewise for defraying such expenses as may be properly incurred in organizing, and sustaining while so organized, any of said citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion..$2,000,000 00

By the act making an appropriation for the purchase of arms for the volunteers and regular troops of the United States.

For the purchase of arms for the use of the volunteers and regular troops of the United States.....$10,000,000 00

By the act authorizing the Secretary of War to reimburse volunteers for expenses incurred in employing regimental and other bands, and for other purposes.

To refund to the volunteers called out by the President's proclamation of the fifteenth April, one thousand eight hundred and sixty-one, such sums of money as may have been expended by the said volunteers in the employment of regimental or company bands during the period of their service under said proclamation.....[Indefinite.]

By the act to provide for the construction of one or more armored ships and floating batteries and for other purposes.

For the construction or completing of iron or steel-clad steamships or steam batteries; and on the report of a board, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel-clad steamships or floating steam batteries to be built.. $1,500,000 00

By the act to provide for the purchase of arms, ordnance, and ordnance stores.

For the purchase and manufacture of arms, ordnance, and ordnance stores.....$10,000,000 00

By the act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes.

To allow to the several assessors and assistant assessors, for their services under this act—to each assessor two dollars per day for every day employed in making the necessary arrangements and giving the necessary instructions to the assistant assessors for the valuation, and three dollars per day for every day employed in hearing appeals, revising valuations, and making out lists agreeably to the provisions of this act, and one dollar for every hundred taxable persons contained in the tax list, as delivered by him to said board of assessors; to each assistant assessor two dollars for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose to be certified by the assessor and approved by the commissioner of taxes, and one dollar for every hundred taxable persons contained in the tax lists, as completed and delivered by him to the assessor; to each of the assessors constituting the board of assessors, as aforesaid, for every day's actual attendance at said board, the sum of three dollars, and for traveling to and from the place designated by the Secretary of the Treasury, ten cents for each mile, by the most direct and usual route; and to each of the clerks of said board two dollars for every day's actual attendance thereon..... [Indefinite.]

For stationery and blank-books used in the execution of their duties..... [Indefinite.]

To allow to each collector their necessary and reasonable charges for stationery and blank-books used in the performance of their official duties, after being duly examined and certified by the commissioner of taxes..... [Indefinite.]

For superintending the collection of the direct tax and internal duties or income tax laid by this act, an officer is hereby authorized in the Treasury Department, to be called "Commissioner of Taxes," who shall be charged, under the direction of the Secretary, with preparing all the forms necessary for the assessment and collection of the tax and duties aforesaid, with preparing, signing, and distributing all such licenses as are required, and with the general superintendence of all the officers employed in assessing and collecting said tax and duties, and the necessary clerks to the office of said commissioner, whose aggregate salaries shall not exceed six thousand dollars per annum: to pay the salaries of said commissioner and clerks..... [Indefinite.]

By the act supplementary to an act entitled "An act to authorize a national loan and for other purposes."

To pay such expenses, commissions, or compensation as may be necessary, in the judgment of the Secretary of the Treasury, to carry into execution the provisions of this act, and of the act to which this is supplementary.....$100,000 00

By the act making further appropriation for the support of the naval service for the year ending June thirtieth, eighteen hundred and sixty-two, and for other purposes.

For the completion of the coal depot at Key West, Florida, and repairs of the wharf belonging to the same..... $30,000 00

For the completion of the marine barracks at Charlestown, Massachusetts..... 12,000 00

For the purchase of the right to manufacture and use Coston's night signals..... 20,000 00

For the purchase of ordnance for the use of the Navy..... 300,000 00

For repairing the quarters and outbuildings at Fort Abercrombie..... 7,000 00

For collecting, drilling, and organizing volunteers, under the acts authorizing the President to accept the services of five hundred thousand men..... 20,000,000 00

For the construction and equipment of gunboats for service on the western rivers.... 100,000 00

$20,469,000 00

By the act making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate appointed the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government.

To pay the expenses of the investigating committees of the Senate and House of Representatives appointed at the first session of the Thirty-Seventh Congress, and also the expenses of the commission authorized to examine and report as to the compensation of all officers of the Government.....$10,000 00

By the act authorizing the construction of twelve small side-wheel steamers.

For the construction, with the least possible delay, of twelve small side-wheel steamers, for the use of the Navy of the United States, of light draught and great speed.....$1,200,000 00

By the act making appropriations for fortifications, and for other purposes.

For contingencies of fortifications..... $100,000 00

For removing stables and other obstructions from the grounds around the Washington Infirmary, used as an Army hospital, and grading said grounds to secure a proper drainage of the same..... 5,000 00

$105,000 00

By the act to create a metropolitan police district of the District of Columbia, and to establish a police therefor.

For the purpose of carrying this act into effect, including the payment of salaries, and all other necessary charges and expenses of the "metropolitan police" for the year ending June thirty, eighteen hundred and sixty-two, in addition to the balance of the appropriation made by the act approved February twenty, eighteen hundred and sixty, "for the compensation of the auxiliary guard and one lieutenant, and for fuel, oil, and lamps, and for twenty policemen".....$60,000 00

By the act to provide for the repairs of the Long Bridge, across the Potomac river.

For the repair of the present Long Bridge, across the Potomac river $20,000 00

By the act authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases.

To pay to the person or persons entitled to receive the same the amount of such fines or penalties as have been incurred and paid by the owners or masters of vessels since the first day of December, eighteen hundred and sixty, in consequence of their failure to produce to collectors of the customs the clearances or other papers prescribed and required by the laws of the United States regulating the issue of marine papers and the foreign and coasting trades..... [Indefinite.]

To pay to the person or persons entitled to receive the same the amount of a fine improperly exacted by the collector of the customs at the port of Norfolk, Virginia, in the month of November, eighteen hundred and sixty, of the master of the India, a Russian vessel..... $500 00

By the act for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Levant, and for other purposes.

The widow, or child, or children, and in case there shall be no widow, or child, or children, (as aforesaid,) then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others, in service, who were lost in said sloop-of-war Levant, including captain's clerk and assistant draughtsman, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.....[Indefinite.]

By the act for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina.

To remunerate soldiers and members of the band stationed at Fort Sumter, in South Carolina, for losses of private property incurred in the removal from Fort Moultrie to Fort Sumter on the evening of December twenty-six, eighteen hundred and sixty, namely:

To the band.....	$100 00
To company E, first artillery.....	500 00
To company H, first artillery.....	250 00
	$1,150 00

By the act for the relief of John C. McConnell.

For expenses necessarily incurred by him in raising a regiment of volunteers in the State of Maryland, in May, June, and July, eighteen hundred and sixty-one, and now in the United States service..... $8,500 00

By the act authorizing the Secretary of War to pay the volunteers who, under the command of Charles W. White, and by order of Brigadier General T. A. Morris, enlisted to protect the railroad bridges and other property in the vicinity of Oakland, Allegany county, Maryland.

The commissioned officers, non-commissioned officers, musicians, and privates, who served as a home guard for the protection of the railroad bridge and other property near Oakland, Allegany county, Maryland, under command of Captain Charles W. White, and were called into service by order of Brigadier General T. A. Morris, and to make to them just and reasonable compensation for the failure of the officer of the Government of the United States to furnish them rations, clothing, and other supplies during their service.....[Indefinite.]

By the act to provide for the payment of Arnold and Willett for bread, and Henry North for wood, supplied to the United States volunteers in Maryland.

To pay the account of G. W. Arnold and Charles S. Willett for bread, and the account of Henry North for wood, furnished to the United States volunteers in the State of Maryland, on terms of equity and justice....[Indefinite.]

By the resolution relative to the exhibition of the industry of all nations, to be holden in London in the year eighteen hundred and sixty-two.

To enable the President to take such measures as shall to him seem best to facilitate a proper representation of the industrial interests of the United States at the exhibition of the industry of all nations, to be holden at London in the year eighteen hundred and sixty-two, and for the incidental expenses thereof.....$2,000 00

By the resolution to pay to the widow of the late Stephen A. Douglas the amount due to him as a Senator at the time of his death.

For the amount of compensation due to him up to the time of his death.....$750 00

RECAPITULATION.

Civil and miscellaneous.....	$1,371,873 90
Army, arms, and fortifications.....	207,401,397 80
Naval service.....	56,385,086 29
	$265,158,357 99

II.—OFFICES CREATED AND THE SALARIES THEREOF.

By the act further to provide for the collection of duties on imports, and for other purposes. Approved July 13, 1861.

The Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws in ports of delivery where the collection of the revenue is obstructed by reason of unlawful combinations. Compensation not stated.

The Secretary of the Treasury may appoint such officers, at places where officers of the customs are not now authorized by law, as may be needed to carry into effect such licenses, rules, and regulations as may be required for commercial intercourse with any portion of a State the inhabitants of which may be declared to be in a state of insurrection. Such officers to receive the same fees and compensation as are now allowed by law for similar services.

By the act to provide for the appointment of assistant paymasters in the Navy. Approved July 17, 1861.

The President of the United States shall appoint assistant paymasters in the Navy, not exceeding thirty-six in number, whose annual pay shall be as follows:

On duty at sea, for the first five years after date of commission, one thousand three hundred dollars; after five years from date of commission, one thousand five hundred dollars.

On other duty, for the first five years after date of commission, one thousand dollars; after five years from date of commission, one thousand two hundred dollars.

On leave of absence or waiting orders, for the first five years after date of commission, eight hundred dollars; after five years from date of commission, one thousand dollars; and when attached to vessels for sea service, each assistant paymaster shall be entitled to one ration per day.

By the act to authorize a national loan, and for other purposes. Approved July 17, 1861.

The Secretary of the Treasury is authorized to designate the persons who shall receive subscriptions for Treasury notes, and to fix the compensation of such officers; but the pay of no officer of the Government already employed is hereby increased.

The Secretary of the Treasury is authorized to appoint an agent or agents for negotiating a loan, if deemed necessary, in Europe, and to fix the compensation of such agent or agents.

By the act to provide for the temporary increase of the Navy. Approved July 24, 1861.

The temporary appointments made, or to be made, by the Secretary of the Navy (the number not stated in the act) of acting lieutenants, acting paymasters, acting assistant surgeons, acting masters, and masters' mates, are confirmed as acting temporary appointments, and the rate of compensation allowed for the said several grades is legalized and confirmed.

By the act for the better organization of the Marine Corps. Approved July 25, 1861.

The President is authorized to appoint, in addition to the commissioned officers now in the Marine Corps, one colonel, one lieutenant colonel, one assistant quartermaster, seven captains, ten first and ten second lieutenants. Pay not stated in the act.

The number of non-commissioned officers, musicians, and privates at present in the Marine Corps is increased, so that there shall be, under the reorganization, one sergeant major, one quartermaster sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for the band, sixty drummers, sixty fifers, and twenty-five hundred privates.

By the act relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes. Approved July 25, 1861.

By the sixth section there shall be appointed such number of additional engineers and assistant engineers as may be required by the steamers now or hereafter in the [revenue] service.

By the act making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861. Approved July 27, 1861.

Eight additional night watchmen for the Department of the Interior, at a salary of $600 each.

In the office of the Secretary of War:
One clerk of the first class, at $1,200 per annum.
Two clerks of the second class, at $1,400 per annum each.
Two clerks of the third class, at $1,600 per annum each.
One clerk of the fourth class, at $1,800 per annum.
Two assistant messengers, at an annual salary of $840 each.

In the Office of the Quartermaster General:
Five clerks of the first class, at $1,200 per annum each.
Two clerks of the second class, at $1,400 per annum each.
Two clerks of the third class, at $1,600 per annum each.
One clerk of the fourth class, at $1,800 per annum.
Two assistant messengers, at an annual salary of $840 each.

In the office of the Commissary General:
Three clerks of the first class, at $1,200 per annum each.
Two clerks of the second class, at $1,400 per annum each.

In the office of the Surgeon General:
One clerk of the third class, at $1,600 per annum.

In the office of the Paymaster General:
Three clerks of the second class, at $1,400 per annum each.
Three clerks of the third class, at $1,600 per annum each.

In the Bureau of Topographical Engineers:
Two clerks of the third class, at $1,600 per annum each.

In the Ordnance Bureau:
Two clerks of the first class, at $1,200 per annum each.
Additional clerks (number not stated) in the office of the Assistant Treasurer of the United States at New York. Compensation not stated in the act.

By the act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property. Approved July 22, 1861.

By this act the President is authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary for repelling invasion, suppressing insurrection, and protecting public property.

These volunteers are to be formed into regiments of infantry, excepting such as may be required for cavalry and artillery, which shall be in the proportion of one company of each to every regiment of infantry.

Each regiment of infantry shall have one colonel, one lieutenant colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon, one assistant surgeon, one sergeant major, one regimental quartermaster sergeant, one regimental commissary sergeant, one hospital steward, two principal musicians, and twenty-four musicians for a band. Each regiment shall be composed of ten companies, ten captains, ten first and ten second lieutenants, ten first sergeants, forty sergeants, eighty corporals, twenty musicians, (two to each company,) ten wagoners, (one for each company,) and from six hundred and forty to eight hundred and twenty privates, (sixty-four to eighty-two to each company.)

These forces, when accepted, are to be organized into divisions, brigades, and regiments. Each division shall have three or more brigades, and shall have a major general, with three aids-de-camp, and one assistant adjutant general with the rank of major.

Each brigade shall be composed of four or more regiments, and shall have one brigadier general, with two aids-de-camp, one assistant adjutant general with the rank of captain, one surgeon, one assistant quartermaster, and one commissary of subsistence.

The President is authorized, by and with the advice and consent of the Senate, to appoint not exceeding six major generals, and not exceeding eighteen brigadier generals; also the other division and brigade officers required for the organization of these forces, except the aids-de-camp, who are to be selected by their respective generals from the officers of the Army or volunteer corps.

The Governors of States furnishing volunteers under this act shall commission the field, staff, and company officers; but in case of refusal or omission to do so, the President is authorized to make the appointments.

The officers, non commissioned officers, and privates, when organized, shall be placed on the same footing, as to pay and allowances, as similar corps of the regular Army.

The regimental bands shall be paid as follows: One fourth of each shall receive the pay and allowances of sergeants of engineer soldiers; one fourth those of corporals of engineer soldiers, and the remaining half those of privates of engineer soldiers of the first class. The leaders of the bands shall receive each the pay and emoluments of a second lieutenant of infantry.

The wagoners and saddlers shall receive the pay and allowances of corporals of cavalry.

The regimental commissary sergeant shall receive the pay and allowances of a regimental sergeant major.

The regimental quartermaster sergeant shall receive the pay and allowances of a sergeant of cavalry.

There shall be appointed a chaplain to each regiment, who shall receive the pay and allowances of a captain of cavalry.

By the act in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property." Approved July 25, 1861.

By this act the President is authorized to accept the services of volunteers either as cavalry, infantry, or artillery, in such numbers as the exigencies of the public service may require, not exceeding five hundred thousand, to be upon the same footing in all respects with similar corps of the United States Army, and shall be mustered into the service for "during the war."

The President is authorized to appoint, by and with the advice and consent of the Senate, for the command of these forces, such number of major generals and brigadier generals as may in his judgment be required for their organization.

By the act supplementary to an act entitled "An act to increase the present military establishment of the United States," approved July 29, 1861. Approved August 5, 1861.

The President, upon the recommendation of the Lieu-

tenant General, or of any major general of the Army commanding forces of the United States in the field, may appoint such number of aides-de-camp, in addition to those now authorized by law, as the exigencies of the service may require; such aides-de-camp to have respectively, the rank and authority of captains, majors, lieutenant colonels, or colonels of the regular Army, as the President may direct, and receive the pay and allowances as now provided by law for officers of cavalry of corresponding rank.

By the act to provide for the payment of the police organized by the United States for the city of Baltimore, and to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals. Approved July 27, 1861.

For maintaining a police for the city of Baltimore, (the number, rank, and pay not stated.) The act appropriates an aggregate sum of one hundred thousand dollars.

By the act to increase the present military establishment of the United States. Approved July 29, 1861.

Four major generals, with three aides-de-camp each.

Six brigadier generals, with two aides-de-camp each.

There is added to the Army nine regiments of infantry, consisting of nine colonels, nine lieutenant colonels, nine regimental adjutants and twenty-seven battalion adjutants, to be taken from the lieutenants of the regiments and battalions, respectively; nine regimental quartermasters and commissaries, and twenty-seven battalion quartermasters and commissaries, twenty-seven majors, two hundred and sixteen captains, two hundred and sixteen first and second lieutenants, twenty-seven sergeant majors, twenty-seven quartermaster sergeants, twenty-seven commissary sergeants, twenty-seven hospital stewards, two hundred and sixteen first sergeants, eight hundred and sixty-four sergeants, seventeen hundred and twenty-eight corporals, nine drum majors, eighteen principal musicians, four hundred and thirty-two musicians, and seventeen thousand seven hundred and twelve privates.

There is added also a regiment of cavalry, consisting of one colonel, one lieutenant colonel, three majors, one regimental and three battalion adjutants, one regimental and three battalion quartermasters and commissaries, twelve captains, twelve first and twelve second lieutenants, three sergeant majors, three battalion and twelve company quartermaster sergeants, three battalion commissary sergeants, three hospital stewards, three saddler sergeants, three veterinary sergeants, twelve first sergeants, forty-eight sergeants, ninety-six corporals, twenty-four musicians, twenty-four farriers, twelve saddlers, twelve wagoners, and eight hundred and sixty-four privates.

There is also added a regiment of artillery, consisting of one colonel, one lieutenant colonel, three majors, one adjutant, one regimental quartermaster and commissary, to be taken from the lieutenants of the regiment; twelve captains, twelve first and twelve second lieutenants, one sergeant major, one regimental quartermaster sergeant, one commissary sergeant, twelve first sergeants, forty-eight sergeants, twelve quartermaster sergeants, ninety-six corporals, twenty-four artificers, twelve wagoners, one hospital steward, two principal musicians, and twenty-four musicians, and fourteen hundred and sixty-four privates.

The President is authorized to add to the battery organization of the artillery regiment, at his discretion, one first and one second lieutenant, two sergeants, and four corporals.

The officers and enlisted men of these regiments shall receive the same pay, emoluments, and be on the same footing, in all respects, with those of corresponding grades and corps now in the regular service.

The regimental bands will be paid as follows: one fourth of each, the pay and allowances of sergeants of engineer soldiers; one fourth, those of corporals of engineer soldiers; and one half, those of engineer soldiers of the first class. The drum-major, or leader of the band, the pay and emoluments of a second lieutenent of infantry. The saddler sergeants, veterinary sergeants, company quartermaster sergeants, and drum-majors, will receive the pay and allowances of sergeants of cavalry. The battalion adjutant and battalion quartermasters and commissaries will receive the emoluments now provided by law for regimental adjutants.

By the act authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same. Approved July 31, 1861.

The President is authorized, by and with the advice and consent of the Senate, to appoint an Assistant Secretary of the Navy, who shall act as Secretary of the Navy in the absence of that officer, at an annual salary of four thousand dollars.

There shall also be added to the clerical force of the Navy Department eight additional clerks, with a salary of twelve hundred dollars per annum each.

By the act providing a commission to examine and report as to the compensation of all officers of the Government, and for other purposes. Approved July 31, 1861.

A board of commissioners composed of two members of the Senate, three members of the House of Representatives, one officer of the Navy, and one officer of the Army; no compensation provided by the act.

The board are authorized to employ a clerk, at four dollars per diem for the time actually needed.

By the act to increase the medical corps of the Navy. Approved July 31, 1861.

There is added to the medical corps of the Navy nineteen surgeons and forty-one passed and other assistant surgeons; pay not stated in the act.

By the act to increase the consular representation of the United States during the present insurrection. Approved August 2, 1861.

The President is authorized, by and with the advice and consent of the Senate, to appoint consuls at any foreign ports where he shall deem it advisable, with such compensation, not exceeding fifteen hundred dollars per annum, as he shall think proper.

By the act concerning the Attorney General and the attorneys and marshals of the several districts. Approved August 2, 1861.

The Attorney General may appoint two additional clerks in his office, at an annual salary of fourteen hundred dollars each.

The Attorney General may employ, at his discretion, attorneys and counsellors-at-law to assist the district attorneys in the discharge of their duties, at such compensation as he may agree to pay for such services.

By the act providing for the better organization of the military establishment. Approved August 3, 1861.

The President is authorized, by and with the advice and consent of the Senate, to appoint an Assistant Secretary of War, whose salary shall be three thousand dollars per annum.

The President is authorized to appoint, by and with the advice and consent of the Senate, in addition to those now authorized by law, five assistant inspectors general,* with the rank and pay of majors of cavalry; ten surgeons and twenty assistant surgeons, with the rank, pay, and allowances now allowed by law.

Hereafter the adjutant general's department shall consist of the following officers:

One adjutant general, with the rank, pay, and emoluments of a brigadier general.

One assistant adjutant general, with the rank, pay, and emoluments of a colonel of cavalry.

Two assistant adjutant generals, with the rank, pay, and emoluments of a lieutenant colonel of cavalry.

Four assistant adjutant generals, with the rank, pay, and emoluments of a major of cavalry.

Twelve assistant adjutant generals, with the rank, pay, and emoluments of a captain of cavalry.

By this act the rank, pay, and emoluments of the adjutant general are increased from those of a colonel of cavalry to those of a brigadier general, and an addition of six is made to the number of assistant adjutant generals, viz: one with the rank, pay, and emoluments of a colonel of cavalry; one with the rank, pay, and emoluments of a lieutenant colonel of cavalry; and four with the rank, pay, and emoluments of a captain of cavalry.

There shall be added to the subsistence department four commissaries of subsistence, each with the rank, pay, and emoluments of a major of cavalry.

Eight commissaries of subsistence, each with the rank, pay, and emoluments of a captain of cavalry, to be taken from the line of the Army, either of the volunteers or regular Army.

There shall be added to each of the corps of engineers and topographical engineers three first and three second lieutenants.

To the quartermaster's department: One colonel, two lieutenant colonels, four majors, and twenty captains, with the rank, pay, and allowances of officers of cavalry.

Also as many master wagoners, with the rank, pay, and allowances of sergeants of cavalry, and as many wagoners, with the pay and allowances of corporals of cavalry, as the President may deem necessary.

To the ordnance department: One chief of ordnance, with the rank, pay, and emoluments of the quartermaster general of the Army; one colonel, one lieutenant colonel, and six second lieutenants.

To the corps of engineers: Three companies of engineer soldiers, to be commanded by appropriate officers of said corps, with the same pay, rations, clothing, and other allowances as sappers, miners, and pontoniers; each company to consist of one hundred and fifty men.

To the medical staff of the Army: A corps of medical cadets, not to exceed fifty in number, with the rank and pay of the cadets at West Point.

Female nurses may be employed in hospitals at the discretion of the surgeon general or medical officer in charge, to receive forty cents per day and one ration.

One chaplain shall be allowed to each regiment of the Army, to be appointed as the President may direct; pay not stated.

By the act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes. Approved August 5, 1861.

By this act the President is authorized to divide the States and Territories of the United States and the District of Columbia into convenient collection districts, and to appoint, by and with the advice and consent of the Senate, an assessor and a collector for each district; each assessor shall appoint an assistant assessor; the assessors shall also constitute a board, with authority to appoint a clerk or clerks, but not more than one for each collection district.

Each assessor shall receive two dollars per day while making the necessary arrangements and giving the necessary instructions to the assistant assessor; three dollars per day while employed in hearing appeals, and one dollar for every hundred taxable persons returned on his tax lists.

Each assistant assessor shall receive two dollars per day while actually employed, and one dollar for every hundred taxable persons returned by him to the assessor.

Each of the assessors constituting the board of assessors shall receive three dollars per day for actual attendance, and ten cents a mile for traveling expenses.

Each clerk of the board of assessors shall receive two dollars a day for actual attendance, and fees for certain services.

Each collector may appoint a deputy, and shall receive for his own services and that of his deputy a commission of four per centum upon the first hundred thousand dollars, one per centum upon the second hundred thousand dollars, and one half of one per centum upon all sums above two hundred thousand dollars; these commissions in no case to exceed four thousand dollars for a principal and two thousand dollars for an assistant.

The President, with the advice and consent of the Senate, may appoint one principal assessor and one principal collector in each of the States and Territories and in the District of Columbia, to collect the internal duties or income tax, and each of those officers may, with the approval of the Secretary of the Treasury, appoint as many assistants as the public service may require.

The principal assessors and collectors each to receive a compensation not exceeding two thousand five hundred dollars per annum, and their assistants each twelve hundred dollars per annum.

The Secretary of the Treasury is authorized to appoint one or more depositaries in each State for the deposit and safe-keeping of the moneys arising from internal duties or income tax, who may also be empowered to perform the duties of a disbursing agent of the Government. Compensation not stated in the act.

The President, upon the nomination of the Secretary of the Treasury, may appoint in the Treasury Department a commissioner of taxes, at an annual salary of three thousand dollars.

There shall be assigned to the office of the commissioner of taxes the necessary clerks (number not stated) whose aggregate salaries shall not exceed six thousand dollars per annum.

By the act to promote the efficiency of the engineer and topographical engineer corps, and for other purposes. Approved August 6, 1861.

There shall be added to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors; pay not stated.

There shall be added to the corps of topographical engineers, one company of soldiers, with the same pay and allowances, and in all respects on the footing with the company of sappers and miners and pontoniers.

The President is authorized to appoint two additional inspectors general of the Army, with the same rank, pay, and allowances as are now provided by law for inspectors general.

By the act to authorize an increase in the corps of engineers and topographical engineers. Approved August 6, 1861.

There shall be added to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant colonels and four majors.

There shall be added to the corps of topographical engineers one company of soldiers, with the pay and allowances, and in all respects on the same footing with the company of sappers and miners and pontoniers.

The President is authorized to appoint two additional inspectors general of the Army.

[*Note to the above act.*—The provisions of this act are precisely the same as those contained in the "act to promote the efficiency of the engineer and topographical engineer corps, and for other purposes," approved August 6, 1861.]

By the act relative to appeals to the Supreme Court of the United States. Approved August 6, 1861.

The district attorneys for the district of California are authorized to employ not exceeding three clerks, at a compensation of one hundred and fifty dollars per month, to transcribe the records of land cases in which the United States are parties, to be certified to the Supreme Court of the United States in cases of appeal.

By the act to create a metropolitan police district of the District of Columbia, and to establish a police therefor. Approved August 6, 1861.

The President is authorized to appoint, by and with the advice and consent of the Senate, five commissioners of police, who shall be the chief officers of the "metropolitan police district," and they shall appoint a president, a treasurer, and a clerk. The clerk shall receive an annual salary of one thousand dollars.

The police force shall consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem neccessary for the regular service, not exceeding one hundred and fifty.

Each commissioner of police shall be allowed five dollars per day for each day of actual attendance upon meetings, not to exceed the sum of two hundred and fifty dollars per annum.

The treasurer shall receive an annual salary of six hundred dollars.

The superintendent of police shall receive an annual salary of fifteen hundred dollars.

Each sergeant of police shall receive six hundred dollars per annum.

Each patrolman shall be allowed forty dollars per month.

By a joint resolution authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey. Approved July 24, 1861.

The Secretary of the Navy is authorized to appoint a board of examiners to examine the steam iron battery now building at Hoboken, New Jersey; compensation not stated.

*By the act to promote the efficiency of the engineer and topographical engineer corps, and for other purposes, approved August 6, 1861, two additional inspectors general are authorized.

III.—OFFICES, THE SALARIES OF WHICH HAVE BEEN INCREASED, WITH THE AMOUNT OF SUCH INCREASE.

By the act relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes. Approved July 25, 1861.

By this act the pay of captains of revenue cutters, when on duty, is increased from twelve hundred to eighteen hundred dollars per annum.

First lieutenants, on duty, from nine hundred and sixty to fourteen hundred dollars per annum.

Second lieutenants, on duty, from eight hundred and sixty to twelve hundred dollars per annum.

Third lieutenants, on duty, from seven hundred and ninety to nine hundred dollars per annum.

By the act making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1862, and appropriations of arrearages for the year ending June 30, 1861.

For additional compensation of clerk of assistant treasurer of the United States at St. Louis, three hundred dollars.

By the act to increase the consular representation of the United States during the present insurrection. Approved August 2, 1861.

The President is authorized, during the present insurrection, to increase the compensation of any consuls in foreign ports, if he shall deem it necessary; not in any case to exceed the sum of fifteen hundred dollars.

By the act in relation to the office of attorney of the United States for the southern district of New York. Approved August 6, 1861.

The salary of the attorney of the United States for the southern district of New York is fixed at six thousand dollars per annum, and such additional sum as may be necessary to pay the proper expenses of his office, including clerk hire.

By the act to increase the pay of the privates in the regular Army and of the volunteers in the service of the United States. Approved August 6, 1861.

By this act the pay of the privates in the regular Army and volunteers in the service of the United States is increased to thirteen dollars a month, for three years after the passage of the act.

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